

108TH CONGRESS }  
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT  
108-491

NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2005

—  
R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ON

H.R. 4200

together with

ADDITIONAL VIEWS

[Including committee cost estimate]



MAY 14, 2004.—Committed to the Committee of the Whole House on the  
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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2005

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MAY 14, 2004.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. HUNTER, from the Committee on Armed Services,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4200]

[Includes committee cost estimate]

The Committee on Armed Services, to whom was referred the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

The amendment strikes all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

The title of the bill is amended to reflect the amendment to the text of the bill.

EXPLANATION OF THE COMMITTEE AMENDMENTS

The committee adopted an amendment in the nature of a substitute during the consideration of H.R. 4200. The title of the bill is amended to reflect the amendment to the text of the bill. The remainder of the report discusses the bill, as amended.

PURPOSE

The bill would—(1) Authorize appropriations for fiscal year 2005 for procurement and for research, development, test and evaluation (RDT&E); (2) Authorize appropriations for fiscal year 2005 for operation and maintenance (O&M) and for working capital funds; (3)

Authorize for fiscal year 2005: (a) the personnel strength for each active duty component of the military departments; (b) the personnel strength for the Selected Reserve for each reserve component of the armed forces; (c) the military training student loads for each of the active and reserve components of the military departments; (4) Modify various elements of compensation for military personnel and impose certain requirements and limitations on personnel actions in the defense establishment; (5) Authorize appropriations for fiscal year 2005 for military construction and family housing; (6) Authorize emergency appropriations for increased costs due to Operation Iraqi Freedom and Operation Enduring Freedom; (7) Authorize appropriations for fiscal year 2005 for the Department of Energy national security programs; (8) Modify provisions related to the National Defense Stockpile; and (9) Authorize appropriations for fiscal year 2005 for the Maritime Administration.

#### RELATIONSHIP OF AUTHORIZATION TO APPROPRIATIONS

The bill does not generally provide budget authority. The bill authorizes appropriations. Subsequent appropriation acts provide budget authority. The bill addresses the following categories in the Department of Defense budget: procurement; research, development, test and evaluation; operation and maintenance; working capital funds, military personnel; and military construction and family housing. The bill also addresses Department of Energy National Security Programs and the Maritime Administration.

Active duty and reserve personnel strengths authorized in this bill and legislation affecting compensation for military personnel determine the remaining appropriation requirements of the Department of Defense. However, this bill does not provide authorization of specific dollar amounts for personnel.

#### SUMMARY OF AUTHORIZATION IN THE BILL

The President requested budget authority of \$423.1 billion for the national defense budget function for fiscal year 2005. Of this amount, the President requested \$402.6 billion for the Department of Defense, including \$9.5 billion for military construction and family housing. The defense budget request for fiscal year 2004 also included \$17.2 billion for Department of Energy national security programs and the Defense Nuclear Facilities Safety Board.

The committee recommends an overall level of \$422.1 billion in budget authority. This amount represents an increase of approximately \$21.7 billion from the amount authorized for appropriation by the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

In addition, the committee recommends \$25.0 billion in budget authority for the Department of Defense for fiscal year 2005, in addition to amounts otherwise authorized by this Act, to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

#### SUMMARY TABLE OF AUTHORIZATIONS

The following table provides a summary of the amounts requested and that would be authorized for appropriation in the bill (in the column labeled “Budget Authority Implication of Committee

Recommendation”) and the committee’s estimate of how the committee’s recommendations relate to the budget totals for the national defense function. For purposes of estimating the budget authority implications of committee action, the table reflects the numbers contained in the President’s budget for proposals not in the committee’s legislative jurisdiction.

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

Account Title	FY 2005	FY 2005	Committee	Committee	Committee	BA Implication
	Authorization Request	Budget Authority Request	Authorization Change	Budget Authority Change	Authorization Recommendation	of Committee Recommendation
<b><u>PROCUREMENT</u></b>						
Aircraft Procurement, Army	2,658,241	2,658,241	147,700		2,805,941	2,805,941
Missile Procurement, Army	1,398,321	1,398,321	16,000		1,414,321	1,414,321
Procurement of Weapons and Tracked Combat Vehicles, Army	1,639,695	1,639,695	100,000		1,739,695	1,739,695
Procurement of Ammunition, Army	1,556,902	1,556,902	172,500		1,729,402	1,729,402
Other Procurement, Army	4,240,896	4,240,896	72,744		4,313,640	4,313,640
Aircraft Procurement, Navy	8,767,867	8,767,867	144,800		8,912,667	8,912,667
Weapons Procurement, Navy	2,101,529	2,101,529	151,925		2,253,454	2,253,454
Procurement of Ammunition, Navy and Marine Corps	858,640	858,640	12,200		870,840	870,840
Shipbuilding and Conversion, Navy	9,962,027	9,962,027	156,000		10,120,027	10,120,027
Other Procurement, Navy	4,834,278	4,834,278	42,447		4,876,725	4,876,725
Procurement, Marine Corps	1,190,103	1,190,103	125,000		1,315,103	1,315,103
Aircraft Procurement, Air Force	13,163,174	13,163,174	486,000		13,649,174	13,649,174
Procurement of Ammunition, Air Force	1,396,457	1,396,457			1,396,457	1,396,457
Missile Procurement, Air Force	4,718,313	4,718,313	(80,000)		4,638,313	4,638,313
Other Procurement, Air Force	13,283,557	13,283,557	(54,300)		13,229,257	13,229,257
Procurement, Defense-wide	2,883,302	2,883,302	67,400		2,950,702	2,950,702
Defense Production Act Purchases		9,015				9,015
Chemical Agents and Munitions Destruction	1,371,990	1,371,990	(1,371,990)			
<b>Total Procurement</b>	<b>76,025,292</b>	<b>76,034,307</b>	<b>190,426</b>		<b>76,215,718</b>	<b>76,224,733</b>
<b><u>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</u></b>						
Research, Development, Test & Evaluation, Army	9,266,258	9,266,258	211,906		9,478,164	9,495,164
Research, Development, Test & Evaluation, Navy	16,346,391	16,346,391	(298,550)	17,000	16,047,841	16,047,841
Research, Development, Test & Evaluation, Air Force	21,114,667	21,114,667	413,300		21,527,967	21,527,967
Research, Development, Test & Evaluation, Defense-wide	20,739,837	20,739,837	29,417		20,769,254	20,769,254
Operational Test & Evaluation, Defense	305,135	305,135			305,135	305,135
<b>Total Research, Development, Test &amp; Evaluation</b>	<b>67,772,288</b>	<b>67,772,288</b>	<b>356,073</b>	<b>17,000</b>	<b>68,128,361</b>	<b>68,145,361</b>

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**  
(Dollars in Thousands)

Account Title	FY 2005 Authorization Request	FY 2005 Budget Authority Request	Committee Authorization Change	Committee Budget Authority Change	Committee Authorization Recommendation	BA Implication of Committee Recommendation
<b>OPERATION AND MAINTENANCE &amp; OTHER PROGRAMS</b>						
<b>Operation and Maintenance</b>						
Operation and Maintenance, Army	26,133,411	26,133,411	(294,800)		25,838,611	25,838,611
Operation and Maintenance, Navy	29,789,190	29,789,190	(265,700)		29,523,490	29,523,490
Operation and Maintenance, Marine Corps	3,632,115	3,632,115	5,500		3,637,615	3,637,615
Operation and Maintenance, Air Force	28,471,260	28,471,260	(1,327,694)		27,143,566	27,143,566
Operation and Maintenance, Defense-wide	17,494,076	17,494,076	(176,670)		17,317,406	17,317,406
Operation and Maintenance, Army Reserve	2,008,128	2,008,128	(4,400)		2,003,728	2,003,728
Operation and Maintenance, Navy Reserve	1,240,038	1,240,038			1,240,038	1,240,038
Operation and Maintenance, Marine Corps Reserve	188,696	188,696			188,696	188,696
Operation and Maintenance, Air Force Reserve	2,239,790	2,239,790	(13,000)		2,226,790	2,226,790
Operation and Maintenance, Army National Guard	4,440,686	4,440,686	(15,000)		4,425,686	4,425,686
Operation and Maintenance, Air National Guard	4,422,838	4,422,838	26,100		4,448,938	4,448,938
Transfer Accounts	1,305,336	1,305,336			1,305,336	1,305,336
Miscellaneous Appropriations	509,025	509,025	25,000		534,025	534,025
<b>Subtotal Operation and Maintenance</b>	<b>121,874,589</b>	<b>121,874,589</b>	<b>(2,040,664)</b>		<b>119,833,925</b>	<b>119,833,925</b>
<b>Other Programs</b>						
Drug Interdiction and Counter-drug Activities, Defense	852,697	852,697			852,697	852,697
Defense Health Program	17,640,411	17,640,411	171,175		17,811,586	17,811,586
Office of the Inspector General	244,562	244,562	(51,000)		193,562	193,562
Chemical Agents and Munitions Destruction, Defense	18,737,670	18,737,670	1,492,165		20,229,835	20,229,835
<b>Subtotal Other Programs</b>	<b>18,737,670</b>	<b>18,737,670</b>	<b>1,492,165</b>		<b>20,229,835</b>	<b>20,229,835</b>
<b>Total Operation and Maintenance &amp; Other Programs</b>	<b>140,612,259</b>	<b>140,612,259</b>	<b>(548,499)</b>		<b>140,063,760</b>	<b>140,063,760</b>

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**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**  
(Dollars in Thousands)

Account Title	FY 2005 Authorization Request	FY 2005 Budget Authority Request	Committee Authorization Change	Committee Budget Authority Change	Committee Authorization Recommendation	BA Implication of Committee Recommendation
<b>REVOLVING AND MANAGEMENT FUNDS</b>						
Defense Working Capital Funds - Services and Defense-wide	510,886	510,886	(138,000)		372,886	372,886
Defense Working Capital Funds - DECA	1,175,000	1,175,000			1,175,000	1,175,000
National Defense Sealift Fund	1,269,252	1,269,252	(50,000)		1,219,252	1,219,252
National Defense Stockpile Transaction Fund						
Armed Forces Retirement Home Fund	61,195				61,195	
<b>Total Revolving and Management Funds</b>	<b>3,016,333</b>	<b>2,955,138</b>	<b>(188,000)</b>		<b>2,828,333</b>	<b>2,767,138</b>
<b>MILITARY PERSONNEL</b>						
<b>Total Military Personnel</b>	<b>104,811,558</b>	<b>104,811,558</b>	<b>(164,000)</b>		<b>104,647,558</b>	<b>104,647,558</b>
<b>MILITARY CONSTRUCTION</b>						
Military Construction, Army	1,771,285	1,771,285	94,924		1,866,209	1,866,209
Military Construction, Navy	1,060,455	1,060,455	17,407		1,077,862	1,077,862
Military Construction, Air Force	663,964	663,964	128,090		792,054	792,054
Military Construction, Defense-wide	699,437	709,337	9,500		708,937	718,837
Military Construction, Chemical Demil Construction, Defense	81,886	81,886			81,886	81,886
NATO Security Investment Program	165,800	165,800			165,800	165,800
Base Realignment and Closure IV	246,116	246,116			246,116	246,116
Military Construction, Army National Guard	295,657	295,657	97,568		393,225	393,225
Military Construction, Air National Guard	127,368	127,368	57,252		184,620	184,620
Military Construction, Army Reserve	87,070	87,070	29,885		116,955	116,955
Military Construction, Naval Reserve	25,285	25,285	5,670		30,955	30,955
Military Construction, Air Force Reserve	84,556	84,556	29,534		114,090	114,090
Military Construction, Foreign Currency Fluctuations					63,000	63,000
<b>Subtotal Military Construction</b>	<b>5,308,879</b>	<b>5,318,779</b>	<b>469,830</b>		<b>5,778,709</b>	<b>5,851,609</b>

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**  
(Dollars in Thousands)

Account Title	FY 2005		FY 2005		Committee		Committee		BA Implication	
	Authorization Request	Budget Authority Request	Authorization Change	Budget Authority Change	Authorization Recommendation	Budget Authority Change	Authorization Recommendation	Committee Recommendation	Committee Recommendation	
<b>FAMILY HOUSING</b>										
Family Housing Construction, Army	636,099	636,099			636,099		636,099		636,099	
Family Housing Support, Army	928,907	928,907	(2,400)		926,507		926,507		926,507	
Family Housing Construction, Navy and Marine Corps	139,107	139,107			139,107		139,107		139,107	
Family Housing Support, Navy and Marine Corps	704,504	704,504	(8,200)		696,304		696,304		696,304	
Family Housing Construction, Air Force	846,959	846,959			846,959		846,959		846,959	
Family Housing Support, Air Force	863,896	863,896	(9,230)		854,666		854,666		854,666	
Family Housing Construction, Defense-wide	49	49			49		49		49	
Family Housing Support, Defense-wide	49,575	49,575			49,575		49,575		49,575	
DoD Family Housing Improvement Fund	2,500	2,500			2,500		2,500		2,500	
<b>Subtotal Family Housing</b>	<b>4,171,596</b>	<b>4,171,596</b>	<b>(19,830)</b>		<b>4,151,766</b>		<b>4,151,766</b>		<b>4,151,766</b>	
<b>Total Military Construction and Family Housing</b>	<b>9,480,475</b>	<b>9,490,375</b>	<b>450,000</b>		<b>9,930,475</b>	<b>63,000</b>	<b>9,930,475</b>	<b>10,003,375</b>		
<b>OTHER DoD MILITARY</b>										
National Security Education Trust Fund		8,000							8,000	
National Science Center, Army		5							5	
DoD Facility Recovery		1,300							1,300	
Allowances - Travel Cards					44,000				44,000	
Disposal of DoD Real Property		16,000							16,000	
Lease of DoD Real Property		14,770			(6,000)				8,770	
<b>Total Other DoD Military</b>		<b>40,075</b>			<b>38,000</b>				<b>78,075</b>	
<b>Subtotal Department of Defense - Discretionary</b>	<b>401,718,205</b>	<b>401,716,000</b>	<b>96,000</b>		<b>401,814,205</b>	<b>118,000</b>	<b>401,814,205</b>	<b>401,930,000</b>		

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**  
(Dollars in Thousands)

Account Title	FY 2005 Authorization Request	FY 2005 Budget Authority Request	Committee Authorization Change	Committee Budget Authority Change	Committee Authorization Recommendation	BA Implication of Committee Recommendation
<b>DoD MANDATORY PROGRAMS</b>						
Sale of Certain Material in National Defense Stockpile		(115,000)	(15,000)	15,000	(15,000)	(115,000)
Concurrent Receipt Accrual Payment		1,534,200		(160,000)		1,374,200
Restoration of Rocky Mountain Arsenal		10,010		(4,000)		6,010
Allied Contributions and Cooperation Account		600,000		(50,000)		550,000
Trust Funds, Revolving Funds and Other DoD Programs		273,000		(147,000)		126,000
Offsetting Receipts		(1,386,000)		148,000		(1,238,000)
Sec 503 - Increase in retirement age limit for military officers			250		250	250
Sec. 504 - Flexibility for voluntary retirement for military officers			250		250	250
Sec. 512 - Mandatory retention of active duty to qualify for retired pay			500		500	500
Sec. 555 - Disabilities sustained during accession training			33		33	33
Sec. 642 - Survivor Benefits Plan			(1,000)		(1,000)	(1,000)
Sec. 1004 - Microclaim Waiver Authority			100		100	100
<b>Subtotal Department of Defense - Mandatory</b>		<b>916,210</b>	<b>(14,867)</b>	<b>(198,000)</b>	<b>(14,867)</b>	<b>703,343</b>
<b>TOTAL DEPARTMENT OF DEFENSE MILITARY (051)</b>	<b>401,718,205</b>	<b>402,632,210</b>	<b>81,133</b>	<b>(80,000)</b>	<b>401,799,338</b>	<b>402,633,343</b>
<b>ATOMIC ENERGY DEFENSE ACTIVITIES (053)</b>						
National Nuclear Security Administration						
Energy Supply	6,568,453	6,568,453	9,500		6,577,953	6,577,953
Weapons Activities	1,348,647	1,348,647	(10,500)		1,338,147	1,338,147
Defense Nuclear Nonproliferation	797,900	797,900			797,900	797,900
Naval Reactors	333,700	333,700			333,700	333,700
Office of the Administrator	9,048,700	9,048,700	(1,000)		9,047,700	9,047,700
<b>Subtotal National Nuclear Security Administration</b>						
<b>Environmental and Other Defense Activities</b>						

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**  
(Dollars in Thousands)

Account Title	FY 2005 Authorization Request	FY 2005 Budget Authority Request	Committee Authorization Change	Committee Budget Authority Change	Committee Authorization Recommendation	BA Implication of Committee Recommendation
Defense Site Acceleration Completion	5,970,837	5,970,837	(94,000)		5,876,837	5,876,837
Defense Environmental Services	982,470	982,470	4,000		986,470	986,470
Other Defense Activities	664,618	664,618	(6,000)		658,618	658,618
Defense Nuclear Waste Disposal	131,000	131,000			131,000	131,000
<b>Subtotal Environmental and Other Defense Activities</b>	<b>7,748,925</b>	<b>7,748,925</b>	<b>(96,000)</b>		<b>7,652,925</b>	<b>7,652,925</b>
<b>Subtotal Atomic Energy Defense Activities</b>	<b>16,797,625</b>	<b>16,797,625</b>	<b>(97,000)</b>		<b>16,700,625</b>	<b>16,700,625</b>
<b><u>OTHER ATOMIC ENERGY DEFENSE PROGRAMS</u></b>						
Formerly Utilized Sites Remedial Action - Corps of Engineers		140,000				140,000
Defense Nuclear Facilities Safety Board	20,268	20,268	1,000		21,268	21,268
<b>Subtotal Other Atomic Energy Defense Programs</b>	<b>20,268</b>	<b>160,268</b>	<b>1,000</b>		<b>21,268</b>	<b>21,268</b>
<b>Total Atomic Energy Defense Activities - Discretionary</b>	<b>16,817,893</b>	<b>16,957,893</b>	<b>(96,000)</b>		<b>16,721,893</b>	<b>16,861,893</b>
<b><u>ATOMIC ENERGY MANDATORY PROGRAMS</u></b>						
Energy Employees Illness Compensation Fund		221,000				300,000
Energy Employees Compensation - Administration		41,000				41,000
<b>Total Atomic Energy Defense Activities - Mandatory</b>		<b>262,000</b>			<b>79,000</b>	<b>341,000</b>
<b>TOTAL ATOMIC ENERGY DEFENSE ACTIVITIES (053)</b>	<b>16,817,893</b>	<b>17,219,893</b>	<b>(96,000)</b>		<b>16,721,893</b>	<b>17,202,893</b>
<b><u>DEFENSE RELATED ACTIVITIES (054)</u></b>						
Department of Homeland Security		1,929,000				1,929,000
Radiation Exposure Compensation Trust Fund		72,000				72,000
<b>Total Defense Related Activities - Discretionary</b>		<b>2,001,000</b>				<b>2,001,000</b>

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**  
(Dollars in Thousands)

Account Title	FY 2005 Authorization Request	FY 2005 Budget Authority Request	Committee Authorization Change	Committee Budget Authority Change	Committee Authorization Recommendation	BA Implication of Committee Recommendation
<b>DEFENSE RELATED ACTIVITIES MANDATORY PROGRAMS</b>						
CIA Retirement & Disability		239,000				239,000
Radiation Exposure Compensation Trust Fund		65,000		(940,000)		65,000
Proposed Legislation (outside DoD's Jurisdiction)		940,000				
<b>Total Defense Related Activities - Mandatory</b>		<b>1,244,000</b>		<b>(940,000)</b>		<b>304,000</b>
<b>TOTAL DEFENSE-RELATED ACTIVITIES (054)</b>		<b>3,245,000</b>		<b>(940,000)</b>		<b>2,305,000</b>
Subtotal National Defense Function (050) - Discretionary	418,536,098	420,674,893	(14,867)	118,000	418,536,098	420,792,893
Subtotal National Defense Function (050) - Mandatory		2,422,210		(1,059,000)	(14,867)	1,348,343
<b>TOTAL NATIONAL DEFENSE FUNCTION (050)</b>	<b>418,536,098</b>	<b>423,097,103</b>	<b>(14,867)</b>	<b>(941,000)</b>	<b>418,521,231</b>	<b>422,141,236</b>
<b>Title XV - EMERGENCY AUTHORIZATION</b>						
<b>PROCUREMENT</b>						
Aircraft Procurement, Army		498,300			498,300	498,300
Missile Procurement, Army		42,800			42,800	42,800
Procurement of Weapons and Tracked Combat Vehicles, Army		201,900			201,900	201,900
Procurement of Ammunition, Army		78,750			78,750	78,750
Other Procurement, Army		1,567,410			1,567,410	1,567,410
National Guard and Reserve Equipment, Army		50,000			50,000	50,000
Procurement of Ammunition, Navy and Marine Corps		38,402			38,402	38,402
Procurement, Marine Corps		98,190			98,190	98,190
Aircraft Procurement, Air Force		99,000			99,000	99,000
Procurement, Defense-wide		720,000			720,000	720,000
<b>Total Procurement</b>		<b>3,394,752</b>			<b>3,394,752</b>	<b>3,394,752</b>

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

Account Title	FY 2005 Authorization Request	FY 2005 Budget Authority Request	Committee Authorization Change	Committee Budget Authority Change	Committee Authorization Recommendation	BA Implication of Committee Recommendation
<b><u>OPERATION AND MAINTENANCE &amp; OTHER PROGRAMS</u></b>						
<b>Operation and Maintenance</b>						
Operation and Maintenance, Army		9,607,113	9,607,113		9,607,113	9,607,113
Operation and Maintenance, Navy		256,500	256,500		256,500	256,500
Operation and Maintenance, Marine Corps		2,398,735	2,398,735		2,398,735	2,398,735
Operation and Maintenance, Air Force		1,635,000	1,635,000		1,635,000	1,635,000
Operation and Maintenance, Defense-wide		2,327,900	2,327,900		2,327,900	2,327,900
<b>Total Operation and Maintenance</b>		<b>16,225,248</b>	<b>16,225,248</b>		<b>16,225,248</b>	<b>16,225,248</b>
<b>Other Programs</b>						
Defense Health Program		75,000	75,000		75,000	75,000
<b>Total Other Programs</b>		<b>75,000</b>	<b>75,000</b>		<b>75,000</b>	<b>75,000</b>
<b>Total Operation and Maintenance &amp; Other Programs</b>		<b>16,300,248</b>	<b>16,300,248</b>		<b>16,300,248</b>	<b>16,300,248</b>
<b><u>MILITARY PERSONNEL</u></b>						
<b>Total Military Personnel</b>		<b>5,305,000</b>	<b>5,305,000</b>		<b>5,305,000</b>	<b>5,305,000</b>
<b>TOTAL EMERGENCY AUTHORIZATION</b>		<b>25,000,000</b>	<b>25,000,000</b>		<b>25,000,000</b>	<b>25,000,000</b>

## RATIONALE FOR THE COMMITTEE BILL

H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, comes with our nation at war on multiple fronts. The ongoing Iraq mission, Operation Enduring Freedom in Afghanistan, and the broader Global War on Terrorism demand an appropriate level of resources and capabilities that Congress can and should provide. Additional security challenges elsewhere require planning and perseverance, including a continued commitment to the evolution of the U.S. armed forces. H.R. 4200 attempts to do all this given limited resources in the “Year of the Soldier”.

The largest mobilization in decades, Operation Iraqi Freedom will remain the focus of our armed forces for some time. The mission to rebuild and rehabilitate Iraq after decades of tyranny, though, is not static; the 2004 force rotation plan, completed earlier this year, represents the largest troop transfer undertaken by U.S. forces since World War II. In the Army alone, elements from eight of ten divisions were on the move during the first four months of 2004—a force of 250,000 soldiers, nearly half of them reservists.

The challenges associated with the 2004 Operation Iraqi Freedom rotation of forces has confirmed pervasive concerns over end-strength shortfalls that strain armed forces personnel and undermine their ability to perform critical missions. Sustaining troop levels for Operation Iraqi Freedom and the broader Global War on Terrorism has in fact already exceeded the Army’s immediate capabilities. As a result, the U.S. Marine Corps deployed 25,000 active and reserve component personnel to Iraq for two successive seven-month rotations, beginning in March 2004, while the Army was left extending the tours of more than 20,000 soldiers there. The Air Force and Navy, moreover, have deployed assets to Iraq to substitute for capabilities a stressed Army Total Force cannot provide.

Even these forces may not relieve the Army’s overall burden. Over the last year, the committee has examined a range of issues related to the armed forces’ inability to meet military commitments and, perhaps, potential emergencies worldwide. The committee, for instance, found that the Army cannot meet its stated goal of resetting the force within 120 days of returning from Iraq so that it is available for contingencies elsewhere. At the same time, it discovered that service force structure and manning decisions over the years have yielded insufficient numbers of high demand and low density assets, including special operations forces, intelligence and law enforcement units—elements critical to the Global War on Terrorism.

Recent operations reinforced similar conclusions on the adequacy of the reserve component end-strength. Since the end of the 1991 Gulf War, reliance on the overall reserve component for peacetime support has increased twelve-fold. In fact, for the last seven years the reserve component has provided annual peacetime support equaling roughly 33,000 active duty personnel, in course adopting missions previously the exclusive domain of full-time forces. War-time reliance on reserve component personnel has also increased. For example, average mobilization tours for reservists were substantially lengthened, from 156 days during Operations Desert Storm and Desert Shield to 319 for Operations Iraqi Freedom, En-

during Freedom and Noble Eagle, the continuing homeland security mission.

These trends suggest the committee cannot expect reserve component relief anytime soon; the Department of Defense itself assumes there will be no substantial reduction in the length of the average mobilization tour. By the end of January 2003—immediately prior to mobilizations in support of the war with Iraq and just fifteen months after the start of the Global War on Terrorism—more than 56,000 reserve component personnel remained on active duty worldwide. In comparison, at the peak of the Iraq mobilization, 225,000 reservists found themselves on active duty. Presently, the Department of Defense reports that sustaining troop levels in Iraq will require the mobilization of at least 100,000 to 150,000 reservists annually for the next several years. Reserve component personnel will ultimately comprise nearly 40 percent of all forces committed to Iraq and Kuwait during this rotation.

The demand for additional manpower to sustain mission requirements and fulfill required capabilities is finally reflected in the actual active component strengths each service needed during the past two fiscal years—all services executed actual end-strength levels well above the minimum authorized amount. In general, these additional active component personnel were funded as part of emergency supplemental appropriations. Finding this approach to managing what is clearly an end-strength shortfall self-defeating and ultimately unsustainable, the committee recommends the first significant increase in military end strength in decades.

Further, H.R. 4200 directly addresses the numerous and growing force protection requirements that have emerged from the threats and realities found on the Iraqi battlefield. This legislation provides critical force protection resources, including additional body armor, countermeasures for improvised explosive devices, armored “Humvees” and armor add-on kits for “thin-skinned” vehicles. These tangible improvements in force protection accompany equally important combat capability enhancements. H.R. 4200 will provide the American warfighter with much needed supplies and ammunition to continue a “hot” war against global terrorism and the anti-democratic insurgents in Iraq.

Today’s adversaries are adaptable; they sabotage Iraq’s developing infrastructure, ambush noncombatants and coalition forces alike and have found a powerfully simple capability to neutralize American conventional military might through the use of remote improvised explosive devices, or IEDs, to terrorize the country and inflict a steady number of casualties on coalition forces. U.S. servicemen and women must have every possible advantage to beat them soundly and safely. Believing that the armed forces cannot allow more unforeseen dangers—a new “IED problem”—to surprise our troops and threaten their missions, H.R. 4200 makes available funds for advanced research and development to counter emerging threats to the American Soldier.

While the American Soldier is at work in Iraq, Afghanistan, and terrorist locations worldwide, other potential threats to the United States loom. The committee believes that the standoffs on the Korean Peninsula and in the Taiwan Strait can be resolved peacefully if all parties act in good faith, but the U.S. must remain capable of responding to aggression alongside its regional partners when-

ever threats to peace and democracy surface. By supporting initiatives to strengthen our force posture and, thus, that of our allies and friends in the region, H.R. 4200 ensures that U.S. forces will not fight wars unnecessarily and from a disadvantaged starting point.

Over the long term, the committee understands that the outcome of future engagements, including terrorist attacks, may be decided during today's battles against proliferation. H.R. 4200 supports current programs designed to stop potential aggressors from obtaining advanced conventional weapons and weapons of mass destruction, including their long-range and stealth delivery systems. H.R. 4200 also takes additional steps to help the United States maintain its technological advantage by strengthening domestic and multilateral controls on arms as well as militarily-sensitive goods and technologies. Coupled with measures designed to strengthen the U.S. industrial base also contained in H.R. 4200, smarter export controls will help prevent a situation in which our troops and homeland are threatened with American-made or designed technology without sacrificing American economic productivity.

In summary, this legislation is designed to strike a proper balance. H.R. 4200 provides such balance between the exigencies of ensuring full and total support for the needs of our men and women presently engaged in the difficult fight against global terrorism, while also advancing the necessary mix of policy and investments to ensure America's defense capabilities remain overwhelmingly superior to any known and future adversary, adaptable to the fast changing nature of the threat, and able to decisively defend our national interests now and in the future.

## HEARINGS

Committee consideration of the National Defense Authorization Act for Fiscal Year 2005 results from hearings that began on February 4, 2004 and that were completed on April 1, 2004.

The full committee conducted seven sessions. In addition, a total of 29 sessions were conducted by 6 different subcommittees on various titles of the bill.

## **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATION**

### **TITLE I—PROCUREMENT**

#### OVERVIEW

The budget request for fiscal year 2005 contained \$76,034.3 million for procurement. This represents a \$1,830.8 million increase from the amount authorized for fiscal year 2004.

The committee recommends authorization of \$76,215.7 million, an increase of \$190.4 million from the fiscal year 2005 request after the transfer of \$1,372.0 million and \$9.0 million respectively, for chemical agent and munitions destruction, Army, and the Defense Production Act, which have been transferred to other titles.

The committee recommendations for the fiscal year 2005 procurement program are identified in the table below. Major issues are discussed following the table.

Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	AIRCRAFT PROCUREMENT, ARMY		2,658,241		147,700		147,700		-		2,805,941
	MISSILE PROCUREMENT, ARMY		1,398,321		16,000		16,000		-		1,414,321
	PROCUREMENT OF W&TCV, ARMY		1,639,695		100,000		100,000		-		1,739,695
	PROCUREMENT OF AMMUNITION, ARMY		1,556,902		172,500		172,500		-		1,729,402
	OTHER PROCUREMENT, ARMY		4,240,896		72,744		75,600		(2,856)		4,313,840
	CHEMICAL AGENTS & MUNITIONS DESTRUCTION, ARMY		1,371,990		(1,371,990)		-		(1,371,990)		-
	<b>TOTAL ARMY</b>		12,866,045		(863,046)		511,800		(1,374,846)		12,002,999
	AIRCRAFT PROCUREMENT, NAVY		8,767,867		144,800		197,235		(62,435)		8,912,667
	WEAPONS PROCUREMENT, NAVY		2,101,529		151,925		160,700		(8,775)		2,253,454
	AMMUNITION, NAVY & MARINE CORPS		858,640		12,200		12,200		-		870,840
	SHIPBUILDING & CONVERSION, NAVY		9,962,027		158,000		258,000		(100,000)		10,120,027
	OTHER PROCUREMENT, NAVY		4,834,278		42,447		113,200		(70,753)		4,876,725
	PROCUREMENT, MARINE CORPS		1,190,103		125,000		125,000		-		1,315,103
	<b>TOTAL NAVY</b>		27,714,444		634,372		866,335		(231,963)		28,348,816
	AIRCRAFT PROCUREMENT, AIR FORCE		13,163,174		486,000		522,700		(36,700)		13,649,174
	PROCUREMENT OF AMMUNITION, AIR FORCE		1,396,457		-		-		-		1,396,457
	MISSILE PROCUREMENT, AIR FORCE		4,718,313		(80,000)		35,000		(115,000)		4,638,313
	OTHER PROCUREMENT, AIR FORCE		13,283,557		(54,300)		40,800		(95,100)		13,229,257
	<b>TOTAL AIR FORCE</b>		32,561,501		351,700		598,500		(246,800)		32,913,201
	PROCUREMENT, DEFENSE-WIDE		2,883,302		67,400		115,300		(47,900)		2,950,702
	PROCUREMENT, DEFENSE PRODUCTION ACT		[9,015]		-		-		-		[9,015]
	<b>TOTAL DEFENSE-WIDE</b>		2,883,302		67,400		115,300		(47,900)		2,950,702
	<b>GRAND TOTAL DEPARTMENT OF DEFENSE</b>		76,025,292		190,426		2,091,935		(1,901,509)		76,215,718

## AIRCRAFT PROCUREMENT, ARMY

## Overview

The budget request for fiscal year 2005 contained \$2,658.2 million for Aircraft Procurement, Army. The committee recommends authorization of \$2,805.9 million, an increase of \$147.7 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Aircraft Procurement, Army program are identified in the table below. Major changes to the Army request are discussed following the table.

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
<b>AIRCRAFT PROCUREMENT, ARMY</b>											
<b>AIRCRAFT</b>											
<b>FIXED WING</b>											
1	UTILITY F/W AIRCRAFT	1	11,967							1	11,967
<b>ROTARY</b>											
2	HELICOPTER, OBSERVATION		24,000								24,000
3	HELICOPTER, LIGHT UTILITY	10	45,000								45,000
4	COMANCHE										
5	UH-60 BLACKHAWK (MYP) HH-60M	27	279,737	8	117,600	8	117,600			35	397,337
6	Advanced Procurement (CY)		34,723								34,723
7	HELICOPTER NEW TRAINING (TH-67 CREEK)	7	13,100								13,100
<b>TOTAL AIRCRAFT</b>			<b>408,527</b>		<b>117,600</b>		<b>117,600</b>				<b>526,127</b>
<b>MODIFICATION OF AIRCRAFT</b>											
8	GUARDRAIL MODS (TIARA)		2,195								2,195
9	ARL MODS (TIARA)				17,600						54,801
10	AH-64 MODS Modern Signal Processing Unit Combo PAK Aux Fuel System		37,201				7,600				709,950
11	CH-47 CARGO HELICOPTER MODS Crashworthy Crew Seats		703,450		6,500		10,000				709,950
12	Advanced Procurement		23,832				6,500				23,832
13	UTILITY/CARGO AIRPLANE MODS		10,093								10,093
14	OH-58 MODS										754
15	AIRCRAFT LONG RANGE MODS		754								754
16	LONGBOW		654,460								654,460
17	Advanced Procurement (CY)										
18	UH-60 MODS		142,889								142,889

Title I - PROCUREMENT (Dollars in Thousands)												
Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization		
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	
19	Advanced Procurement (CY)	-	6,130	-	-	-	-	-	-	-	6,130	
	De-icing System Upgrade	-	-	-	[2,400]	-	-	-	-	-	[2,400]	
20	KIOWA WARRIOR	-	39,276	-	-	-	-	-	-	-	39,276	
21	AIRBORNE AVIONICS	-	49,091	-	-	-	-	-	-	-	49,091	
22	GATM ROLLUP	-	61,259	-	-	-	-	-	-	-	61,259	
23	AIRBORNE DIGITIZATION	-	-	-	-	-	-	-	-	-	-	
	<b>TOTAL MODIFICATION OF AIRCRAFT</b>		<b>1,730,630</b>		<b>24,100</b>		<b>24,100</b>		<b>-</b>		<b>1,754,730</b>	
<b>SPARES AND REPAIR PARTS</b>												
24	SPARE PARTS (AIR)	-	10,857	-	-	-	-	-	-	-	10,857	
	<b>TOTAL SPARES AND REPAIR PARTS</b>		<b>10,857</b>		<b>-</b>		<b>-</b>		<b>-</b>		<b>10,857</b>	
<b>SUPPORT EQUIPMENT AND FACILITIES</b>												
<b>GROUND SUPPORT AVIONICS</b>												
25	AIRCRAFT SURVIVABILITY EQUIPMENT	-	7,319	-	-	-	-	-	-	-	7,319	
26	ASE INFRARED CM	-	272,166	-	-	-	-	-	-	-	272,166	
<b>OTHER SUPPORT</b>												
27	AIRBORNE COMMAND & CONTROL	-	26,603	-	-	-	-	-	-	-	26,603	
28	AVIONICS SUPPORT EQUIPMENT	-	5,140	-	-	-	-	-	-	-	5,140	
29	COMMON GROUND EQUIPMENT	-	55,543	-	-	-	-	-	-	-	55,543	
30	AIRCREW INTEGRATED SYSTEMS	-	28,609	-	-	-	-	-	-	-	28,609	
31	AIR TRAFFIC CONTROL	-	55,449	-	-	-	-	-	-	-	55,449	
32	INDUSTRIAL FACILITIES	-	45,216	-	-	-	-	-	-	-	45,216	
33	LAUNCHER, 2.75 ROCKET	-	2,413	-	-	-	-	-	-	-	2,413	
34	AIRBORNE COMMUNICATIONS	-	9,769	-	-	-	-	-	-	-	9,769	
	AN/ARS-6 Personnel Locator	-	-	-	6,000	-	-	-	-	6,000	-	
35	CLOSED ACCOUNT ADJUSTMENT	-	508,227	-	6,000	-	6,000	-	-	-	514,227	
	<b>TOTAL SUPPORT EQUIPMENT AND FACILITIES</b>		<b>508,227</b>		<b>147,700</b>		<b>6,000</b>		<b>-</b>		<b>651,927</b>	
<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b>												
			<b>2,658,241</b>		<b>147,700</b>		<b>147,700</b>		<b>-</b>		<b>2,805,941</b>	

## Items of Special Interest

*Airborne communications*

The budget request contained \$9.8 million to procure communication equipment for Army aircraft, but included no funds to upgrade the AN/ARS-6 personnel locator system for Army special operations forces (SOF) MH-60 and MH-47 helicopters.

The committee is aware of the urgent need for modern survival radios for Army SOF aircraft to replace older, less capable equipment that these aircraft now carry. Army SOF helicopters routinely perform search and rescue operations with all components of the U.S. armed forces, as well as with the disparate elements of the North Atlantic Treaty Organization member militaries. Growing numbers of these military organizations are migrating to modern survival systems that are incompatible with the communications equipment currently deployed on Army SOF aircraft.

The committee recommends \$15.8 million for Army airborne communications, an increase of \$6.0 million for procurement of the AN/ARS-6 version 12.

*Blackhawk helicopter de-icing system upgrade*

The budget request included \$6.1 million for UH-60 modifications.

The committee directs that \$2.4 million be made available within the funds authorized for Army aircraft procurement for de-icing system upgrades for the Blackhawk helicopter.

*Crashworthy crew seats*

The budget request contained \$703.5 million for CH-47 Cargo Helicopter Mods, of which no funds were requested for the crashworthy crew chief seats.

The crashes of CH-47s due to hostile fire and non-hostile fire incidents in Operation Iraqi Freedom demonstrate the need for crashworthy crew chief seats. The installation of crashworthy seats will increase crewmember mission efficiency and effectiveness while significantly reducing the risk of death or injury during a hard landing or controlled crash. Survivability equipment is an essential part of force protection, which is the committee's highest priority.

The committee recommends \$710.0 million, an increase of \$6.5 million for the procurement of crashworthy crew chief seats for the CH-47 aircraft.

*Modern signal processing unit*

The budget request contained \$37.2 million for AH-64 Mods, of which no funds were requested for the modern signal processing unit (MSPU) initial integration and production for the AH-64.

The MSPU is an embedded digital vibration diagnostic technology already developed by the Army for the AH-64A Apache and the AH-64D Longbow to monitor the tail rotor gearbox, the intermediate gearbox, and the auxiliary power unit clutch for incipient failures. The MSPU is a direct replacement for the 30 year old analog signal processing unit which is known to experience high failure rates and shown to be unreliable in detecting incipient gearbox

failures. The improved diagnostics of the MSPU will improve flight safety and reduce maintenance test costs.

The committee recommends an increase of \$7.6 million to begin initial integration of the modern signal processing unit into the AH-64A and AH-64D production line and to procure the MSPU for fielding as spares for both the active Army and National Guard Apache and Longbow aircraft.

#### MISSILE PROCUREMENT, ARMY

##### Overview

The budget request for fiscal year 2005 contained \$1,398.3 million for Missile Procurement, Army. The committee recommends authorization of \$1,414.3 million, an increase of \$16.0 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Missile Procurement, Army program are identified in the table below. Major changes to the Army request are discussed following the table.

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>MISSILE PROCUREMENT, ARMY</b>										
	<b>OTHER MISSILES</b>										
	<b>SURFACE-TO-AIR MISSILE SYSTEM</b>										
1	PATRIOT SYSTEM SUMMARY	-	489,253	-	-	-	-	-	-	-	489,253
2	STINGER SYSTEM SUMMARY	-	-	-	-	-	-	-	-	-	-
3	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMAR	-	2,449	-	-	-	-	-	-	-	2,449
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>										
4	HELLFIRE SYS SUMMARY	1,135	108,475	-	-	-	-	-	-	1,135	108,475
4	LESS: Advanced Procurement (PY)	-	-	-	-	-	-	-	-	-	-
5	APKWS (ADVANCED PRECISION KILL WEAPON SY:	-	755	-	-	-	-	-	-	-	755
6	ADVANCED PROCUREMENT (CY)	-	6,124	-	-	-	-	-	-	-	6,124
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	-	125,403	-	-	16,000	16,000	-	-	-	141,403
	Additional Missiles- ARNG										
7	LESS: Advanced Procurement (PY)	-	(7,600)	-	-	-	-	-	-	-	(7,600)
8	Advanced Procurement (CY)	-	-	-	-	-	-	-	-	-	-
9	LINE OF SIGHT ANTI-TANK (LOSAT) SYSTEM SUM	-	86,321	-	-	-	-	-	-	-	86,321
9	LESS: Advanced Procurement (PY)	-	-	-	-	-	-	-	-	-	-
10	TOW 2 SYSTEM SUMMARY	-	25,813	-	-	-	-	-	-	-	25,813
10	LESS: Advanced Procurement (PY)	-	(12,946)	-	-	-	-	-	-	-	(12,946)
11	Advanced Procurement (CY)	-	13,375	-	-	-	-	-	-	-	13,375
12	GUIDED MLRS ROCKET (GMLRS)	1,026	112,302	-	-	-	-	-	-	1,026	112,302
13	MLRS REDUCED RANGE PRACTICE ROCKETS (RR	822	6,627	-	-	-	-	-	-	822	6,627
14	MLRS LAUNCHER SYSTEMS	-	41,200	-	-	-	-	-	-	-	41,200
15	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIM	37	169,249	-	-	-	-	-	-	37	169,249
16	ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	56	61,484	-	-	-	-	-	-	56	61,484
	<b>TOTAL OTHER MISSILES</b>		<b>1,228,284</b>			<b>16,000</b>	<b>16,000</b>				<b>1,244,284</b>
	<b>MODIFICATION OF MISSILES</b>										
	<b>MODIFICATIONS</b>										

Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
17	PATRIOT MODS	-	87,948	-	-	-	-	-	-	-	87,948
18	STINGER MODS	-	-	-	-	-	-	-	-	-	-
19	ITAS/TOW MODS	-	9,784	-	-	-	-	-	-	-	9,784
20	MLRS MODS	-	18,970	-	-	-	-	-	-	-	18,970
21	HIMARS MODIFICATIONS: (NON AAO)	-	474	-	-	-	-	-	-	-	474
22	HELLFIRE MODIFICATIONS	-	9,770	-	-	-	-	-	-	-	9,770
	<b>TOTAL MODIFICATIONS OF MISSILES</b>		<b>126,946</b>		<b>-</b>		<b>-</b>		<b>-</b>		<b>126,946</b>
	<b>SPARES AND REPAIR PARTS</b>										
	<b>SPARES AND REPAIR PARTS</b>										
23	SPARES AND REPAIR PARTS	-	33,779	-	-	-	-	-	-	-	33,779
	<b>TOTAL SPARES AND REPAIR PARTS</b>		<b>33,779</b>		<b>-</b>		<b>-</b>		<b>-</b>		<b>33,779</b>
	<b>SUPPORT EQUIPMENT AND FACILITIES</b>										
	<b>SUPPORT EQUIPMENT AND FACILITIES</b>										
24	AIR DEFENSE TARGETS	-	5,843	-	-	-	-	-	-	-	5,843
25	ITEMS LESS THAN \$5.0M (MISSILES)	-	10	-	-	-	-	-	-	-	10
26	MISSILE DEMILITARIZATION	-	-	-	-	-	-	-	-	-	-
27	PRODUCTION BASE SUPPORT	-	3,459	-	-	-	-	-	-	-	3,459
28	CLOSED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	<b>TOTAL SUPPORT EQUIPMENT AND FACILITIES</b>		<b>9,312</b>		<b>-</b>		<b>-</b>		<b>-</b>		<b>9,312</b>
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b>		<b>1,398,321</b>		<b>16,000</b>		<b>16,000</b>		<b>-</b>		<b>1,414,321</b>

## WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

## Overview

The budget request for fiscal year 2005 contained \$1,639.7 million for Weapons and Tracked Combat Vehicles, Army. The committee recommends authorization of \$1,739.7 million, an increase of \$100.0 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Weapons and Tracked Combat Vehicles, Army program are identified in the table below. Major changes to the Army request are discussed following the table.

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>										
	<b>TRACKED COMBAT VEHICLES</b>										
1	ABRAMS TRNG DEV MOD	-	3,643	-	-	-	-	-	-	-	3,643
2	BRADLEY BASE SUSTAINMENT	-	71,378	-	-	-	-	-	-	-	71,378
3	LESS: Advanced Procurement (PY)	-	-	-	-	-	-	-	-	-	-
4	BRADLEY FVS TRAINING DEVICES (MOD)	-	2,454	-	-	-	-	-	-	-	2,454
5	ABRAMS TANK TRAINING DEVICES	-	3,624	-	-	-	-	-	-	-	3,624
6	STRYKER	-	905,074	-	-	-	-	-	-	-	905,074
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>										
7	CARRIER, MOD	-	-	-	-	-	-	-	-	-	1
8	FIST VEHICLE (MOD)	-	670	-	-	-	-	-	-	-	670
9	MOD OF IN-SVC EQUIP, FIST VEHICLE	-	55,424	-	-	-	-	-	-	-	120,424
	BFV Integrated Management				65,000						
	Reactive Armor Bradley FV						40,000				
10	HOWITZER, MED SP FT 155MM M109A6 (MOD)	-	18,350	-	-	-	-	-	-	-	18,350
11	FAASV PIP TO FLEET	-	7,294	-	-	-	-	-	-	-	7,294
12	IMPROVED RECOVERY VEHICLE (M88 MOD)	-	-	-	-	-	-	-	-	-	-
13	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)	-	-	-	-	-	-	-	-	-	-
14	M1 ABRAMS TANK (MOD)	-	116,917	-	-	-	-	-	-	-	116,917
15	SYSTEM ENHANCEMENT PGM, SEP M1A2	-	292,152	-	-	-	-	-	-	-	292,152
16	ABRAMS UPGRADE PROGRAM	-	-	-	-	-	-	-	-	-	-
	LESS: Advanced Procurement (PY)										
17	SUPPORT EQUIPMENT AND FACILITIES	-	407	-	-	-	-	-	-	-	407
18	ITEMS LESS THAN \$5.0M (TCV-WTCV)	-	10,278	-	-	-	-	-	-	-	10,278
	PRODUCTION BASE SUPPORT (TCV-WTCV)										
	<b>TOTAL TRACKED COMBAT VEHICLES</b>		<b>1,487,666</b>		<b>65,000</b>		<b>65,000</b>		<b>65,000</b>		<b>1,552,666</b>
	<b>WEAPONS AND OTHER COMBAT VEHICLES</b>										

Title 1 - PROCUREMENT (Dollars in Thousands)												
Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization		COST
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	
<b>WEAPONS AND OTHER COMBAT VEHICLES</b>												
19	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	-	500	-	-	-	-	-	-	-	-	500
20	ARMOR MACHINE GUN, 7.62MM M240 SERIES	-	25,249	-	-	-	-	-	-	-	-	25,249
21	MACHINE GUN, 5.56MM (SAW)	-	80	-	-	-	-	-	-	-	-	80
22	GRENADE LAUNCHER, AUTO, 40MM, MK19-3	-	-	-	-	-	-	-	-	-	-	-
23	MORTAR SYSTEMS	-	5,258	-	-	-	-	-	-	-	-	5,258
24	M16 RIFLE	-	-	-	-	-	-	-	-	-	-	-
25	XM107, CAL. 50, SNIPER RIFLE	-	8,871	-	-	-	-	-	-	-	-	8,871
26	5.56 CARBINE M4	-	9,376	-	-	-	-	-	-	-	-	9,376
27	HOWITZER LT WT 155MM (T) M777 LW 155 Howitzer- ARNG	-	37,209	-	35,000	-	-	-	-	-	-	72,209
<b>MOD OF WEAPONS AND OTHER COMBAT VEHICLES</b>												
28	MARK-19 MODIFICATIONS	-	4,236	-	-	-	-	-	-	-	-	4,236
29	M4 CARBINE MODS	-	13,777	-	-	-	-	-	-	-	-	13,777
30	SQUAD AUTOMATIC WEAPON (MOD)	-	3,382	-	-	-	-	-	-	-	-	3,382
31	MEDIUM MACHINE GUNS (MODS)	-	3,409	-	-	-	-	-	-	-	-	3,409
32	HOWITZER, TOWED, 155MM, M198 (MODS)	-	779	-	-	-	-	-	-	-	-	779
33	M119 MODIFICATIONS	-	-	-	-	-	-	-	-	-	-	-
34	M16 RIFLE MODS	-	2,345	-	-	-	-	-	-	-	-	2,345
35	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	-	3,245	-	-	-	-	-	-	-	-	3,245
<b>SUPPORT EQUIPMENT AND FACILITIES</b>												
36	ITEMS LESS THAN \$5.0M (WOCV-WTCV) SHOTGUNS	-	486	-	-	-	-	-	-	-	-	486
37	PRODUCTION BASE SUPPORT (WOCV-WTCV)	-	6,620	-	-	-	-	-	-	-	-	6,620
38	INDUSTRIAL PREPAREDNESS Rock Island Arsenal Upgrades	-	2,629	-	[1,000]	-	-	-	-	-	-	2,629
39	SMALL ARMS (SOLDIER ENH PROG)	-	3,492	-	-	-	-	-	-	-	-	3,492
40	REF SMALL ARMS	-	998	-	-	-	-	-	-	-	-	998
<b>TOTAL WEAPONS AND OTHER COMBAT VEHICLES</b>			<b>131,941</b>		<b>35,000</b>		<b>35,000</b>		<b>35,000</b>			<b>166,941</b>

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	SPARE AND REPAIR PARTS										
41	SPARES AND REPAIR PARTS (WTCV)	-	20,088								20,088
	TOTAL SPARE AND REPAIR PARTS		20,088								20,088
	TOTAL PROCUREMENT OF W&TCV, ARMY		1,639,695		100,000		100,000				1,739,695

## Items of Special Interest

*Air-droppable, lightweight armored direct fires system*

The committee notes that the operational need for a rapidly deployable, air droppable, lightweight armored direct fires system has been validated. Additionally, recent combat operations demonstrate the need for such a system. The committee is encouraged by the Department of the Army's decision to evaluate existing and developmental platforms in meeting this requirement.

The committee directs the Secretary of the Army to keep the congressional defense committees informed on the progress of the evaluation effort and provide a report of the Army's findings at the conclusion of the evaluation program.

*Armor and vehicle protection kits*

The budget request included \$1,639.7 million for Weapons and Tracked Combat Vehicle procurement.

The committee notes the importance of expedited delivery of armor and vehicle protection kits for the global war on terrorism.

Accordingly, the committee directs that \$1.0 million be made available within funds authorized for Army Weapons and Tracked Combat Vehicle procurement for the Rock Island Arsenal for a laser cutting machine, titanium welding cell, and wash rack to ensure the on-time delivery of armor kits and vehicle protection kits.

*Bradley fighting vehicle integrated management*

The budget request contained \$55.4 million for Bradley Fighting Vehicle Series Modifications, of which no funds were requested for sustainment and modernization.

The committee is concerned that no funding exists for a sustainment and modernization program for the Bradley Fighting Vehicle. Considering the most optimistic assumptions for the fielding of the Future Combat Systems, the current force of the Abrams main battle tank and the Bradley Fighting Vehicle will constitute the majority of the total force for the next three decades.

The Abrams Integrated Management Program is the Army's long term management program for the Abrams tank which provides a rebuild capability, a modernization program, and sustainment of both the government and private industrial bases. No such program exists for the Bradley Fighting Vehicle.

The committee directs the Secretary of the Army to develop and implement a Bradley Fighting Vehicle Integrated Management program to maintain the Bradley fleet readiness through planned overhaul and modernization.

The committee recommends an increase of \$40.0 million for procurement of items to support the initiation of a Bradley Fighting Vehicle Integrated Management program.

*M1A2 system enhancement package*

The budget request contained \$292.2 million to procure 67 M1A2 system enhancement package (SEP) tanks.

The committee understands the budget request fulfills M1A2 SEP procurement for the 3rd Armored Cavalry Regiment. Consistent with previous actions, the committee continues to recognize the advantages of upgrading the Army's armored brigade combat

teams with M1A2 SEPs. The committee understands the M1A2 SEP brings advantages to the warfighter in combat and training and reduces logistical burdens. The committee commends the Army for accelerating modernization of the 3rd Armored Cavalry Regiment as part of this effort to digitize the heavy counterattack corps.

Accordingly, the committee strongly recommends the Army continue the holistic M1 Abrams tank reset plan by modernizing with M1A2 SEP tanks the 3rd Infantry Division, the first armored unit to transform to the Chief of Staff's modularity construct.

*M777 lightweight 155 millimeter howitzer*

The budget request contained \$37.2 million to procure 18 M777 Lightweight 155mm Howitzer (LW155) artillery systems. However, no funds were included for the Army National Guard.

The M777 LW155 is a joint competitively procured program for the U.S. Marine Corps (USMC) and U.S. Army that replaces and improves upon the currently fielded 25-year old M198 towed howitzer artillery system by utilizing networked fires at almost 50 percent of the weight of the M198. The committee recognizes the LW155 would provide enhanced mobility and lethality to the USMC, the Army's XVIII Airborne Corps and Stryker Brigade Combat Teams and to the Army National Guard.

The committee understands the Director of the Army National Guard has identified a \$35.0 million fiscal year 2005 unfunded requirement for 18 LW155 systems. The committee recommends \$72.2 million for the M777 LW155 artillery system, an increase of \$35.0 million to procure an additional 18 systems and fulfill the Army National Guard's unfunded requirement.

## AMMUNITION PROCUREMENT, ARMY

### Overview

The budget request for fiscal year 2005 contained \$1,556.9 million for Ammunition Procurement, Army. The committee recommends authorization of \$1,729.4 million, an increase of \$172.5 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Ammunition Procurement, Army program are identified in the table below. Major changes to the Army request are discussed following the table.



**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>ARTILLERY FUZZES</b>										
19	ARTILLERY FUZZES, ALL TYPES Electronic Fuze M762A1/M767A1	-	40,796		6,000		6,000			-	46,796
	<b>MINES</b>										
20	MINE, TRAINING, ALL TYPES	-	527							-	527
21	MINES (CONVENTIONAL), ALL TYPES	-	4,242							-	4,242
22	MINE AT VOLCANO, ALL TYPES	-	-							-	-
23	MINE, CLEARING CHARGE, ALL TYPES	-	1,020							-	1,020
24	ANTI-PERSONNEL LANDMINE ALTERNATIVES	-	15,222							-	15,222
	<b>ROCKETS</b>										
25	SHOULDER FIRED ROCKETS, ALL TYPES Bunker Defeat Munition-NE	-	15,414		10,000		10,000			-	25,414
26	ROCKET, HYDRA 70, ALL TYPES	-	164,689							-	164,689
	<b>OTHER AMMUNITION</b>										
27	DEMOLITION MUNITIONS, ALL TYPES M112 Demolition Charge	-	29,193		8,000		8,000			-	37,193
28	GRENADES, ALL TYPES	-	52,857							-	52,857
29	SIGNALS, ALL TYPES	-	26,276							-	26,276
30	SIMULATORS, ALL TYPES	-	20,165							-	20,165
	<b>MISCELLANEOUS</b>										
31	AMMO COMPONENTS, ALL TYPES	-	8,550							-	8,550
32	NON-LETHAL AMMUNITION, ALL TYPES	-	5,534							-	5,534
33	CAD/PAD ALL TYPES	-	3,884							-	3,884
34	ITEMS LESS THAN \$5 MILLION	-	11,398							-	11,398
35	AMMUNITION PECULIAR EQUIPMENT	-	4,898							-	4,898
36	FIRST DESTINATION TRANSPORTATION (AMMO)	-	10,700							-	10,700
37	CLOSEOUT LIABILITIES	-	80							-	80
	<b>TOTAL AMMUNITION</b>		<b>1,408,981</b>		<b>111,100</b>		<b>111,100</b>		<b>111,100</b>		<b>1,520,081</b>

**AMMUNITION PRODUCTION BASE SUPPORT**

Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
<b>PRODUCTION BASE SUPPORT</b>											
38	PROVISION OF INDUSTRIAL FACILITIES	-	40,746		59,400						100,146
	Lake City AAP Modernization						22,400				
	Radford AAP Modernization						16,000				
	Lone Star AAP LAP upgrades						6,000				
	Kansas AAP LAP upgrades						15,000				
39	LAYAWAY OF INDUSTRIAL FACILITIES	-	2,315								2,315
40	MAINTENANCE OF INACTIVE FACILITIES	-	4,745								4,745
41	CONVENTIONAL MUNITIONS DEMILITARIZATION	-	95,372		2,000						97,372
	Remote Weapon Decasing and Explosive Removal Kits						1,500				
	Rotary Furnace RF9 Upgrades						500				
42	ARMS INITIATIVE	-	4,743								4,743
	<b>TOTAL AMMUNITION PRODUCTION BASE SUPPORT</b>		<b>147,921</b>		<b>61,400</b>		<b>61,400</b>				<b>209,321</b>
<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b>			<b>1,556,502</b>		<b>172,500</b>		<b>172,500</b>				<b>1,729,402</b>

## Items of Special Interest

*Ammunition production base upgrades*

The budget request contained \$147.9 million for ammunition production base support, of which \$40.7 million is for the provision of industrial facilities. However, no funds were requested for flexible load, assemble, and pack (LAP) upgrades for modern munitions or small and medium caliber production line upgrades.

The committee believes that the Department of Defense has not adequately funded or addressed the requirements for production line upgrades to the Nation's ammunition production industrial base. Further, the committee understands these upgrades are required, to not only update World War II-era production lines, but are also necessary to fulfill the increased production requirements of the growing shortfalls in war reserve and training ammunition, which have occurred from increased ammunition use in the global war on terrorism, Operation Enduring Freedom and Operation Iraqi Freedom. These increased requirements span from small to large caliber conventional ammunition, as well as conventional bombs and other explosive materials. The increased ammunition use rate, combined with the atrophy and underfunded ammunition production industrial has resulted in a limited production capacity in the United States, as well as an increased reliance on foreign sources for ammunition for U.S. soldiers, sailors, airmen, and marines. The committee is concerned and disturbed about these trends.

Accordingly, the committee recommends an increase of \$59.4 million for army ammunition plant (AAP) modernization and transformation to support the munitions industrial base. The increases include:

	<i>In millions</i>
(1) Lake City AAP modernization and transformation .....	\$22.4
(2) Radford AAP modernization and transformation .....	16.0
(3) Lone Star AAP LAP technology upgrades .....	6.0
(4) Kansas AAP LAP modern munitions enterprise .....	15.0

The committee recognizes additional resources will be required to complete these production line upgrades and strongly urges the Secretary of Defense to provide the resources necessary in future fiscal year budget requests to complete these upgrades in order to ensure that the U.S. ammunition production base can and will support the transformational and future operational munitions requirements of the 21st century.

*Conventional munitions demilitarization*

The budget request contained \$95.4 million for conventional munitions demilitarization.

The committee understands the remote weapon decasing and explosive removal kits project is an ongoing project in its second year and comprises two separate systems that are used for conventional munitions demilitarization. The committee understands rotary furnace RF9 upgrades are required for a furnace pollution abatement system and the committee notes the rotary furnace is used to thermally treat fuzes, primers, igniters, and munitions up to 20mm.

The committee recommends \$97.4 million for conventional munitions demilitarization, an increase of \$1.5 million for remote weapon decasing and explosive removal kits and an increase of \$500,000 for rotary furnace RF9 upgrades.

#### OTHER PROCUREMENT, ARMY

##### Overview

The budget request for fiscal year 2005 contained \$4,240.9 million for Other Procurement, Army. The committee recommends authorization of \$4,313.6 million, an increase of \$72.7 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Other Procurement, Army program are identified in the table below. Major changes to the Army request are discussed following the table.

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
<b>OTHER PROCUREMENT, ARMY</b>											
<b>TACTICAL AND SUPPORT VEHICLES</b>											
<b>TACTICAL VEHICLES</b>											
1	TACTICAL TRAILERS/DOLLY SETS	-	11,940	-	-	-	-	-	-	-	11,940
2	SEMITRAILERS, FLATBED:	-	9,242	-	-	-	-	-	-	-	9,242
3	SEMITRAILERS, TANKERS	-	667	-	-	-	-	-	-	-	667
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)	-	303,692	-	-	-	-	-	-	-	303,692
5	TRUCK, DUMP, 20T (CCE)	-	-	-	-	-	-	-	-	-	-
6	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	-	505,664	-	-	-	-	-	-	-	505,664
7	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	-	2,198	-	-	-	-	-	-	-	2,198
8	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	-	84,038	-	15,000	-	-	-	-	-	99,038
	Movement Tracking System				15,000						
9	ARMORED SECURITY VEHICLES (ASV)	-	-	-	-	-	-	-	-	-	-
10	TRUCK, TRACTOR, LINE HAUL, M915/M916	-	15,314	-	-	-	-	-	-	-	15,314
11	TOWING DEVICE, 5TH WHEEL	-	-	-	-	-	-	-	-	-	-
12	TRUCK, TRACTOR, YARD TYPE, M878 (C/S)	-	-	-	-	-	-	-	-	-	-
13	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SE	-	19,204	-	-	-	-	-	-	-	19,204
14	MODIFICATION OF IN SVC EQUIP	-	25,848	-	-	-	-	-	-	-	25,848
15	ITEMS LESS THAN \$5.0M (TAC VEH)	-	247	-	-	-	-	-	-	-	247
16	TOWING DEVICE-FIFTH WHEEL	-	1,907	-	-	-	-	-	-	-	1,907
<b>NON-TACTICAL VEHICLES</b>											
17	HEAVY ARMORED SEDAN	-	196	-	-	-	-	-	-	-	196
18	PASSENGER CARRYING VEHICLES	-	197	-	-	-	-	-	-	-	197
19	NON-TACTICAL VEHICLES, OTHER	-	196	-	-	-	-	-	-	-	196
<b>TOTAL TACTICAL AND SUPPORT VEHICLES</b>			<b>980,550</b>		<b>15,000</b>		<b>15,000</b>		<b>-</b>		<b>995,550</b>
<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>											
<b>COMM - JOINT COMMUNICATIONS</b>											
20	COMBAT IDENTIFICATION PROGRAM	-	-	-	-	-	-	-	-	-	-
21	JCSE EQUIPMENT	-	4,550	-	-	-	-	-	-	-	4,550



Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
46	INFORMATION SYSTEM SECURITY PROGRAM-ISSF	-	114,124	-	-	-	-	-	-	-	114,124
	COMM - LONG HAUL COMMUNICATIONS	-	-	-	-	-	-	-	-	-	-
47	TERRESTRIAL TRANSMISSION	-	23,421	-	-	-	-	-	-	-	23,421
48	BASE SUPPORT COMMUNICATIONS	-	40,564	-	-	-	-	-	-	-	40,564
49	ARMY DISN ROUTER	-	6,133	-	-	-	-	-	-	-	6,133
50	ELECTROMAG COMP PROG (EMCP)	-	469	-	-	-	-	-	-	-	469
51	WW TECH CON IMP PROG (WWTCIP)	-	2,698	-	-	-	-	-	-	-	2,698
	COMM - BASE COMMUNICATIONS	-	-	-	-	-	-	-	-	-	-
52	INFORMATION SYSTEMS	-	268,940	-	-	-	-	-	-	-	268,940
53	DEFENSE MESSAGE SYSTEM (DMS)	-	12,296	-	-	-	-	-	-	-	12,296
54	LOCAL AREA NETWORK (LAN)	-	84,820	-	-	-	-	-	-	-	84,820
55	PENTAGON INFORMATION MGT AND TELECOM	-	14,671	-	-	-	-	-	-	-	14,671
	ELECT EQUIP - NAT FOR INT PROG (NFIP)	-	-	-	-	-	-	-	-	-	-
56	FOREIGN COUNTERINTELLIGENCE PROG (FCI)	-	-	-	-	-	-	-	-	-	-
57	GENERAL DEFENSE INTELL PROG (GDIP)	-	-	-	-	-	-	-	-	-	-
	ELECT EQUIP - TACT INT REL ACT (TIARA)	-	-	-	-	-	-	-	-	-	-
58	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	-	15,979	-	-	-	-	-	-	-	15,979
59	JTT/CIBS-M (TIARA)	-	13,993	-	-	-	-	-	-	-	13,993
60	PROPHET GROUND (TIARA)	-	17,692	-	-	-	-	-	-	-	17,692
61	TUAV	8	100,456	-	16,000	-	16,000	-	-	8	116,456
	Shadow UAV Enhancements	-	-	-	-	-	16,000	-	-	-	-
62	ARMY COMMON GROUND STATION (CGS) (TIARA)	-	-	-	-	-	-	-	-	-	9,138
63	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	-	9,138	-	-	-	-	-	-	-	-
64	DRUG INTERDICTION PROGRAM (DIP) (TIARA)	-	-	-	-	-	-	-	-	-	-
65	TACTICAL EXPLOITATION SYSTEM (TIARA)	-	14,094	-	-	-	-	-	-	-	14,094
66	DCGS-A UNIT OF EMPLOYMENT (JMIP)	-	9,575	-	(1,400)	-	(1,400)	-	-	-	8,175
67	TROJAN (TIARA)	-	5,840	-	-	-	-	-	-	-	5,840
68	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)	-	2,594	-	-	-	-	-	-	-	2,594
69	CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS)	-	2,924	-	6,000	-	6,000	-	-	-	8,924
	Digital Soldier Concept	-	-	-	-	-	6,000	-	-	-	-

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
70	ITEMS LESS THAN \$5.0M (TIARA)	-	4,287	-	-	-	-	-	-	-	4,287
	ELECT EQUIP - ELECTRONIC WARFARE (EW)										
71	SHORTSTOP	-	-	18,600	18,600	-	-	-	-	-	18,600
72	COUNTERINTELLIGENCE/SECURITY COUNTERME/	-	-	-	-	-	-	-	-	-	-
	ELECT EQUIP - TACTICAL SURV. (TAC SURV)										
73	FAAD GBS	-	-	-	-	-	-	-	-	-	-
74	SENTINEL MODS	-	7,487	-	-	-	-	-	-	-	7,487
75	NIGHT VISION DEVICES	-	102,325	-	-	-	-	-	-	-	102,325
76	LONG RANGE ADVANCED SCOUT SURVEILLANCE	-	49,176	-	-	-	-	-	-	-	49,176
77	LWVT VIDEO RECON SYSTEM (LWVRS)	-	-	-	-	-	-	-	-	-	-
78	NIGHT VISION, THERMAL WPN SIGHT	-	54,809	-	-	-	-	-	-	-	54,809
79	ARTILLERY ACCURACY EQUIP	-	-	-	-	-	-	-	-	-	-
80	MOD OF IN-SVC EQUIP (MMS)	-	461	-	-	-	-	-	-	-	461
81	MOD OF IN-SVC EQUIP (MVS)	-	280	-	-	-	-	-	-	-	280
82	PORTABLE INDUCTIVE ARTILLERY FUZE SETTER	-	1,985	-	-	-	-	-	-	-	1,985
83	PROFILER	-	4,963	-	-	-	-	-	-	-	4,963
84	MOD OF IN-SVC EQUIP (TAC SURV)	-	17,444	4,000	4,000	-	-	-	-	-	21,444
	AN/TPQ 36 Upgrade										
85	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCI	-	120,073	-	-	-	-	-	-	-	120,073
86	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	-	12,339	-	-	-	-	-	-	-	12,339
87	MORTAR FIRE CONTROL SYSTEM	-	14,633	-	-	-	-	-	-	-	14,633
88	INTEGRATED MET SYS SENSORS (IMETS) - TIARA	-	346	-	-	-	-	-	-	-	346
89	ENHANCED SENSOR & MONITORING SYSTEM	-	1,456	(1,456)	(1,456)	-	-	-	(1,456)	-	-
	ELECT EQUIP - TACTICAL C2 SYSTEMS										
90	TACTICAL OPERATIONS CENTERS	-	50,692	-	-	-	-	-	-	-	50,692
91	ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/E	-	26,922	-	-	-	-	-	-	-	26,922
92	MOD OF IN-SVC EQUIP, AFATDS	-	3,990	-	-	-	-	-	-	-	3,990
93	LIGHT WEIGHT TECH FIRE DIRECTION SYS	-	2,018	-	-	-	-	-	-	-	2,018
94	BATTLE COMMAND SUSTAINMENT SUPPORT SYS	-	11,909	-	-	-	-	-	-	-	11,909
95	FAAD C2	-	12,873	-	-	-	-	-	-	-	12,873









**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>TOTAL SPARE AND REPAIR PARTS</b>		45,362		-		-		-		45,362
999	CLASSIFIED PROGRAMS		9,354								9,354
	<b>TOTAL OTHER PROCUREMENT, ARMY</b>		4,240,896		72,744		75,600		(2,856)		4,313,640
	<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION, ARMY</b>										
1	OPERATIONS AND MAINTANCE	-	1,138,801		(1,138,801)				(1,138,801)		-
	Transfer to Other DoD Programs										
2	RDT&E	-	154,209		(154,209)				(154,209)		-
	Transfer to Other DoD Programs										
3	PROCUREMENT	-	78,980		(78,980)				(78,980)		-
	Transfer to Other DoD Programs										
	<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>		1,371,990		(1,371,990)		-		(1,371,990)		-

## Items of Special Interest

*Common system open architecture*

The budget request contained \$0.8 million to procure joint tactical area command systems (JTAC), but contained no funds for the integration of open architecture commercial off the shelf (COTS) technology to sustain currently fielded communications within JTACs.

The committee recognizes there is a need to upgrade the tactical communication, navigation, and personnel location equipment for the Department of Defense and the Army. The committee understands this program will directly impact affordability and sustainability of currently fielded JTAC systems by integrating current commercial products and technology in an open architecture environment.

The committee recommends \$8.8 million for JTACs, an increase of \$8.0 million to integrate open architecture COTS technology.

*Digital soldier*

The budget request contained \$2.9 million for human intelligence information management, but contained no funds for the digital soldier concept.

The digital soldier project is a handheld extension for the Army's Information Dominance Center (IDC) at Fort Belvoir, Virginia and the Distributed Common Ground System (DCGS) for soldiers in the field. This highly ruggedized device supports remoted soldiers and teams in harsh combat environments. The concept leverages wireless and encrypted internet protocol (IP), voice over IP, text messaging, multi-data receive or transmit, GPS location, tracking, or fiber optic gyro for emission control conditions. The device provides eyewitness, actionable intelligence and situational reporting via networked inputs to and from IDC and DCGS with the ability to interface with other tactical radios to get information to those who critically need it.

The committee notes that this project is part of the Army senior intelligence officer's "every soldier a sensor" model for the intelligence transformation focus area of Army transformation.

Therefore the committee recommends \$8.9 million, an increase of \$6.0 million for the digital soldier concept.

*Distributed common ground system*

The budget request contained a total of \$734.5 million for the Department of Defense's (DOD) Distributed Common Ground System (DCGS) program. DCGS is a multi-service and agency program to enable existing intelligence processing, exploitation and dissemination systems to operate seamlessly across national and DOD architectures and standards.

The committee supports the recent decision of the military service acquisition executives to integrate the DCGS backbone, version 10.2, into each service DCGS architecture. The committee commends the services in coming together to work the challenges of intelligence sharing and views this as an important step towards the goal of seamless information sharing.

However, the committee is concerned that the present DCGS architecture within each of the military services is unique and may

not be able to properly network and provide critical, timely information to the tactical users in the battlespace. The committee believes the services must have an overarching architecture that is well-defined so DCGS may operate across multiple domains to include ships at sea, Army and Marine Corps battalions on the move, and fixed sites for the Air Force.

The committee also believes that the multiple systems that run the DCGS were devised by organizational tradition and not to modern standards. The committee is further concerned that while the services perform analogous operations on each DCGS system, they have not devised a coordinated strategy to merge requirements, functionalities, and applications to support a joint environment for users. The committee recommends that the Department coordinate service-centric requirements; use the best commercial practices to implement a systems architecture, maintain cost controls, leverage purchasing power, and streamline development for the program.

In addition, the committee notes that the Defense intelligence community (IC) has an interest in the DOD's Global Information Grid. Since DCGS is required to operate in both the IC and DOD domains, the committee believes there must be a common approach for managing intelligence data over both enterprise networks. Therefore, the committee encourages the IC and the Department to work together to create and implement a systems architecture that will allow users from both communities to access information in a timely and accurate manner.

Further, the committee is concerned that the DCGS is unable to receive data from either the E-8C Joint Surveillance Targeting and Radar System (J-STARS) or the RC-135 RIVET JOINT signals intelligence system and is unable to directly task the RQ-4 Global Hawk high-altitude endurance unmanned aerial vehicle for imagery. The committee is concerned that the DCGS will not be able to achieve its goals without this ability.

Accordingly, the committee directs the Under Secretary of Defense for Intelligence to provide a report to the congressional defense committees and intelligence committees detailing the Department's DCGS integration plan to include tasking and imagery downlinks for the E-8C J-STARS, RC-135 RIVET JOINT, and RQ-4 Global Hawk systems by March 1, 2005. Furthermore, the committee directs the Assistant Secretary of Defense for Networking Information and Integration to report to the congressional defense committees and intelligence committees by March 1, 2005, on the two communities' plans for future operation of a network-centric, DCGS across both the IC domain and the larger DOD information technology domain.

The committee recommends the following for the DCGS military service programs: \$8.2 million for the Army, a decrease of \$1.4 million; \$45.2 million for the Navy, a decrease of \$8.0 million; and \$291.7 million for the Air Force, a decrease of \$28.5 million.

#### *Logistics support vessel*

The budget request contained no funding for the logistics support vessel (LSV).

The committee is aware that the LSV fleet is currently used in Iraq. It also notes that the Army has major concerns with the LSVs

sea-keeping qualities. An improved bow has been developed to correct this problem.

The committee recommends \$3.5 million for LSV service life extension for LSVs 1–6.

*Physical security systems*

The budget request included \$68.0 million for physical security systems. The budget request included no funding for equipping new required truck and delivery inspection stations.

The committee recommends \$71.0 million, an increase of \$3.0 million for gamma ray inspection machines and associated items for equipping truck and inspection stations authorized in title XXI of this report.

*Movement tracking system*

The budget request contained \$84.0 million to procure palletized load systems including trucks and trailers, heavy equipment transporter systems, heavy expanded mobility tactical trucks and other related equipment of which \$19.0 million was included to procure 1,067 movement tracking systems (MTS).

The MTS is a satellite-based communications system providing combat support and combat service support units with secure real-time global positioning system vehicle location and tracking and two-way text messaging between stationary base locations and vehicles.

The committee understands the MTS significantly enhances the Army's ability in current operations to strategically position tactical vehicles based on battlefield requirements, monitor and track re-supply items, and provides the ground commander with total asset visibility. The committee recognizes given the current asymmetric threat matrix there is no forward or rear front to direct combat situations and the need for an affordable, interoperable logistics tracking and communications system is essential for accurate situational awareness. The committee also notes the Chief of the Army Reserve and the Chief of the National Guard have identified fiscal year 2005 high priority unfunded requirements for MTS.

The committee recommends an increase of \$15.0 million for the family of heavy tactical vehicles to accelerate the procurement of MTS.

*Shortstop electronic protection system*

The budget request contained no funds for the procurement of the Shortstop Electronic Protection System (SEPS).

SEPS is a countermeasure for proximity fuzed indirect fire munitions and other electronic attack measures. SEPS were modified in response to the emerging Improvised Explosive Device (IED) threats in Operation Enduring Freedom and Operation Iraqi Freedom (OIF).

The committee understands the IED threat continues to pose the greatest risk to deployed military personnel serving in OIF and recognizes the need to continue to address this threat in an aggressive manner. The committee feels SEPS is critical to providing better force protection against the IED threat in OIF.

Therefore, the committee recommends \$18.6 million to procure additional SEPS.

*Small Tugs*

The budget request contained no funds for theater support vessels.

The committee understands that additional funds are required to complete the small tug under construction and for life extension upgrades to the existing Army tug fleet.

The committee recommends \$1.0 million to complete the tug under construction and for tug fleet life extension upgrades.

*Tactical unmanned aerial vehicle*

The budget request contained \$100.5 million for the tactical unmanned aerial vehicle (TUAV), but included no funding for the tactical common data link (TCDL).

The committee is aware that three major improvements were identified during operational testing that should be incorporated into the Shadow 200 tactical unmanned aerial vehicle. These improvements are a larger wing to increase payload and endurance, electronics system changes to reduce target location error, and use of the TCDL.

The committee supports rapid fielding of mature improved technology to our forces and recommends \$116.5 million for TUAV, an increase of \$16.0 million for Shadow 200 improvements.

## AIRCRAFT PROCUREMENT, NAVY

## Overview

The budget request for fiscal year 2005 contained \$8,767.9 million for Aircraft Procurement, Navy. The committee recommends authorization of \$8,912.7 million, an increase of \$144.8 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Aircraft Procurement, Navy program are identified in the table below. Major changes to the Navy request are discussed following the table.



Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
<b>TRAINER AIRCRAFT</b>											
<b>TRAINER AIRCRAFT</b>											
17	T-48 (T-39 REPLACEMENT)	1	52,435	(1)	(52,435)				(52,435)	-	-
	T-48 Transfer										
18	T-45TS (TRAINER) GOSHAWK	8	253,589	2	52,435					10	306,024
	T-48 Transfer										
19	JPATS	-	2,534	6	35,000	2	52,435			6	37,534
	<b>TOTAL TRAINER AIRCRAFT</b>		<b>308,558</b>		<b>35,000</b>		<b>87,435</b>		<b>(52,435)</b>		<b>343,558</b>
<b>OTHER AIRCRAFT</b>											
<b>OTHER AIRCRAFT</b>											
20	KC-130J	4	320,389							4	320,389
20	LESS: ADVANCE PROCUREMENT (PY)	-	(41,703)							-	(41,703)
21	ADVANCED PROCUREMENT (CY)	-	45,531							-	45,531
22	F-5	9	4,487							9	4,487
	<b>TOTAL OTHER AIRCRAFT</b>		<b>328,704</b>								<b>328,704</b>
<b>MODIFICATION OF AIRCRAFT</b>											
<b>MODIFICATION OF AIRCRAFT</b>											
23	EA-6 SERIES	-	165,702							-	165,702
24	AV-8 SERIES	-	20,808							-	20,808
25	F-14 SERIES	-	-							-	-
26	ADVERSARY	-	5,465							-	5,465
27	F-18 SERIES	-	412,495							-	412,495
28	H-46 SERIES	-	71,179							-	71,179
29	AH-1W SERIES	-	2,153							-	2,153
30	H-53 SERIES	-	9,835							-	9,835
31	SH-60 SERIES	-	11,655							-	11,655
32	H-1 SERIES	-	3,488		14,000					-	17,488

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	Night Thermal Imaging System				14,000						
33	EP-3 SERIES	-	28,339							-	28,339
34	P-3 SERIES	-	134,970	4,000						-	138,970
	Communications Upgrade Risk Reduction				4,000						
35	S-3 SERIES	-	1,861							-	1,861
36	E-2 SERIES	-	15,124	7,600						-	22,724
	AN/USC-42 MIN-DAMA				7,600						
37	TRAINER A/C SERIES	-	14,040							-	14,040
38	C-2A	-	29,564							-	29,564
39	C-130 SERIES	-	15,419							-	15,419
40	FEWSG	-	579							-	579
41	CARGO/TRANSPORT A/C SERIES	-	8,285							-	8,285
42	E-6 SERIES	-	19,721							-	19,721
43	EXECUTIVE HELICOPTERS SERIES	-	21,800							-	21,800
44	SPECIAL PROJECT AIRCRAFT	-	12,415							-	12,415
45	T-45 SERIES	-	44,190							-	44,190
46	POWER PLANT CHANGES	-	24,409							-	24,409
47	JPATS SERIES	-	648							-	648
48	AVIATION LIFE SUPPORT MODS	-	7,364							-	7,364
49	COMMON ECM EQUIPMENT	-	43,163							-	43,163
50	COMMON AVIONICS CHANGES	-	167,504							-	167,504
51	ID SYSTEMS	-	1,575							-	1,575
52	V-22 (TILT/ROTOR ACFT) OSPREY	-	3,448							-	3,448
	<b>TOTAL MODIFICATION OF AIRCRAFT</b>		<b>1,297,198</b>	<b>25,600</b>	<b>25,600</b>	<b>25,600</b>	<b>25,600</b>	<b>25,600</b>	<b>25,600</b>		<b>1,322,798</b>
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
53	SPARE Engine Procurement Transfer From Title III WCF	-	925,803	59,000						-	984,803
	<b>TOTAL AIRCRAFT SPARES AND REPAIR PARTS</b>		<b>925,803</b>	<b>59,000</b>	<b>59,000</b>	<b>59,000</b>	<b>59,000</b>	<b>59,000</b>	<b>59,000</b>		<b>984,803</b>

Line	PROGRAM TITLE	Title I - PROCUREMENT (Dollars in Thousands)											
		FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization		Committee COST	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>AIRCRAFT SUPPORT EQUIPMENT &amp; FACILITIES</b>												
	<b>AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>												
54	COMMON GROUND EQUIPMENT	-	474,521										474,521
55	AIRCRAFT INDUSTRIAL FACILITIES Metrology and Calibration Program	-	16,115		1,200			1,200					17,315
56	WAR CONSUMABLES	-	9,070										9,070
57	OTHER PRODUCTION CHARGES	-	9,883										9,883
58	SPECIAL SUPPORT EQUIPMENT	-	61,553										61,553
59	FIRST DESTINATION TRANSPORTATION	-	1,591										1,591
60	JUDGEMENT FUND	-	-										-
61	CANCELLED ACCOUNT ADJUSTMENTS	-	-										-
	<b>TOTAL AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>		<b>572,733</b>		<b>1,200</b>		<b>1,200</b>		<b>-</b>		<b>573,933</b>		
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b>		<b>8,767,867</b>		<b>144,800</b>		<b>197,235</b>		<b>(52,435)</b>		<b>8,912,667</b>		

## Items of Special Interest

*AN/USC-42 miniaturized-demand assigned multiple access terminals*

The budget request contained \$15.1 million for E-2 series modifications, but contained no funds for upgrading the AN/USC-42 miniaturized-demand assigned multiple access (Mini-DAMA) terminals with improved communications security (COMSEC) and a graphical user interface (GUI).

The committee notes that the AN/USC-42 provides significant communications improvement at less than one-tenth the size or weight of legacy communications equipment, and understands that the AN/USC-42 can be upgraded to accommodate improved COMSEC to alleviate demand on existing COMSEC systems. Additionally, the committee understands that an automated GUI upgrade would allow E-2C crews to program satellite communications channels more rapidly, and believes that both the COMSEC and GUI upgrade are necessary for future E-2C communications suites.

Therefore, the committee recommends \$22.7 million for E-2 series modifications, an increase of \$7.6 million for the procurement, installation, and testing of the COMSEC and GUI upgrades for the E-2C's AN/USC-42 mini-DAMA systems. The committee also expects that this increase would provide for the integration of this equipment into training facilities.

*F/A-18E/F shared reconnaissance pod*

The budget request contained \$2,907.5 million for procurement of 42 F/A-18E and F/A-18F aircraft, but included no funds to procure shared reconnaissance pods (SHARPs) or their associated logistics support elements.

The SHARP is a digital reconnaissance pod capable of operating day or night, over a wide area, with the ability to use real-time data links to either land or sea-based distributed common ground systems for information exploitation. The SHARP is carried on the F/A-18F and replaces the tactical air reconnaissance pod system carried on the F-14 which is scheduled to retire in fiscal year 2006. The committee understands that current funding will only provide 21 pods, leaving the Department of the Navy short of its requirement for 30 SHARPs, and notes that the Chief of Naval Operations has included the procurement of additional SHARPs among his unfunded priorities for fiscal year 2005.

Consequently, the committee recommends \$2,931.5 million for the F/A-18E/F, an increase of \$24.0 million for three SHARPs and their associated support elements.

*H-1 series modifications*

The budget request contained \$3.5 million for H-1 series modifications, all of which were five AN/AAQ-22 night thermal imaging system (NTIS) product improvement program (PIP) upgrades.

The AN/AAQ-22 NTIS provides the Marine Corps' UH-1N helicopter fleet with a capability to operate in both day and night conditions, as well as in a smoke, dust or haze environment. The PIP upgrade improves the AN/AAQ-22 NTIS by increasing resolution by greater than 20 percent, improving system stability and control, upgrading target detection and obstacle avoidance capability, and

adding a laser designator to guide precision munitions. The committee understands that the UH-1Ns equipped with the AN/AAQ-22 NTIS PIP upgrade have performed superbly in Operation Enduring Freedom and Operation Iraqi Freedom in their mission to identify targets of opportunity and to provide rapid alerting of threats to Allied forces. Additionally, the committee notes that both the Chief of Naval Operations and the Commandant of the Marine Corps have included the AN/AAQ-22 NTIS PIP upgrade among their unfunded priorities for fiscal year 2005.

Accordingly, the committee recommends \$17.5 million for H-1 series modifications, an increase of \$14.0 million for 17 additional AN/AAQ-22 NTIS PIP upgrades.

#### *Joint primary air training system*

The budget request contained \$2.5 million for procurement of Joint Primary Air Training System (JPATS) support equipment, but included no funds to procure T-6A aircraft or associated ground-based training systems.

The JPATS, consisting of both the T-6A aircraft and a ground-based training system, will be used by the Navy and Air Force for primary pilot training. The T-6A will replace both the Navy's T-34 and Air Force's T-37B fleets, providing safer, more economical and more effective training for student pilots.

The committee notes that the Department of the Navy does not plan to continue JPATS procurement until fiscal year 2007, and continues to believe that its procurement for the Navy would not only reduce procurement costs for both the Navy and the Air Force, but would also reduce operations and maintenance costs.

Consequently, the committee recommends \$37.5 million for JPATS, an increase of \$35.0 million for six T-6A aircraft and associated ground-based training systems.

#### *Metrology and calibration program*

The budget request contained \$16.1 million for aircraft industrial facilities, of which \$7.7 million was included for the Navy metrology and calibration (METCAL) program.

The METCAL program provides the Navy with products and services to maintain accurate test equipment used for maintenance of weapons, aircraft, ships, submarines, and Marine Corps ground systems. The committee notes that without calibration equipment, test equipment drifts to inaccurate performance levels. This could induce errors in weapons systems or result in serviceable components being removed for unnecessary maintenance or unserviceable components remaining in a weapons or support system. The committee also notes that during the past 10 years, funding for the Navy's calibration test equipment has been substantially reduced, resulting in a corresponding decrease in the availability of calibrated test equipment.

Therefore, the committee recommends \$17.3 million for aircraft industrial facilities, an increase of \$1.2 million for the METCAL program.

#### *P-3 series modifications*

The budget request contained \$135.0 million for P-3 series modifications, but included no funds for procurement of satellite commu-

nications (SATCOM) or a common information processing system (CIPS) upgrades for aircraft that are not equipped with the anti-surface warfare improvement program (AIP).

The AIP upgrade improves the P-3's communications, survivability, and over-the-horizon targeting capabilities through the installation of commercial-off-the-shelf components. The committee understands that AIP-equipped P-3s are the theater commander's platform of choice for overland intelligence, surveillance and reconnaissance (ISR) missions, and that, as a result of extensive tasking, AIP-equipped P-3s are rapidly aging. The committee notes however, that of the Navy's 288-aircraft P-3 inventory, only 71 aircraft have been, or are planned to be, modified with the AIP upgrade. The committee understands that some of the remaining 217 non-AIP equipped aircraft could be upgraded with SATCOM and CIPS allowing those P-3 aircraft to assume lower priority ISR missions thereby conserving aircraft life on AIP equipped P-3 aircraft.

Consequently, the committee recommends \$139.0 million, an increase of \$4.0 million for procurement of SATCOM and CIPS upgrades for non-AIP equipped P-3 aircraft and expects that this amount will provide for procurement of two prototype systems including fleet evaluation.

#### *T-45TS and T-48*

The budget request contained \$52.4 million for one T-48 aircraft and \$253.6 million for eight T-45C aircraft and its associated training system. The T-48 would be a multi-seat replacement for the T-39 aircraft used for undergraduate military flight officer training. The T-45TS is an integrated training system that combines the T-45 aircraft, simulators, and computer-based training for the Navy's intermediate-level undergraduate pilot training.

Subsequent to submission of the budget request, the Assistant Secretary of the Navy for Research, Development and Acquisition informed the committee that procurement of the T-48 is no longer required since the Department of the Navy now plans to conduct its undergraduate military flight officer training by using the T-45C, synthetic radar displays, and high-fidelity ground-based training systems.

Accordingly, the committee recommends no funds for the T-48, a decrease of \$52.4 million. The committee also recommends \$306.0 million for the T-45TS, a corresponding increase of \$52.4 million and expects that this increase will procure at least two additional T-45C aircraft.

## WEAPONS PROCUREMENT, NAVY

### Overview

The budget request for fiscal year 2005 contained \$2,101.5 million for Weapons Procurement, Navy. The committee recommends authorization of \$2,253.5 million, an increase of \$151.9 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Weapons Procurement, Navy program are identified in the table below. Major changes to the Navy request are discussed following the table.

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>WEAPONS PROCUREMENT, NAVY</b>										
	<b>BALLISTIC MISSILES</b>										
1	TRIDENT II	5	113,761							5	113,761
1	LESS: ADVANCE PROCUREMENT (PY)		(40,694)								(40,694)
2	MODIFICATION OF MISSILES										
2	TRIDENT II MODS		695,555								695,555
3	SUPPORT EQUIPMENT AND FACILITIES										
3	MISSILE INDUSTRIAL FACILITIES		1,334								1,334
	<b>TOTAL BALLISTIC MISSILES</b>		<b>769,956</b>								<b>769,956</b>
	<b>OTHER MISSILES</b>										
	<b>STRATEGIC MISSILES</b>										
4	TOMAHAWK	293	256,196	57	48,700		48,700			350	305,896
5	AFFORDABLE WEAPON										
5	ESSM	71	80,313	24	22,000	24	22,000			95	102,313
	<b>TACTICAL MISSILES</b>										
6	AMRAAM	46	33,914							46	33,914
7	SIDEWINDER	157	35,177							157	35,177
8	JSOW	389	139,407		13,000		13,000			389	152,407
9	SLAM-ER										
10	STANDARD MISSILE	75	150,098							75	150,098
10a	HELLFIRE										
11	RAM	90	47,412	500	42,000		42,000			500	42,000
12	AERIAL TARGETS		72,686							90	47,412
13	DRONES AND DECOYS										72,686
14	OTHER MISSILE SUPPORT										
14	MODIFICATION OF MISSILES		10,385								10,385
15	SIDEWINDER MODS										
16	HARM MODS										

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
17	STANDARD MISSILES MODS	-	51,790	-	-	-	-	-	-	-	51,790
	SUPPORT EQUIPMENT AND FACILITIES	-	-	-	-	-	-	-	-	-	-
18	WEAPONS INDUSTRIAL FACILITIES	-	4,037	-	-	-	-	-	-	-	4,037
	ORDNANCE SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
19	ORDNANCE SUPPORT EQUIPMENT	-	56,073	-	-	-	-	-	-	-	56,073
	<b>TOTAL OTHER MISSILES</b>		<b>937,488</b>		<b>126,700</b>		<b>126,700</b>		<b>-</b>		<b>1,064,188</b>
	<b>TORPEDOES AND RELATED EQUIPMENT</b>										
	<b>TORPEDOES AND RELATED EQUIP.</b>										
20	ASW TARGETS	-	23,973	-	-	-	-	-	-	-	23,973
	MOD OF TORPEDOES AND RELATED EQUIP	-	-	-	-	-	-	-	-	-	-
21	MK-46 TORPEDO MODS	-	61,413	-	-	-	-	-	-	-	61,413
22	MK-48 TORPEDO ADCAP MODS	-	61,185	-	-	-	-	-	-	-	61,185
23	QUICKSTRIKE MINE	-	2,981	-	-	-	-	-	-	-	2,981
	SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
24	TORPEDO SUPPORT EQUIPMENT	-	23,401	-	-	-	-	-	-	-	23,401
25	ASW RANGE SUPPORT	-	12,935	-	-	-	-	-	-	-	12,935
	DESTINATION TRANSPORTATION	-	-	-	-	-	-	-	-	-	-
26	FIRST DESTINATION TRANSPORTATION	-	3,123	-	-	-	-	-	-	-	3,123
	<b>TOTAL TORPEDOES AND RELATED EQUIPMENT</b>		<b>189,011</b>		<b>-</b>		<b>-</b>		<b>-</b>		<b>189,011</b>
	<b>OTHER WEAPONS</b>										
	<b>GUNS AND GUN MOUNTS</b>										
27	SMALL ARMS AND WEAPONS	-	2,195	-	-	-	-	-	-	-	2,195
28	COAST GUARD WEAPONS	-	5,349	-	-	-	-	-	-	-	5,349
29	AIRBORNE MINE NEUTRALIZATION SYSTEMS	-	-	-	-	-	-	-	-	-	-
	MODIFICATION OF GUNS AND GUN MOUNTS	-	-	-	-	-	-	-	-	-	-
30	CIWS MODS	-	86,128	-	-	34,000	34,000	-	-	-	120,128
31	5/54 GUN MOUNT MODS	-	-	-	-	-	-	-	-	-	-
32	GUN MOUNT MODS	-	25,858	-	-	-	-	-	-	-	25,858

Title 1 - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	OTHER										
33	PIONEER	-	8,775		(8,775)				(8,775)	-	-
34	CRUISER MODERNIZATION WEAPONS	-	8,760							-	8,760
35	CANCELLED ACCOUNT ADJUSTMENTS	-	-							-	-
	TOTAL OTHER WEAPONS		137,965		25,225		34,000		(8,775)		162,290
	SPARES AND REPAIR PARTS										
36	SPARES AND REPAIR PARTS	-	68,009							-	68,009
	TOTAL SPARES AND REPAIR PARTS		68,009		-		-		-		68,009
	TOTAL WEAPONS PROCUREMENT, NAVY		2,101,529		151,925		160,700		(8,775)		2,253,454

## Items of Special Interest

*Close-in weapon system block 1B*

The budget request contained \$86.1 million for 19 close-in weapon system (CIWS) modifications to upgrade the CIWS to the block 1B configuration.

The CIWS is a weapon system with a high rate of fire that automatically acquires, tracks and destroys anti-ship missiles that have penetrated all other surface ship defenses. The CIWS block 1B configuration is a CIWS upgrade that incorporates a thermal imager and automatic acquisition video tracker to provide additional capability to engage small, high-speed maneuvering craft, and low, slow aircraft and helicopters. The committee understands that the CIWS, upgraded to the block 1B configuration, is the most effective surface-ship weapon system used to combat terrorist surface vessels and air threats. The committee further understands that 22 CIWSs are scheduled for overhaul in fiscal year 2005 without an upgrade to the CIWS block 1B configuration.

Since the committee believes that completing the block 1B upgrade as part of an overhaul is the most cost-effective method to maximize CIWS block 1B capability for the surface ship fleet, it recommends \$120.1 million for CIWS modifications, an increase of \$34.0 million to upgrade 22 additional CIWSs to the block 1B configuration.

*Evolved sea sparrow missile*

The budget request contained \$80.3 million for 71 evolved Sea Sparrow missiles (ESSMs).

The ESSM is an upgraded version of the existing North Atlantic Treaty Organization Sea Sparrow missile which provides improved surface-ship air defense capabilities against low altitude, high-velocity and maneuvering aircraft and against anti-ship cruise missiles. The ESSM is designed for use in a "quad pack" canister, or set of four missiles, in the MK 41 vertical launching system.

The committee notes that additional ESSMs were included among the Chief of Naval Operations' unfunded priorities for fiscal year 2005, and believes that increased procurement of ESSMs would significantly improve force protection capabilities in the surface fleet.

Accordingly, the committee recommends \$102.3 million for the ESSM, an increase of \$22.0 million for 24 additional ESSMs and for 6 additional "quad pack" canisters.

*Hellfire II missile*

The budget request for the Department of the Navy contained no funds for Hellfire II missiles.

The Hellfire II missile is a laser-guided, anti-armor and anti-ship weapon used by the Marine Corps on the AH-1W helicopter and by the Navy on the SH-60B helicopter as their primary precision-guided munition. The committee notes that current Hellfire II missile inventories are at 34 percent of requirements, and are projected to fall to 13 percent of the inventory requirement by fiscal year 2009 based on forecast expenditures and shelf-life expirations. As a result of this projection, the committee notes that both the Chief of Naval Operations and the Commandant of the Marine

Corps have included procurement of Hellfire II missiles among their unfunded priorities for fiscal year 2005.

Consequently, the committee recommends \$42.0 million to procure 500 Hellfire II missiles.

*Pioneer unmanned aerial vehicle*

The budget request contained \$8.8 million to improve the Pioneer unmanned aerial vehicle (UAV).

The committee is aware that the Navy no longer uses Pioneer, but has loaned Pioneer to the Marine Corps for use as a tactical UAV until the Marine Corps has developed and fielded its objective high speed vertical take-off and landing (VTOL) UAV. The committee notes that a Marine Corps VTOL UAV will, at best, not be operational until the end of this decade. The committee understands that the cost to improve the Pioneer is approximately the same as to produce a new Shadow tactical UAV (TUAV). Therefore, the committee believes that it is wiser to equip the Marine Corps with new Shadow systems incorporating a standard tactical common data link, target location error reduction features and other improvements. The committee notes that this would provide an interim TUAV to the Marine Corps that could, when appropriate, be transferred to the Army.

Therefore, the committee recommends no funding for Pioneer, a reduction of \$8.8 million. Elsewhere in this report funding is recommended to provide an upgraded Shadow 200 TUAV system to the Marine Corps.

*Tomahawk missile*

The budget request contained \$256.2 million for 293 tactical tomahawk (TACTOM) missiles.

The TACTOM missile is a long-range, precision-strike cruise missile launched from surface ships or submarines.

The committee understands that the Department of the Navy's programmed budget for TACTOM missiles would result in an inventory that is significantly below the Navy's stated Tomahawk required inventory levels, and notes that planned production of 293 TACTOM missiles is below both the fiscal year 2003 and fiscal year 2004 production rate of 350 missiles per year. Also, the committee notes that additional TACTOMs were included among the Chief of Naval Operations' unfunded priorities for fiscal year 2005 to restore inventory levels expended during Operation Iraqi Freedom.

To sustain TACTOM production at a rate of 350 missiles per year for fiscal year 2005 and to improve the TACTOM inventory levels, the committee recommends \$305.9 million for the Tomahawk missile, an increase of \$49.7 million for an additional 57 TACTOM missiles.

AMMUNITION PROCUREMENT, NAVY & MARINE CORPS

Overview

The budget request for fiscal year 2005 contained \$858.6 million for Ammunition Procurement, Navy & Marine Corps. The committee recommends authorization of \$870.8 million, an increase \$12.2 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Ammunition Procurement, Navy & Marine Corps program are identified in the table below. Major changes to the Navy & Marine Corps request are discussed following the table.



Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
23	40 MM, ALL TYPES	-	23,614	-	-	-	-	-	-	-	23,614
24	60MM, ALL TYPES	-	10,446	-	-	-	-	-	-	-	10,446
25	81MM, ALL TYPES	-	24,319	-	-	-	-	-	-	-	24,319
26	120MM, ALL TYPES	-	15,365	-	-	-	-	-	-	-	15,365
27	CTG 25MM, ALL TYPES	-	3,749	-	-	-	-	-	-	-	3,749
28	9 MM ALL TYPES	-	7,644	-	-	-	-	-	-	-	7,644
29	GRENADES, ALL TYPES	-	5,042	-	-	-	-	-	-	-	5,042
30	STINGER SLEP	-	-	-	-	-	-	-	-	-	-
31	ROCKETS, ALL TYPES M72A7 LAW	-	14,050	-	2,000	-	-	-	2,000	-	16,050
32	ARTILLERY, ALL TYPES	-	55,599	-	-	-	-	-	-	-	55,599
33	AAAV (EXPEDITIONARY FIGHTING VEHICLE?)	-	2,474	-	-	-	-	-	-	-	2,474
34	DEMOLITION MUNITIONS, ALL TYPES	-	3,270	-	-	-	-	-	-	-	3,270
35	FUZE, ALL TYPES	-	13,816	-	-	-	-	-	-	-	13,816
36	NON LETHALS	-	1,145	-	-	-	-	-	-	-	1,145
37	AMMO MODERNIZATION	-	7,123	-	-	-	-	-	-	-	7,123
38	ITEMS LESS THAN \$5 MILLION	-	1,723	-	-	-	-	-	-	-	1,723
	TOTAL PROC. AMMO, MC	-	245,400	-	2,000	-	2,000	-	-	-	247,400
TOTAL AMMUNITION, NAVY & MARINE CORPS			858,640		12,200		12,200		-		870,840

## SHIPBUILDING AND CONVERSION, NAVY

## Overview

The budget request for fiscal year 2005 contained \$9,962.0 million for Shipbuilding and Conversion, Navy. The committee recommends authorization of \$10,120.0 million, an increase of \$158.0 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Shipbuilding and Conversion, Navy program are identified in the table below. Major changes to the Navy request are discussed following the table.

Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>											
<b>OTHER WARSHIPS</b>											
1	CARRIER REPLACEMENT PROGRAM	-	-	-	-	-	-	-	-	-	-
2	ADVANCED PROCUREMENT (CY)	-	626,084	-	-	-	-	-	-	-	626,084
3	SSN-21	-	-	-	-	-	-	-	-	-	-
COMPLETION OF PY PROGRAMS											
4	VIRGINIA CLASS SUBMARINE	1	2,253,513	-	-	-	-	-	-	1	2,253,513
4	LESS: ADVANCED PROCUREMENT (PY)	-	(672,370)	-	-	-	-	-	-	-	(672,370)
5	ADVANCED PROCUREMENT (CY)	-	871,864	-	-	-	-	-	-	-	871,864
6	SSGN CONVERSION	1	783,793	-	-	-	-	-	-	1	783,793
6	LESS: ADVANCED PROCUREMENT (PY)	-	(314,567)	-	-	-	-	-	-	-	(314,567)
7	ADVANCED PROCUREMENT (CY)	-	48,000	-	-	-	-	-	-	-	48,000
8	CRUISER CONVERSION	-	-	-	-	-	-	-	-	-	-
8	LESS: ADVANCED PROCUREMENT (PY)	-	-	-	-	-	-	-	-	-	-
9	ADVANCED PROCUREMENT (CY)	-	333,061	-	-	-	-	-	-	-	333,061
10	SSN ERO	-	90,699	-	-	-	-	-	-	-	90,699
10	LESS: ADVANCED PROCUREMENT (PY)	-	(90,699)	-	-	-	-	-	-	-	(90,699)
11	ADVANCED PROCUREMENT (CY)	-	19,368	-	-	-	-	-	-	-	19,368
12	SSBN ERO	1	292,450	-	-	-	-	-	-	1	292,450
12	LESS: ADVANCED PROCUREMENT (PY)	-	(30,221)	-	-	-	-	-	-	-	(30,221)
13	ADVANCED PROCUREMENT (CY)	-	72,171	-	-	-	-	-	-	-	72,171
14	DDG-51	3	3,504,970	-	-	100,000	-	-	-	3	3,604,970
14	LESS: ADVANCED PROCUREMENT (PY)	-	(60,020)	-	-	-	-	-	-	-	(60,020)
14	COMPLETION OF PY PROGRAMS	-	-	-	-	-	-	-	-	-	-
14	DDG-51 in Service Modernization	-	-	-	-	100,000	-	-	-	-	-
<b>TOTAL OTHER WARSHIPS</b>			<b>7,728,096</b>		<b>100,000</b>		<b>100,000</b>		<b>-</b>		<b>7,828,096</b>
<b>AMPHIBIOUS SHIPS</b>											
<b>AMPHIBIOUS SHIPS</b>											

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
15	LHD-1 AMPHIBIOUS ASSAULT SHIP	-	1,091,185	-	150,000	-	-	-	-	-	1,241,185
15	LESS: ADVANCE PROCUREMENT (PY)	-	(855,167)	-	-	-	-	-	-	-	(855,167)
	Advance Procurement (CY)	-	-	-	150,000	-	-	-	-	-	-
16	LPD-17	1	1,103,620	-	-	-	-	-	-	1	1,103,620
16	LESS: ADVANCE PROCUREMENT (PY)	-	(137,061)	-	-	-	-	-	-	-	(137,061)
16	COMPLETION OF PY PROGRAMS	-	-	-	-	-	-	-	-	-	-
17	ADVANCE PROCUREMENT (CY)	-	-	-	-	-	-	-	-	-	-
	LHA	-	-	-	-	-	-	-	-	-	-
	<b>TOTAL AMPHIBIOUS SHIPS</b>		<b>1,202,577</b>		<b>150,000</b>		<b>150,000</b>		<b>-</b>		<b>1,352,577</b>
	<b>AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM</b>										
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>										
18	LCU(X)	1	25,048	-	-	-	-	-	-	1	25,048
19	OUTFITTING	-	399,327	-	(100,000)	-	-	-	(100,000)	-	299,327
20	SERVICE CRAFT	-	32,089	-	8,000	-	-	-	-	-	40,089
	Air Ramp Range Retriever Craft	-	-	-	-	-	8,000	-	-	-	-
21	LCAC SLEP	5	90,490	-	-	-	-	-	-	5	90,490
21	COMPLETION OF PY PROGRAMS	-	-	-	-	-	-	-	-	-	-
22	CANCELLED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
23	MINE HUNTER	-	-	-	-	-	-	-	-	-	-
24	COMPLETION OF PY SHIPBUILDING PROGRAMS	-	484,390	-	-	-	-	-	-	-	484,390
	SSN-774 (MEMO NON ADD)	-	(91330)	-	-	-	-	-	-	-	-
	DDG (MEMO NON ADD)	-	(128279)	-	-	-	-	-	-	-	-
	LPD (MEMO NON ADD)	-	(264781)	-	-	-	-	-	-	-	-
	<b>TOTAL AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM:</b>		<b>1,031,354</b>		<b>(92,000)</b>		<b>8,000</b>		<b>(100,000)</b>		<b>939,354</b>
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY</b>		<b>9,962,027</b>		<b>158,000</b>		<b>258,000</b>		<b>(100,000)</b>		<b>10,120,027</b>

## Items of Special Interest

*Aft ramp range retriever craft*

The budget request contained \$32.1 million for the procurement of service craft, but included no funding for aft ramp range retriever craft (ARC).

The committee is informed that the Naval Undersea Warfare Center Division located in Keyport, Washington, currently has two, approximately 40-years old, wooden ARCs that are at the end of their useful service life. The committee notes that the Navy has approved an Operational Requirements Document for replacement ARCs.

The committee recommends \$40.1 million for the procurement of service craft, an increase of \$8.0 million to design and build two aluminum ARCs and provide appropriate spare parts.

*Amphibious assault ship replacement program*

The budget request contained no funding for the amphibious assault ship replacement program (LHA (R)).

The committee understands that the LHA (R) will be based on the LHD-1 Class hull combined with the latest propulsion and electric plant technology. The committee further notes that, while the LHA (R) design is not yet finalized, commonality with LHD-1 Class will be much greater than 50 percent. The Secretary of the Navy is directed to report to the congressional defense committees how the additional funding will be used prior to obligation of those funds, since no description has been provided with the budget request.

Therefore, the committee recommends an increase of \$150.0 million in ship construction Navy for advanced procurement of components common to LHD-9 and LHA (R).

## OTHER PROCUREMENT, NAVY

## Overview

The budget request for fiscal year 2005 contained \$4,834.3 million for Other Procurement, Navy. The committee recommends authorization of \$4,876.7 million, an increase of \$42.4 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Other Procurement, Navy program are identified in the table below. Major changes to the Navy request are discussed following the table.



**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
20	SUBMARINE LIFE SUPPORT SYSTEM	-	13,940	-	-	-	-	-	-	-	13,940
	REACTOR PLANT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
21	REACTOR POWER UNITS	-	356,372	-	-	-	-	-	-	-	356,372
22	REACTOR COMPONENTS	-	217,175	-	-	-	-	-	-	-	217,175
	OCEAN ENGINEERING	-	-	-	-	-	-	-	-	-	-
23	DIVING AND SALVAGE EQUIPMENT	-	8,875	-	-	-	-	-	-	-	8,875
	SMALL BOATS	-	-	-	-	-	-	-	-	-	-
24	STANDARD BOATS	-	18,328	-	-	-	-	-	-	-	18,328
	TRAINING EQUIPMENT	-	-	-	-	-	-	-	-	-	-
25	OTHER SHIPS TRAINING EQUIPMENT	-	8,848	-	-	-	-	-	-	-	8,848
	PRODUCTION FACILITIES EQUIPMENT	-	-	-	-	-	-	-	-	-	-
26	OPERATING FORCES IPE	-	22,384	-	-	-	-	-	-	-	22,384
	OTHER SHIP SUPPORT	-	-	-	-	-	-	-	-	-	-
27	NUCLEAR ALTERATIONS	-	133,999	-	-	-	-	-	-	-	133,999
	DRUG INTERDICTION SUPPORT	-	-	-	-	-	-	-	-	-	-
28	DRUG INTERDICTION SUPPORT	-	-	-	-	-	-	-	-	-	-
	<b>TOTAL SHIPS SUPPORT EQUIPMENT</b>		<b>1,425,590</b>		<b>21,100</b>		<b>21,100</b>		<b>-</b>		<b>1,446,690</b>
<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>											
<b>SHIP RADARS</b>											
29	SPQ-9B RADAR	-	3,584	-	6,000	-	-	-	-	-	9,584
	Evolved Sea Sparrow: SPQ-9B	-	-	-	-	-	6,000	-	-	-	-
30	RADAR SUPPORT	-	-	-	-	-	-	-	-	-	-
31	TISS	-	-	-	-	-	-	-	-	-	-
<b>SHIP SONARS</b>											
32	AN/SQQ-88 SURF ASW COMBAT SYSTEM	-	-	-	-	-	-	-	-	-	-
33	SSN ACOUSTICS	-	225,028	-	4,000	-	-	-	-	-	229,028
	Complementary Acoustic System	-	-	-	-	-	4,000	-	-	-	-
34	UUUV PROGRAM	-	61,253	-	(61,253)	-	-	-	(61,253)	-	-
35	UNDERSEA WARFARE SUPPORT EQUIPMENT	-	14,116	-	-	-	-	-	-	-	14,116





**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
82	ELECTRICAL POWER SYSTEMS	-	1,291	-	-	-	-	-	-	-	1,291
83	NSIPS / IT	-	289	-	-	-	-	-	-	-	289
84	JEDMICS / IT	-	-	-	-	-	-	-	-	-	-
85	NAVAL SHORE COMMUNICATIONS	-	57,066	-	-	-	-	-	-	-	57,066
	CRYPTOGRAPHIC EQUIPMENT	-	-	-	-	-	-	-	-	-	-
86	INFO SYSTEMS SECURITY PROGRAM (ISSP)	-	88,418	-	-	-	-	-	-	-	88,418
	CRYPTOLOGIC EQUIPMENT	-	-	-	-	-	-	-	-	-	-
87	CRYPTOLOGIC COMMUNICATIONS EQUIP	-	28,111	-	-	-	-	-	-	-	28,111
	OTHER ELECTRONIC SUPPORT	-	-	-	-	-	-	-	-	-	-
88	COAST GUARD EQUIPMENT	-	7,638	-	-	-	-	-	-	-	7,638
	DRUG INTERDICTION SUPPORT	-	-	-	-	-	-	-	-	-	-
89	OTHER DRUG INTERDICTION SUPPORT	-	-	-	-	-	-	-	-	-	-
	<b>TOTAL COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>	-	<b>1,721,104</b>	-	<b>(53,053)</b>	-	<b>16,200</b>	-	<b>(68,253)</b>	-	<b>1,668,051</b>
	<b>AVIATION SUPPORT EQUIPMENT</b>	-	-	-	-	-	-	-	-	-	-
	<b>SONOBUOYS</b>	-	-	-	-	-	-	-	-	-	-
90	SONOBUOYS - ALL TYPES	-	50,081	-	-	-	-	-	-	-	50,081
	AIRCRAFT SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
91	WEAPONS RANGE SUPPORT EQUIPMENT	-	44,643	-	-	-	-	-	-	-	44,643
92	EXPEDITIONARY AIRFIELDS	-	7,527	-	-	-	-	-	-	-	7,527
93	AIRCRAFT REARMING EQUIPMENT	-	11,667	-	-	-	-	-	-	-	11,667
94	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	-	21,275	-	-	-	-	-	-	-	21,275
95	METEOROLOGICAL EQUIPMENT	-	20,134	-	-	-	-	-	-	-	20,134
96	OTHER PHOTOGRAPHIC EQUIPMENT	-	1,438	-	-	-	-	-	-	-	1,438
97	AVIATION LIFE SUPPORT	-	19,040	-	-	-	-	-	-	-	27,040
	Multi Climate Protection Clothing System	-	-	-	8,000	-	-	-	-	-	-
98	AIRBORNE MINE COUNTERMEASURES	-	73,081	-	-	-	-	-	-	-	73,081
99	LAMPS MK III SHIPBOARD EQUIPMENT	-	16,433	-	-	-	-	-	-	-	16,433
100	OTHER AVIATION SUPPORT EQUIPMENT	-	6,157	-	-	-	-	-	-	-	6,157
	<b>TOTAL AVIATION SUPPORT EQUIPMENT</b>	-	<b>271,476</b>	-	<b>8,000</b>	-	<b>8,000</b>	-	<b>-</b>	-	<b>279,476</b>



**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
120	SUBMARINE TRAINING DEVICE MODS	-	39,405	-	-	-	-	-	-	-	39,405
	<b>TOTAL ORDNANCE SUPPORT EQUIPMENT</b>		<b>639,706</b>		<b>38,100</b>		<b>38,100</b>				<b>677,806</b>
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>										
121	ARMORED SEDANS	-	-	-	-	-	-	-	-	-	-
122	PASSENGER CARRYING VEHICLES	-	1,507	-	-	-	-	-	-	-	1,507
123	GENERAL PURPOSE TRUCKS	-	2,321	-	-	-	-	-	-	-	2,321
124	CONSTRUCTION & MAINTENANCE EQUIP	-	19,197	-	-	-	-	-	-	-	19,197
125	FIRE FIGHTING EQUIPMENT	-	12,345	-	-	-	-	-	-	-	12,345
126	TACTICAL VEHICLES	-	30,926	-	-	-	-	-	-	-	30,926
127	AMPHIBIOUS EQUIPMENT	-	11,607	-	-	-	-	-	-	-	11,607
128	POLLUTION CONTROL EQUIPMENT	-	11,396	-	-	-	-	-	-	-	11,396
129	ITEMS UNDER \$5 MILLION	-	13,686	-	-	-	-	-	-	-	13,686
130	PHYSICAL SECURITY VEHICLES	-	1,125	-	-	-	-	-	-	-	1,125
	<b>TOTAL CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		<b>104,110</b>								<b>104,110</b>
	<b>SUPPLY SUPPORT EQUIPMENT</b>										
131	MATERIALS HANDLING EQUIPMENT	-	12,754	-	-	-	-	-	-	-	12,754
132	OTHER SUPPLY SUPPORT EQUIPMENT Serial Number Tracking System	-	11,523	-	8,000	-	-	-	8,000	-	19,523
133	FIRST DESTINATION TRANSPORTATION	-	5,578	-	-	-	-	-	-	-	5,578
134	SPECIAL PURPOSE SUPPLY SYSTEMS	-	82,158	-	-	-	-	-	-	-	82,158
	<b>TOTAL SUPPLY SUPPORT EQUIPMENT</b>		<b>112,013</b>		<b>8,000</b>		<b>8,000</b>				<b>120,013</b>
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>										
	<b>TRAINING DEVICES</b>										
135	TRAINING SUPPORT EQUIPMENT Laser Marksmanship Training System- Navy Reserve	-	18,756	-	5,000	-	-	-	5,000	-	23,756

Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>COMMAND SUPPORT EQUIPMENT</b>										
136	COMMAND SUPPORT EQUIPMENT	-	20,658	-	10,900	-	-	-	-	-	31,558
	Man Overboard ID Program						12,400				
	Enterprise Resource Planning							(1,500)			
137	EDUCATION SUPPORT EQUIPMENT	-	5,507	-	-	-	-	-	-	-	5,507
138	MEDICAL SUPPORT EQUIPMENT	-	8,459	-	-	-	-	-	-	-	8,459
139	INTELLIGENCE SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
140	OPERATING FORCES SUPPORT EQUIPMENT	-	7,826	-	-	-	-	-	-	-	7,826
141	C4ISR EQUIPMENT	-	27,582	-	-	-	-	-	-	-	27,582
142	ENVIRONMENTAL SUPPORT EQUIPMENT	-	13,155	-	-	-	-	-	-	-	13,155
143	PHYSICAL SECURITY EQUIPMENT	-	194,214	-	-	-	-	-	-	-	194,214
144	CLASSIFIED PROGRAMS	-	-	-	-	-	-	-	-	-	-
145	SPECIAL PROGRAM	-	-	-	-	-	-	-	-	-	-
	<b>PRODUCTIVITY PROGRAMS</b>										
146	JUDGEMENT FUND REIMBURSEMENT	-	-	-	-	-	-	-	-	-	-
	<b>OTHER</b>										
147	CANCELLED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	<b>TOTAL PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>		<b>296,157</b>		<b>15,900</b>		<b>17,400</b>		<b>(1,500)</b>		<b>312,057</b>
	<b>SPARES AND REPAIR PARTS</b>										
	<b>SPARES AND REPAIR PARTS</b>										
148	SPARES AND REPAIR PARTS	-	245,476	-	4,400	-	4,400	-	-	-	249,876
	Envelop Protective Covers										
	<b>TOTAL SPARES AND REPAIR PARTS</b>		<b>245,476</b>		<b>4,400</b>		<b>4,400</b>		<b>-</b>		<b>249,876</b>
999	CLASSIFIED PROGRAMS	-	18,646	-	-	-	-	-	-	-	18,646
	<b>TOTAL OTHER PROCUREMENT, NAVY</b>		<b>4,834,278</b>		<b>42,447</b>		<b>113,200</b>		<b>(70,753)</b>		<b>4,876,725</b>

## Items of Special Interest

*Chemical biological defense for aviation and explosive ordnance disposal*

The budget request included \$25.1 million for explosive ordnance disposal equipment and \$131.9 million for chemical and biological defense individual protection equipment.

The committee notes that the Chief of Naval Operations has identified a critical requirement for chemical and biological individual protection equipment and explosive ordnance disposal equipment for which funding was not requested in fiscal year 2005.

The committee notes increasing Navy requirements for improvement of the mission readiness of explosive ordnance disposal (EOD) units for incidents involving improvised explosive devices and weapons of mass destruction. The committee notes that commercial-off-the-shelf (COTS) robotic and explosive detection systems are available that would significantly enhance the ability of EOD units to conduct remote reconnaissance and disruption operations against a range of military and commercial explosive devices.

The committee also notes significant shortfalls in chemical and biological defense individual protection systems for Navy aircrews. The procurement of replacement aircrew chemical biological defense respirators is essential for Navy and Marine aircrews to be capable of operating in a chemical, biological, radiological, nuclear threat environment until the joint service aircrew mask is fielded in fiscal year 2009.

The committee recommends an increase of \$10.4 million for procurement of COTS robotic and explosive detection systems for EOD units. The committee also recommends an increase of \$11.0 million for procurement of aircrew chemical and biological defense respirators.

*Complementary acoustic system improvements*

The budget request contained \$225.0 million for the procurement of SSN acoustics, but contained no funding for complementary acoustic system improvements.

The committee understands that it is necessary to coordinate complementary acoustic improvements in order that maximum overall system performance is realized. The committee also realizes that cost savings can be realized by such an approach.

Therefore, the committee recommends \$229.0 million for procurement of SSN acoustics, an increase of \$4.0 million for complementary acoustic system improvements.

*CVN replacement propeller program*

The budget request contained no funds for advanced aircraft carrier propellers.

The committee is aware that the Navy has designed a new Generation III propeller for new and in service aircraft carriers. It further notes that it costs \$2.0 million per ship set to refurbish old propellers which last for only a few years. The committee believes the Generation III propeller offers a more cost-effective alternative.

The committee recommends \$7.0 million to procure two ship sets of Generation III propellers for in-service aircraft carriers.

*Envelop protective covers*

The budget request contained \$245.5 million for the procurement of spares and repair parts, but contained no funding for envelop protective covers.

The committee is aware that envelop protective covers significantly reduce corrosion on Navy surface combatant weapons systems. The committee notes that a 2003 General Accounting Office study estimated annual cost of corrosion control for military infrastructure at \$20,000 million. The committee further notes that envelop covers, developed under Navy-sponsored research use modern technology to draw moisture from beneath the cover, keeping metal surfaces dry. The committee understands that Navy test results show that envelop covers reduce corrosion by 95 percent, compared to current covers.

The committee recommends \$249.9 million for the procurement of spares and repair parts, an increase of \$4.4 million to procure covers for weapons systems on Navy surface combatants.

*Integrated bridge system*

The budget request contained \$57.5 million for the procurement of Aegis support equipment, but contained no funding for an integrated bridge system (IBS).

The committee notes that an integrated bridge system has been developed that automates underway planning, reduces bridge manning, and reduces risk of collision and grounding. The committee also notes that significant cost savings per ship result from installation of IBS.

The committee recommends \$76.5 million for Aegis support equipment, an increase of \$19.0 million for IBS.

*Integrated condition assessment system*

The budget request contained \$148.6 million for the procurement of items less than \$5.0 million, but included no funding for an integrated condition assessment systems (ICAS).

The committee is aware that ICAS links the key elements of the maintenance decision process, continually monitoring and recording critical machinery operating data. The committee notes that ICAS facilitates more timely and accurate maintenance with the potential to improve systems reliability while lowering operating costs.

The committee recommends an increase of \$11.8 million for ICAS.

*Man overboard identification program*

The budget request contained \$20.7 million in other procurement Navy, but included no funding for man overboard identification program (MOBI).

The committee is aware that each year more than 50 service members fall overboard from U.S. Navy ships. The MOBI system provides an active means by which a Navy ship can immediately be alerted to a man-overboard incident and also be provided precision location of the individual in the water, thereby reducing death and injury from such incidents. The committee notes that the Navy has begun installing MOBI on all Navy ships.

The committee recommends an increase of \$12.4 million in other procurement Navy to expedite MOBI installation on all Navy ships.

*Multi-climate protection clothing system*

The budget request contained \$19.0 million for the procurement of aviation life support equipment, but contained no funding for a multi-climate protection clothing system.

The committee is aware that the Chief of Naval Operations has given high priority to procurement of improved clothing for aircrews. The committee notes that a new multi-climate clothing system has been introduced that meets present requirements.

The committee recommends \$27.0 million aviation life support equipment, an increase of \$8.0 million for the multi-climate clothing protection system.

*Programmable integrated communications terminal*

The budget request contained \$14.1 million for shipboard tactical communications, but included no funding for a programmable integrated communications terminal (PICT).

The committee is aware that many of the secure voice terminals aboard ship are out-dated and require expensive and time-consuming maintenance. The committee notes that a single commercial technology PICT can be used to replace several legacy terminals for interior and radio communications.

The committee recommends \$16.1 million, an increase of \$2.0 million for procurement and installation of PICTs aboard Marine Corps amphibious ships.

*Serial number tracking system*

The budget request contained \$11.5 million for the procurement of other supply support equipment, but contained no funding for a serial number tracking system (SNTS).

The committee notes that the SNTS provides web-based, "cradle-to-grave" total asset visibility of individual components throughout the supply, maintenance and transportation processes. This leads to increased readiness and reduced maintenance costs.

The committee recommends \$19.5 million for other supply support equipment, an increase of \$8.0 million to continue implementation of SNTS in the areas of shipboard automated configuration management and calibrated equipment areas.

*Weapons elevator automation*

The budget request contained \$148.6 million for the procurement of items less than \$5.0 million, but included no funding for weapons elevator automation.

The committee is aware that weapons elevators on aircraft carriers are critical to the success of strike missions. The committee is also aware that a successful demonstration of an automated weapons elevator has been conducted and that it was also proven during recent combat deployments.

The committee supports this improved capability and recommends an increase of \$2.3 million for weapons elevator automation.

## PROCUREMENT, MARINE CORPS

## Overview

The budget request for fiscal year 2005 contained \$1,190.1 million for Procurement, Marine Corps. The committee recommends authorization of \$1,315.1 million, an increase of \$125.0 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Procurement, Marine Corps program are identified in the table below. Major changes to the Marine Corps request are discussed following the table.







**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>ENGINEER AND OTHER EQUIPMENT</b>										
54	ENVIRONMENTAL CONTROL EQUIP ASSORT	-	2,869	-	-	-	-	-	-	-	2,869
55	COMBAT BREACHER VEHICLE	-	4,621	-	12,000	-	12,000	-	-	-	16,621
56	BULK LIQUID EQUIPMENT	-	11,524	-	-	-	-	-	-	-	11,524
57	TACTICAL FUEL SYSTEMS Nitrile Rubber Collapsible Storage Units	-	5,219	-	3,300	-	3,300	-	-	-	8,519
58	DEMOLITION SUPPORT SYSTEMS	-	3,422	-	-	-	-	-	-	-	3,422
59	POWER EQUIPMENT ASSORTED	-	10,657	-	-	-	-	-	-	-	10,657
60	SHOP EQ CONTACT MAINTENANCE (SECM)	-	-	-	-	-	-	-	-	-	-
61	FAMILY OF EOD EQUIPMENT	-	4,724	-	-	-	-	-	-	-	4,724
62	BRIDGE BOATS	-	5,307	-	-	-	-	-	-	-	5,307
	<b>MATERIALS HANDLING EQUIPMENT</b>										
63	AMPHIBIOUS RAID EQUIPMENT	-	15,771	-	-	-	-	-	-	-	15,771
64	PHYSICAL SECURITY EQUIPMENT	-	4,979	-	-	-	-	-	-	-	4,979
65	GARRISON MOBILE ENGR EQUIP	-	10,927	-	-	-	-	-	-	-	10,927
66	MATERIAL HANDLING EQUIP	-	21,190	-	-	-	-	-	-	-	21,190
67	FIRST DESTINATION TRANSPORTATION	-	5,715	-	-	-	-	-	-	-	5,715
	<b>GENERAL PROPERTY</b>										
68	FIELD MEDICAL EQUIPMENT	-	6,027	-	-	-	-	-	-	-	6,027
69	TRAINING DEVICES	-	24,214	-	-	-	-	-	-	-	24,214
70	CONTAINER FAMILY	-	5,244	-	-	-	-	-	-	-	5,244
71	FAMILY OF CONSTRUCTION EQUIPMENT	-	15,067	-	-	-	-	-	-	-	15,067
72	RAPID DEPLOYABLE KITCHEN	-	-	-	-	-	-	-	-	-	-
	<b>OTHER SUPPORT</b>										
73	FAMILY OF INCIDENT RESPONSE	-	2,804	-	-	-	-	-	-	-	2,804
74	MODIFICATION KITS	-	2,901	-	-	-	-	-	-	-	2,901
75	ITEMS LESS THAN \$5 MILLION	-	5,713	-	-	-	-	-	-	-	5,713
76	CANCELLED ACCOUNT ADJUSTMENT (M)	-	-	-	-	-	-	-	-	-	-

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	TOTAL ENGINEER AND OTHER EQUIPMENT		168,895		15,300		15,300		-		184,195
	SPARES AND REPAIR PARTS										
77	SPARES AND REPAIR PARTS		26,946								26,946
	TOTAL SPARES AND REPAIR PARTS		26,946								26,946
	TOTAL PROCUREMENT, MARINE CORPS		1,190,103		125,000		125,000		-		1,315,103

## Items of Special Interest

*Assault breacher vehicle*

The budget request contained \$4.6 million for the assault breacher vehicle (ABV).

The ABV is a tracked, armored combat engineer vehicle designed to breach mine fields, complex obstacles and provide in-stride breaching capability to Marine Corps ground forces operating on the battlefield. The committee understands the ABV enters into low-rate initial production in fiscal year 2005 and recognizes the ABV would provide additional crew protection, vehicle survivability and improve the mobility of the Marine Air-Ground Task Force. The committee also notes the Commandant of the Marine Corps identified a \$12.0 million fiscal year 2005 unfunded requirement for the ABV.

The committee recommends \$16.6 million for the ABV, an increase of \$12.0 million to accelerate ABV fielding by one year and fulfill the Commandant of the Marine Corps fiscal year 2005 unfunded requirement.

*Improved recovery vehicle*

The budget request contained no funds for procurement of the M88A2 Hercules Improved Recovery Vehicle (IRV).

The committee understands the M88A2 IRV is a joint Marine Corps and Army product improvement program that reuses the fielded M88A1 recovery vehicle hull and installs a new upgraded engine and provides better suspension to increase towing, hoisting, and winching capability. The committee notes the M88A2 IRV also provides improved armored crew protection and is the prime recovery vehicle for the M1 Abrams tank and other heavy vehicles.

The committee recommends \$8.5 million to procure three M88A2 Hercules Improved Recovery Vehicles and fulfill the Commandant of the Marine Corps's fiscal year 2005 unfunded requirement.

*Marines global command and control systems and integrated imagery and intelligence analysis system*

The budget request included \$9.6 million for modification kits for intelligence.

The committee notes the Commandant of the Marine Corps's number one unfunded requirement for fiscal year 2005 is the acceleration of the Distributed Common Ground System (DCGS) integrated backbone (DIB). The DCGS DIB integration supports the capstone requirements document (CRD) and ongoing multi-service collaboration efforts for the Marine Corps. Additional funding would provide the Marine Corps with needed licenses, software, and servers for intelligence analysis systems necessary to support the Marine Corps intelligence infrastructure.

The committee recommends \$14.1 million, an increase of \$4.5 million for Global Command and Control Systems, Integrated Imagery and Intelligence (GCCS-I3) for the Marine Corps.

*Nitrile rubber collapsible storage units*

The budget request contained \$5.2 million for tactical fuel systems, but included no funding for nitrile rubber collapsible storage tanks.

The committee understands that the Marine Corps has identified an immediate need to procure nitrile rubber collapsible storage tanks for its Tactical Fuel System (TFS). The committee notes that TFS played a critical role in receiving, storage, transfer and dispensing fuel and bulk liquid in support of Marine Corps operations in Iraq.

The committee recommends \$8.5 million, an increase of \$3.3 million for nitrile rubber collapsible storage tanks.

#### AIRCRAFT PROCUREMENT, AIR FORCE

##### Overview

The budget request for fiscal year 2005 contained \$13,163.2 million for Aircraft Procurement, Air Force. The committee recommends authorization of \$13,649.2 million, an increase of \$486.0 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Aircraft Procurement, Air Force program are identified in the table below. Major changes to the Air Force request are discussed following the table.

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>											
<b>COMBAT AIRCRAFT</b>											
<b>TACTICAL FORCES</b>											
1	F/A-22 RAPTOR	24	4,128,356							24	4,128,356
1	LESS: ADVANCE PROCUREMENT (PY)	-	(494,587)							-	(494,587)
2	ADVANCE PROCUREMENT (CY)	-	523,187							-	523,187
	<b>TOTAL COMBAT AIRCRAFT</b>		<b>4,156,956</b>								<b>4,156,956</b>
<b>AIRLIFT AIRCRAFT</b>											
<b>TACTICAL AIRLIFT</b>											
3	C-17A (MYP)	14	2,941,532		35,000					14	2,976,532
3	LESS: ADVANCE PROCUREMENT (PY)	-	(429,053)				35,000			-	(429,053)
4	ADVANCE PROCUREMENT (CY)	-	381,800							-	381,800
5	C-17 ICS	-	945,560							-	945,560
<b>OTHER AIRLIFT</b>											
6	C-130H	-	-							-	-
7	C-130J	11	902,421		36,700					11	939,121
7	LESS: ADVANCE PROCUREMENT (PY)	-	(169,916)							-	(169,916)
8	ADVANCE PROCUREMENT (CY)	-	186,666		(36,700)					-	149,966
	<b>TOTAL AIRLIFT AIRCRAFT</b>		<b>4,759,010</b>		<b>35,000</b>		<b>71,700</b>		<b>(36,700)</b>		<b>4,794,010</b>
<b>TRAINER AIRCRAFT</b>											
<b>UPT TRAINERS</b>											
<b>OPERATIONAL TRAINERS</b>											
9	JPATS	53	307,072							53	307,072
	<b>TOTAL TRAINER AIRCRAFT</b>										
<b>OTHER AIRCRAFT</b>											
<b>HELICOPTERS</b>											

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	COST	QTY.	COST	QTY.	COST	
10	V-22 OSPREY	3	320,619	-	-	-	-	-	-	3	320,619
10	LESS: ADVANCE PROCUREMENT (PY)	-	(15,038)	-	-	-	-	-	-	-	(15,038)
11	ADVANCE PROCUREMENT (CY)	-	11,035	-	-	-	-	-	-	-	11,035
12	MISSION SUPPORT AIRCRAFT	27	2,271	-	-	-	-	-	-	27	2,271
13	CIVIL AIR PATROL A/C	-	-	-	-	-	-	-	-	-	-
13	OTHER AIRCRAFT	-	-	-	-	-	-	-	-	-	-
13	TARGET DRONES	-	74,143	-	-	-	-	-	-	-	74,143
14	C-40 ANG	-	-	-	-	-	-	-	-	-	-
15	EC-130J	-	-	-	-	-	-	-	-	-	-
16	E-8C	-	-	-	-	-	-	-	-	-	-
16	E-8C	-	-	-	-	-	-	-	-	-	-
17	HAEUAV	4	342,360	-	-	-	-	-	-	4	342,360
17	LESS: ADVANCE PROCUREMENT (PY)	-	(54,592)	-	-	-	-	-	-	-	(54,592)
18	ADVANCE PROCUREMENT (CY)	-	71,863	-	-	-	-	-	-	-	71,863
19	PREDATOR UAV	9	146,609	-	-	176,000	-	-	-	9	322,609
	Predator A					132,000					
	Predator B					44,000					
20	SMALL UAVS	-	-	-	-	15,000	-	-	-	-	15,000
20a	KC-767	-	-	-	-	15,000	-	-	-	-	15,000
	<b>TOTAL OTHER AIRCRAFT</b>		<b>899,270</b>		<b>191,000</b>	<b>191,000</b>					<b>1,080,270</b>
<b>MODIFICATION OF INSERVICE AIRCRAFT</b>											
<b>STRATEGIC AIRCRAFT</b>											
21	B-2A	-	96,002	-	-	-	-	-	-	-	96,002
22	B-1B	-	8,825	-	-	-	-	-	-	-	104,625
23	B-52	-	92,216	-	-	95,800	-	-	-	-	92,216
24	F-117	-	13,223	-	-	-	-	-	-	-	13,223
<b>TACTICAL AIRCRAFT</b>											
25	A-10	-	53,362	-	-	-	-	-	-	-	53,362
26	F-15	-	181,602	-	-	17,000	-	-	-	-	198,602

**Title 1 - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
27	ALQ 135 F-16 Advanced IFF Interrogator TARS P31	-	336,289	-	22,000	-	17,000	-	-	-	358,289
28	F-22	-	70,087	-	-	-	10,000	-	-	-	70,087
29	T/IAT-37	-	78	-	-	-	12,000	-	-	-	78
30	AIRLIFT AIRCRAFT C-5	-	99,601	-	21,000	-	-	-	-	-	120,601
31	AMP	-	-	-	-	-	21,000	-	-	-	-
32	C-9	-	89,144	-	-	-	-	-	-	-	89,144
33	C-17A	-	1,409	-	-	-	-	-	-	-	1,409
34	C-32A	-	187	-	-	-	-	-	-	-	187
35	C-37A	-	351	-	-	-	-	-	-	-	351
36	C-141	-	-	-	-	-	-	-	-	-	-
37	TRAINER AIRCRAFT T-6	-	3,850	-	20,000	-	-	-	-	-	3,850
38	T-38	-	153,677	-	-	-	-	-	-	-	173,677
39	Escape System T-41 AIRCRAFT	-	89	-	-	-	20,000	-	-	-	89
40	T-43	-	599	-	-	-	-	-	-	-	599
41	OTHER AIRCRAFT KC-10A (ATCA)	-	37,314	-	-	-	-	-	-	-	37,314
42	C-12	-	19,373	-	-	-	-	-	-	-	19,373
43	C-18	-	-	-	-	-	-	-	-	-	-
44	C-20 MODS	-	449	-	-	-	-	-	-	-	449
45	VC-25A MOD	-	28,031	-	-	-	-	-	-	-	28,031
46	C-40	-	187	-	-	-	-	-	-	-	187
47	C-130 C-130E Engine Upgrades	-	110,375	-	9,200	-	-	-	-	-	119,575

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	Senior Scout						2,000				
48	C-130J MODS	-	36,921							-	36,921
49	C-135	-	51,905							-	51,905
50	C-29A MODS	-	15,953							-	15,953
51	DARP	-	101,233							-	101,233
52	E-3	-	36,025							-	36,025
53	E-4	-	101,818							-	101,818
54	E-8	-	45,302			10,000				-	55,302
	Blue Force Combat ID						10,000				
55	H-1	-	6,575							-	6,575
56	H-60	-	95,068							-	95,068
57	OTHER AIRCRAFT	-	76,701							-	76,701
58	PREDATOR MODS	-	31,872							-	31,872
59	CV-22 MODS	-	275							-	275
	OTHER MODIFICATIONS										
	CLASSIFIED PROJECTS										
60	TOTAL MODIFICATION OF INSERVICE AIRCRAFT	-	20,880			195,000				-	20,880
			2,016,848			195,000					2,211,848
	AIRCRAFT SPARES AND REPAIR PARTS										
	AIRCRAFT SPARES + REPAIR PARTS										
61	INITIAL SPARES/REPAIR PARTS	-	234,103							-	234,103
	TOTAL AIRCRAFT SPARES AND REPAIR PARTS	-	234,103							-	234,103
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES										
	COMMON SUPPORT EQUIPMENT										
62	COMMON SUPPORT EQUIPMENT	-	223,600							-	223,600
	POST PRODUCTION SUPPORT										
63	B-1	-	11,733							-	11,733
64	B-2A	-	6,801							-	6,801
65	B-2A	-	30,683							-	30,683

Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
66	B-52	-	19,405	-	-	-	-	-	-	-	19,405
67	C-130	-	1,229	-	-	-	-	-	-	-	1,229
68	F-15	-	13,407	-	-	-	-	-	-	-	13,407
69	F-16	-	11,531	-	-	-	-	-	-	-	11,531
70	INDUSTRIAL PREPAREDNESS	-	21,082	-	-	-	-	-	-	-	21,082
71	WAR CONSUMABLES	-	41,314	-	-	-	-	-	-	-	41,314
72	OTHER PRODUCTION CHARGES	-	309,725	-	65,000	-	65,000	-	-	-	374,725
73	Sniper XR Advanced Targeting Pod DEPOT MODERNIZATION	-	34,464	-	-	-	-	-	65,000	-	34,464
74	CLASSIFIED PROGRAMS	-	-	-	-	-	-	-	-	-	-
75	COMMON ECM EQUIPMENT	-	-	-	-	-	-	-	-	-	-
76	OTHER PRODUCTION CHARGES - SOF	-	-	-	-	-	-	-	-	-	-
77	DARP	-	64,941	-	-	-	-	-	-	-	64,941
78	CANCELLED ACCOUNT ADJUSTMENTS SUPPLY DEPOTS/OPERATIONS (NON-IF)	-	-	-	-	-	-	-	-	-	-
<b>TOTAL AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>		-	<b>789,915</b>	-	<b>65,000</b>	-	<b>65,000</b>	-	<b>65,000</b>	-	<b>854,915</b>
<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b>		-	<b>13,163,174</b>	-	<b>486,000</b>	-	<b>522,700</b>	-	<b>(36,700)</b>	-	<b>13,649,174</b>

## Items of Special Interest

*Advanced targeting pod*

The budget request contained \$309.7 million for other production charges, of which \$52.3 million was for procurement of advanced targeting pods (ATP).

The ATP will supplement and replace existing targeting pods while providing improved infra-red technology, improved laser capability, a laser spot tracker, and enhanced combat identification. The committee notes that the budget request would only provide forty-four percent of the fiscal year 2005 inventory requirement for targeting pods, and understands that current budget plans would leave the Department of the Air Force 300 ATPs short of its inventory requirement. Additionally, the committee notes that the Air Force Chief of Staff has included accelerated ATP procurement as his second highest unfunded priority for fiscal year 2005.

Therefore, the committee recommends \$374.7 million for other production charges, an increase of \$65.0 million to accelerate the procurement of ATPs.

*B-1B modifications*

The budget request contained \$8.8 million for B-1B procurement modifications, but included no funds for modifications or operations and maintenance required to regenerate 17 additional aircraft.

The committee notes that the Air Force had planned to retire 32 of its 92-aircraft B-1B aircraft fleet by the end of fiscal year 2004. However, in its report on H.R. 1588 (H. Rept. 108-106) the committee noted the B-1B's long-range capability to deliver conventional precision-guided munitions against strategic and tactical targets during the recent Operation Enduring Freedom and Operation Iraqi Freedom, and the B-1B's crucial contribution to the success of both operations. Moreover, the committee continues to believe that possible future conflicts could require an increased number of long-range bomber aircraft to deliver precision-guided munitions since basing for shorter range aircraft may not be assured.

To address the need for additional long-range bomber aircraft in fiscal year 2004, the committee recommended an increase of \$20.3 million for B-1B modifications to begin the regeneration of 23 of the 32 aircraft planned for retirement, because, only 23 were available for regeneration at that time. The committee notes that \$17.0 million was appropriated in fiscal year 2004 for this purpose. For fiscal year 2005, the committee understands that only 17, rather than 23, of the 32 B-1Bs scheduled for retirement can now be reasonably regenerated to an operational condition, and that the Department of the Air Force plans to regenerate 7 of those 17 aircraft. The Department, however, has not included the additional \$7.5 million to operate and maintain these aircraft in its fiscal year 2005 budget request. To address this shortfall, the committee recommends a \$7.5 million increase for this purpose elsewhere in this report.

Since the committee continues to believe that all 17 of those aircraft should be regenerated, it recommends \$104.6 million for B-1B procurement modifications, an increase of \$95.8 million for the necessary upgrades for 10 additional B-1B aircraft. Elsewhere in

this report, the committee recommends an increase of \$149.9 million to operate and maintain these aircraft for fiscal year 2005.

In making this recommendation, the committee understands that an additional \$732.5 million will need to be budgeted in various appropriations for fiscal years 2006 through 2011 to provide for these aircraft, and strongly encourages the Department to take this action.

#### *C-5 modifications*

The budget request contained \$99.6 million for C-5 modifications, of which \$89.7 million was included for 18 C-5 avionics modernization program (AMP) kits.

The C-5 AMP replaces unreliable and unsupportable engine flight instruments and flight system components. The committee understands that increased C-5 AMP funding is critical to sustain the operational utility and viability of the Air Force Reserve and Air National Guard C-5A fleet.

Consequently, the committee recommends \$120.6 million for C-5 modifications, an increase of \$21.0 million for 6 C-5 additional AMP kits.

#### *C-17*

The C-17 is a strategic cargo aircraft, capable of rapid delivery to main operating bases or forward bases in the deployment area. The aircraft is also capable of performing tactical airlift and airdrop missions when required. The C-17 is currently procured under a multiyear procurement contract that delivers 15 aircraft per year with the last deliveries under the existing contract scheduled for fiscal year 2008. The Department of the Air Force currently plans for an inventory of 180 C-17 aircraft.

The committee notes that the January 2001 Mobility Requirements Study 2005 (MRS-05) concluded that the airlift capacity to transport 54.5 million ton miles per day (MTM/D) is needed to execute the national military strategy with a moderate degree of risk, but that currently airlift capacity is approximately 44.7 MTM/D, a shortage of 9.8 MTM/D. In testimony before the committee's Projection Forces Subcommittee on March 17, 2004, the Commander of the U.S. Transportation Command noted that a new Mobility Capabilities Study (MCS) is underway and stated that, "we need to make sure that we meet at least the requirements of MRS-05 plus whatever MCS lays on the table." This would require an inventory of at least 222 C-17s, 42 more than now planned to meet mobility requirements.

Accordingly, the committee strongly urges the Department of the Air Force to budget for continued C-17 procurement through a multiyear program to procure at least 42 additional C-17 aircraft.

#### *C-17 maintenance training system*

The budget request contained \$2,512.5 million to procure 14 C-17 aircraft and associated support equipment, of which \$45.0 million was included for a C-17 maintenance training system (MTS) at Travis Air Force Base, California, but included no funds for an MTS at Hickam AFB, Hawaii.

The C-17 MTS consists of three maintenance training devices designed to qualify personnel, and to sustain proficiency, in the main-

tenance of the C-17's engines, aircraft systems, and avionics. The committee understands that eight C-17 aircraft are planned for delivery to Hickam AFB in December 2005, and that without an MTS at this location, maintenance personnel would be required to travel to McChord AFB, Washington, for this training resulting in increased travel costs and maintenance manpower loss at Hickam AFB.

Therefore, the committee recommends \$2,547.5 million for the C-17, an increase of \$35.0 million for an additional MTS.

#### *C-130E engine upgrades*

The budget request contained \$110.4 million for C-130 modifications but included no funds to upgrade the C-130E's T56-A-7 engines to the T-56-A-15 configuration.

Due to engine power limitations, the committee understands that C-130E aircraft are restricted to less demanding missions. The committee also understands that upgrading the C-130E's T56-A-7 engines to the T-56-A-15 configuration would provide a 32 percent increase in engine power, reduce time between engine overhaul by 15 percent, and provide the same engine configuration as the C-130E/H fleet.

Consequently, the committee recommends \$117.6 million for C-130 modifications, an increase of \$7.2 million to upgrade 20 C-130E T56-A-7 engines to the T-56-A-15 configuration.

#### *F-15 modifications*

The budget request contained \$181.6 million for F-15 modifications, of which \$3.0 million was included for ALQ-135 band 1.5 countermeasures system support equipment, but included no funds for the procurement of ALQ-135 band 1.5 countermeasures system modification kits.

The ALQ-135 band 1.5 countermeasures system modification provides a self-protection jamming capability against modern surface-to-air enemy missiles and is integrated with the F-15E's existing internal countermeasure set and its ALR-56C radar warning receiver to provide full threat coverage. The committee understands that over half of the F-15E fleet is now equipped with the ALQ-135 band 1.5 countermeasures system, and believes that all combat-coded F-15E aircraft should be so equipped until the F/A-22 and F-35 aircraft enter the Air Force inventory in significant numbers.

Accordingly, the committee recommends \$198.6 million for F-15 modifications, an increase of \$17.0 million for ALQ-135 band 1.5 countermeasures system modification kits, and encourages the Department of the Air Force to complete ALQ-135 band 1.5 production and installation on all combat-coded F-15E aircraft as soon as possible with a minimum production rate of two shipsets per month.

#### *F-16 Air National Guard Force Structure*

The committee notes that the 177th Fighter Wing (FW) in Atlantic City, New Jersey, is designated as one of several full-time Combat Air Patrol (CAP) alert sites by the United States Northern Command. The 177th FW currently possesses a primary assigned aircraft (PAA) strength of only 15 Block 25 F-16 aircraft, but the

committee believes that an increase to 24 PAA would enable the 177th FW to better meet its essential CAP mission protecting the citizens and property located on the East Coast of the United States. The committee strongly encourages the Air Force to adopt 24 PAA at the 177th FW as part of its force structure plan as soon as aircraft become available from elsewhere in active or air reserve component units, aircraft reassignments resulting from domestic or overseas base realignment and closure, or from future acquisition of F-16 aircraft.

#### *F-16 modifications*

The budget request contained \$336.3 million for F-16 modifications, but included no funds for the AN/APX-113 Advanced Identification Friend or Foe (AIFF) for F-16 block 25, 30, and 32 aircraft, or for the Air National Guard's (ANG) Theater Airborne Reconnaissance System (TARS) pods.

The AN/APX-113 AIFF provides F-16 block 25, 30, and 32 aircraft with a capability to identify both U.S. and allied aircraft at well beyond visual ranges. The committee notes that the APX-113 AIFF is included among the ANG's significant equipment shortages in the "National Guard and Reserve Equipment Report for Fiscal Year 2005," and believes that this system is critical for F-16 block 25, 30, and 32 aircraft that perform a homeland defense combat air patrol mission. Therefore, the committee recommends an increase of \$10.0 million for the AN/APX-113 AIFF for the ANG's F-16 block 25, 30, and 32 aircraft.

The two ANG F-16 units equipped with TARS pods provide a responsive reconnaissance capability to support intelligence and targeting requirements of military users. The committee understands that upgraded TARS pods are available that meet Department of the Air Force operational requirements for day and night, through-the-weather reconnaissance and near real-time data link of imagery to support time-critical targeting. The committee also understands that the Air Force component commander of the U.S. Central command has requested that this capability be deployed to the Iraq theater. Accordingly, the committee recommends an increase of \$12.0 million to provide one of the two ANG F-16 TARS-equipped units with two TARS pods and associated spares and support equipment.

In total, the committee recommends \$358.3 million for F-16 modifications, an increase of \$22.0 million.

#### *KC-767 aerial refueling tanker aircraft*

The budget request contained no funds for a KC-767 aerial refueling tanker aircraft. The Secretary of the Air Force has designated the KC-767 to be the replacement for the 43-year old KC-135 aerial refueling tanker aircraft.

In its report on H.R. 1588 (H. Rpt. 108-106) for fiscal year 2004, the committee noted the advancing age of the KC-135 fleet, which comprises most of the Air Force's aerial refueling capability, and expressed concern that a substantial portion of the Air Force's air refueling tanker fleet will reach simultaneous maturity, and will require substantial investment to operate, maintain, and eventually replace this fleet. To address this concern, the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136)

included a provision (section 135) that authorized the Secretary of the Air Force to lease not more than 20 tanker aircraft and to procure up to 80 additional tanker aircraft through a ten-year multiyear procurement program.

On December 1, 2003, the Deputy Secretary of Defense requested the Department of Defense (DOD) Inspector General (IG) determine if there is any compelling reason why the Secretary of the Air Force should not proceed with its tanker lease program. The committee notes the DOD IG concluded that there was no compelling reason why the Air Force could not execute the proposal as planned, but that the DOD IG was critical of the Air Force's procurement strategy, acquisition procedures, and adherence to statutory requirements.

Additionally, the committee notes that the Secretary of Defense has directed other reviews of the tanker lease program including a Defense Science Board evaluation of the tanker recapitalization program, a DOD General Counsel review and update of ethics policy and training for senior DOD officials, and a National Defense University study to analyze the decisionmaking process to develop lessons learned that would improve the acquisition and procurement processes. Other on-going studies include an analysis of alternatives to meet the Air Force's aerial refueling requirements and a study of the long-term tanker aircraft maintenance and training requirements directed by sections 134 and 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136). As a result of these studies, analyses, and investigations, the committee further notes that the Secretary of Defense has directed the Secretary of the Air Force to suspend all further negotiations on the tanker lease program.

While the committee supports the DOD and Congressionally-directed studies and analysis regarding the Air Force's tanker aircraft, it remains concerned that as the KC-135 aircraft fleet ages, the Air Force confronts a risk that the entire KC-135 fleet may be grounded pending the resolution of stress, material, or corrosion problems. The prospect of grounding the KC-135 fleet puts the Nation's long range strike and re-supply capabilities at risk when U.S. forces are globally deployed in support of the global war on terrorism. Accordingly, the committee believes that the Secretary of the Air Force should begin the KC-767 program in fiscal year 2005 in accordance with section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) and section 116 and 117 of this act. The committee further understands that projected annual procurement of KC-767 tanker aircraft would result in a procurement program likely to span over twenty-five years to replace the entire 544-aircraft KC-135 fleet, and further understands that the last of the retiring KC-135 aircraft may be approximately 70 years old when they are removed from the Air Force's tanker aircraft inventory.

Consequently, the committee recommends an increase of \$15.0 million in procurement for the advance procurement of KC-767 aerial refueling tankers, and an increase of \$80.0 million in PE 64XXXF for KC-767 development. Elsewhere in this report, the committee recommends an increase of \$3.5 million in operations and maintenance to sustain the KC-767 system program office and for KC-767 training.

*Predator unmanned aerial vehicle*

The budget request contained \$146.6 million for Predator unmanned aerial vehicles (UAV).

The committee is aware that Predator B is the next generation of the proven Predator UAV. The committee strongly supports additional acquisition of propjet Predator B UAVs. The committee also realizes that Predator A has significant capability to support operations in Iraq.

The committee recommends \$322.6 million, an increase of \$44.0 million for additional propjet Predator B UAVs and an increase of \$132.0 million for four Predator A systems.

*Senior scout permanent carrier*

The budget request contained \$110.4 million for the C-130 program, but contained no funding for the establishment of a dedicated C-130 unit for the SENIOR SCOUT mission.

The SENIOR SCOUT mission package and assigned personnel are temporarily located at the Air National Guard's 169th intelligence squadron (169th IS) in Salt Lake City, Utah. The SENIOR SCOUT mission package is a self-contained, roll-on/roll-off shelter that can be accommodated on any appropriately modified C-130 aircraft. The Joint Chiefs of Staff has mobilized this mission since October 2001 and considers this a high demand, low density asset capable of meeting current counternarcotics and global war on terrorism intelligence tasking.

The Air National Guard (ANG) supports the SENIOR SCOUT mission lift requirements. The Idaho ANG at Gowen Field has indicated that it wishes to host the SENIOR SCOUT mission personnel and is presently coordinating with the National Guard Bureau (NGB) in establishing this permanent affiliation. The committee commends both the NGB and their units for their initiative and looks forward to the 169th IS-Idaho ANG affiliation to increase mission effectiveness and availability to both the counternarcotics and the global war of terrorism.

Therefore, the committee recommends \$112.4 million in C-130 procurement, an increase of \$2.0 million for the establishment of a dedicated ANG unit for the SENIOR SCOUT mission.

*T-38 modifications*

The budget request contained \$153.7 million for T-38 modifications, but included no funds for the T-38 ejection system upgrade program (ESUP).

The T-38 ESUP will replace the T-38's original ejection seats, add an inter-seat sequencing system, and improve escape path clearance. The committee understands that the T-38 ESUP will also result in improved accommodation for smaller and larger crewmembers not considered when the aircraft was originally fielded in the early 1960s, and notes that the Air Force Chief of Staff has included the T-38 ESUP among his unfunded priorities for fiscal year 2005.

Therefore, the committee recommends \$173.7 million for T-38 modifications, an increase of \$20.0 million for the T-38 ESUP.

## AMMUNITION PROCUREMENT, AIR FORCE

## Overview

The budget request for fiscal year 2005 contained \$1,396.5 million for Ammunition Procurement, Air Force. The committee recommends the budget request for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Ammunition Procurement, Air Force program are identified in the table below. Major changes to the Air Force request are discussed following the table.

**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>										
	<b>PROCUREMENT OF AMMO, AIR FORCE</b>										
	ROCKETS										
1	ROCKETS	-	34,557							-	34,557
	CARTRIDGES										
2	CARTRIDGES	-	149,100							-	149,100
	BOMBS										
3	PRACTICE BOMBS	-	46,918							-	46,918
4	GENERAL PURPOSE BOMBS	-	266,489							-	266,489
5	SENSOR FUZED WEAPON	315	117,023							315	117,023
6	JOINT DIRECT ATTACK MUNITION	23,137	521,782							23,137	521,782
7	WIND CORRECTED MUNITIONS DISP	2,507	58,670							2,507	58,670
	FLARE, IR MJU-7B										
8	CAD/PAD	-	20,379							-	20,379
9	EXPLOSIVE DISPOSAL	-	2,889							-	2,889
10	SPARES AND REPAIR PARTS	-	179							-	179
11	REPLENISHMENT SPARES	-	4,185							-	4,185
12	MODIFICATIONS -5M	-	202							-	202
13	ITEMS LESS THAN \$5,000,000	-	2,798							-	2,798
	FUZES										
14	FLARES	-	123,830							-	123,830
15	FUZES	-	36,507							-	36,507
	<b>TOTAL PROCUREMENT OF AMMO, AIR FORCE</b>		<b>1,385,508</b>								<b>1,385,508</b>
	<b>WEAPONS</b>										
	<b>SMALL ARMS</b>										
16	SMALL ARMS		10,949								10,949
	<b>TOTAL WEAPONS</b>		<b>10,949</b>								<b>10,949</b>
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b>		<b>1,396,457</b>								<b>1,396,457</b>

## MISSILE PROCUREMENT, AIR FORCE

## Overview

The budget request for fiscal year 2005 contained \$4,718.3 million for Missile Procurement, Air Force. The committee recommends authorization of \$4,638.3 million, a decrease of \$80.0 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Missile Procurement, Air Force program are identified in the table below. Major changes to the Air Force request are discussed following the table.





**Title I - PROCUREMENT**  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
37	EVOLVED EXPENDABLE LAUNCH VEH	3	610,997						(100,000)	3	510,997
38	MEDIUM LAUNCH VEHICLE(SPACE)	-	102,872		(100,000)					-	102,872
	<b>SPECIAL PROGRAMS</b>										
39	CANCELLED ACCOUNT	-	-							-	-
40	DEFENSE SPACE RECONN PROGRAM	-	332,388							-	332,388
41	SPECIAL PROGRAMS	-	-							-	-
42	SPECIAL ACTIVITIES	-	-							-	-
43	CLASSIFIED PROGRAMS	-	1,673,047							-	1,673,047
44	SPECIAL UPDATE PROGRAMS	-	130,809							-	130,809
	<b>TOTAL OTHER SUPPORT</b>		<b>3,600,362</b>		<b>(80,000)</b>		<b>35,000</b>		<b>(115,000)</b>		<b>3,520,362</b>
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b>		<b>4,718,313</b>		<b>(80,000)</b>		<b>35,000</b>		<b>(115,000)</b>		<b>4,638,313</b>

## Items of Special Interest

*Advanced extremely high frequency satellite*

The budget request contained \$98.6 million for the advanced extremely high frequency (EHF) program, but contained no funds for long lead procurement associated with advanced EHF IV.

Advanced EHF will replenish the existing EHF system and improve the capability to provide survivable, anti-jam, worldwide, secure communications for strategic and tactical warfighters. The current national space architecture plans for three advanced EHF satellites with follow-on capability provided by the Transformational Satellite (TSAT) Communications program. The committee is aware of the risk associated with the TSAT schedule and its ability to satisfy follow-on requirements which may require an additional advanced EHF satellite.

The committee recommends \$133.6 million, an increase of \$35.0 million for long-lead procurements for a fourth advanced EHF satellite. This additional funding may not be obligated until 30 days after a formal Air Force decision to procure an additional advanced EHF satellite.

*Evolved expendable launch vehicle*

The budget request included \$611.0 million to acquire space launch services in the evolved expendable launch vehicle (EELV) program.

EELV services are procured two years in advance of an operational requirement to provide the EELV contractors time to prepare for future launches. The fiscal year 2005, EELV budget request included launch services for a spaced-based infrared system satellite launch in fiscal year 2007. The committee notes that this launch will be delayed at least a year because of technical difficulties in satellite development and therefore funding for this launch is not required.

Consequently, the committee recommends \$511.0 million, a reduction of \$100.0 million for the EELV program.

## OTHER PROCUREMENT, AIR FORCE

## Overview

The budget request for fiscal year 2005 contained \$13,283.6 million for Other Procurement, Air Force. The committee recommends authorization of \$13,229.3 million, a decrease of \$54.3 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Other Procurement, Air Force program are identified in the table below. Major changes to the Air Force request are discussed following the table.











Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization	
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
112	REPLENISHMENT SPARES	-	297	-	-	-	-	-	-	-	297
	TOTAL SPARE AND REPAIR PARTS	-	41,394	-	-	-	-	-	-	-	41,394
	TOTAL OTHER PROCUREMENT, AIR FORCE		13,283,557		(54,300)		40,800		(95,100)		13,229,257

## Items of Special Interest

*Combat training ranges*

The budget request contained \$38.1 million for combat training ranges, of which \$9.2 million was included for the joint threat emitter (JTE).

The JTE is an advanced, mobile, rapidly reprogrammable electronic warfare threat simulator that generates all known ground-based electronic warfare threats. The committee understands that the Air Force's Air Combat Command fielding plan for the JTE includes additional JTEs in fiscal year 2006, and believes that this schedule should be accelerated.

Accordingly, the committee recommends \$43.1 million for combat training ranges, an increase of \$5.0 million for the fielding of one additional JTE.

*Advanced compression of tactical sensor information*

The budget request included \$99.7 million for general information technology, but no funding for commercial-off-the-shelf (COTS) technology that would improve intelligence analysis through the use of high-quality automatic target recognition from compressed video information.

The committee is aware of COTS technology like Eagle Scout that would dramatically enhance the capability of advanced digital data and image compression technology that would automatically detect changes and objects within compressed digital video thereby improving target recognition and analysis.

Therefore the committee recommends an increase of \$7.0 million for procurement and integration of COTS advanced compression, change detection, and target recognition software.

*Fixed aircrew standardized seats*

The budget request contained \$13.0 million for personal safety and rescue equipment items under \$5.0 million, but included no funds for fixed aircrew standardized seats (FASS).

FASS would provide crewmembers and passengers on C-130, C-135, C-5, E-3, and E-8 aircraft protection against aircraft crash loads up to 16 times the force of gravity. In prior years, the committee has supported the development of the FASS, and understands that development will be completed in the early months of fiscal year 2005. The committee continues to believe that FASS procurement would not only increase safety, but would also reduce supply and maintenance costs through the commonality and interchangeability of their parts.

Therefore, the committee recommends \$17.8 million, an increase of \$4.8 million for personal safety and rescue equipment items under \$5.0 million for FASS.

*General information technology*

The budget request contained \$99.9 million for general information technologies, but included no funds for the science and engineering lab data integration (SELDI) program.

The Air Force Material Command's science and engineering lab captures, analyzes and disseminates lab test data to the Air Force's engineering and system overhaul operations. The SELDI program

facilitates this mission by providing a maintenance and logistics information management tool that allows more rapid lab data access affecting overhaul operations, provides accident investigators with immediate access to lab results of failed components, enables component failure trend analysis, and implements a new acoustic signature sensors to ensure the proper chemical composition of materials and equipment. The committee has recommended increases for the SELDI program in prior years, and continues to believe its implementation would improve operational aircraft readiness, increase flight safety and reduce support costs.

Therefore, the committee recommends \$107.9 million, an increase of \$8.0 million for the SELDI program.

*Point of maintenance and combat ammunition system initiative*

The budget request contained \$16.2 million for mechanized material handling equipment, but included no funds for the point of maintenance and combat ammunition system initiative (POMX/CAS).

The POMX/CAS is an automatic data collection program developed by the Air Force Materiel Command's Automatic Identification Technology Program Office, which streamlines mission critical data collection to reduce the burden on flight line personnel. The committee has supported the POMX/CAS in prior years.

Since the committee continues to believe that the POMX/CAS would increase the timeliness and accuracy of maintenance data collection while reducing the administrative burden on maintenance technicians, it recommends \$32.2 million for mechanized material handling equipment, an increase of \$16.0 million for the POMX/CAS.

## PROCUREMENT, DEFENSE-WIDE

### Overview

The budget request for fiscal year 2005 contained \$2,883.3 million for Procurement, Defense-Wide. The committee recommends authorization of \$2,950.7 million, an increase of \$67.4 million, for fiscal year 2005.

The committee recommendations for the fiscal year 2005 Procurement, Defense-Wide program are identified in the table below. Major changes to the Air Force request are discussed following the table.







TITLE I - PROCUREMENT (Dollars in Thousands)												
Line	PROGRAM TITLE	FY 2005 Authorization Request		Committee Change		Committee Increase		Committee Decrease		FY 2005 Committee Authorization		COST
		QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	
56	SOF COMBATANT CRAFT SYSTEMS	-	7,297	-	-	-	-	-	-	-	-	7,297
57	SPARES AND REPAIR PARTS	-	8,369	-	-	-	-	-	-	-	-	8,369
58	SPECIAL PROGRAM	-	-	-	-	-	-	-	-	-	-	-
59	TACTICAL VEHICLES	-	493	-	-	-	-	-	-	-	-	493
60	SOF MARITIME EQUIPMENT	-	3,449	-	-	-	-	-	-	-	-	3,449
61	DRUG INTERDICTION	-	-	-	-	-	-	-	-	-	-	-
62	MISCELLANEOUS EQUIPMENT	-	16,830	-	-	-	-	-	-	-	-	16,830
63	SOF PLANNING AND REHEARSAL SYSTEM	-	192	-	-	-	-	-	-	-	-	192
64	SOF OPERATIONAL ENHANCEMENTS	-	233,632	-	-	-	-	-	-	-	-	233,632
65	PSYOP EQUIPMENT	-	18,388	-	-	-	-	-	-	-	-	18,388
	<b>TOTAL SPECIAL OPERATIONS COMMAND</b>		<b>1,285,252</b>		<b>33,500</b>		<b>33,500</b>		<b>-</b>			<b>1,318,752</b>
<b>CHEMICAL/BIOLOGICAL DEFENSE</b>												
<b>CBDP</b>												
66	INSTALLATION FORCE PROTECTION	-	104,935	-	-	-	-	-	-	-	-	104,935
67	INDIVIDUAL PROTECTION	-	131,926	-	21,500	-	-	-	-	-	-	153,426
	M40 Protective Mask (Rebuild)						5,000					
	M45 Protective Mask (Rebuild)						500					
	M40 Protective Mask						2,000					
	M45 Protective Mask						3,000					
	Aircrew CBD Respirator						11,000					
68	DECONTAMINATION	-	11,284	-	11,000	-	-	-	-	-	-	22,284
	M12A1 Decontamination Apparatus (Rework)						3,000					
	M49 Fixed Installation Filters						1,000					
	M100 Sorbent Decontamination Kit						2,000					
	M291 Skin Protection Kit						3,000					
	M295 Equipment Decontamination Kit						2,000					
69	JOINT BIOLOGICAL DEFENSE PROGRAM	-	101,097	-	-	-	-	-	-	-	-	101,097
70	COLLECTIVE PROTECTION	-	18,394	-	19,000	-	-	-	-	-	-	37,394
	Protective Shelters						19,000					

Title I - PROCUREMENT  
(Dollars in Thousands)

Line	PROGRAM TITLE	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
		QTY. COST	QTY. COST	QTY. COST	QTY. COST	QTY. COST
71	CONTAMINATION AVOIDANCE	- 270,105	20,000	20,000	-	- 290,105
	M22 ACADA - ARNG					
	TOTAL CHEMICAL/BIOLOGICAL DEFENSE	637,741	71,500	71,500	-	709,241
999	CLASSIFIED PROGRAMS	- 545,392	10,300	10,300	-	- 555,692
	Program Increase					
	TOTAL CLASSIFIED PROGRAMS	545,392	10,300	10,300	-	555,692
	TOTAL PROCUREMENT, DEFENSE-WIDE	2,883,302	67,400	115,300	(47,900)	2,950,702
	DEFENSE PRODUCTION ACT PURCHASES					
	DEFENSE PRODUCTION ACT PURCHASES					
1	DEFENSE PRODUCTION ACT PURCHASES	- [9,015]				- [9,015]
	TOTAL DEFENSE PRODUCTION ACT PURCHASES					

## Items of Special Interest

*Chemical agents and munitions destruction*

The budget request contained \$1,372.0 million for chemical agents and munitions destruction, including \$1,138.8 million for operations and maintenance, \$154.2 million for research, development, test and evaluation, and \$79.0 million for procurement. The budget request also contained \$81.9 million in military construction for the chemical agents and munitions destruction program.

The committee notes that to date more than 8,600 tons of lethal chemical agents and munitions, over 27 percent of the total U.S. stockpile, has been safely destroyed in 4 operational chemical demilitarization facilities. The committee notes, however, that the budget request represents a decrease of \$166.2 million from the fiscal year 2004 budget request, despite the increased level of activity planned for the program in fiscal year 2005:

- (1) Destruction of chemical agents and munitions at six sites: Tooele, Utah; Anniston, Alabama; Umatilla, Oregon; Pine Bluff, Arkansas; Aberdeen, Maryland; and Newport, Indiana;
- (2) Design, permitting, and construction activities for Assembled Chemical Weapons Alternative pilot plants at Pueblo, Colorado, and Blue Grass, Kentucky;
- (3) Sustainment of emergency preparedness activities and capability improvements; and
- (4) Non-stockpile chemical material cleanup and disposal efforts.

The committee also notes that the fiscal year 2005 budget request reduced the fiscal year 2005 estimate for the chemical demilitarization program for completion, equipping, and systemization of the Pueblo Army Depot pilot plant from \$151.7 million to \$4.9 million. The committee is informed that an analysis of alternatives for potential redesign of that plant is underway. The committee directs the Secretary of Defense to report to the congressional defense committees by July 1, 2004 the results of the analysis of alternatives, the recommended course of action for proceeding with the construction of the Pueblo facility and destruction of the stockpile, and fiscal year 2005 funding requirements necessary to carry out that course of action.

The committee further notes the ongoing review of proposals for disposal at a commercial hazardous waste water disposal facility of the hydrolysate that will result from the neutralization of the bulk VX agent at Newport. The committee believes that the United States must proceed as rapidly as possible in destroying the stockpile to ensure the overall maximum safety of our citizenry and meet our international treaty commitments. At the same time we must proceed objectively and deliberately in ensuring that the disposal of the hydrolysate in a commercial hazardous waste disposal facility would not compromise the public health and safety of the citizens or the environment near such a facility. The committee directs that the Army proceed expeditiously in providing for a prompt, objective and deliberate independent review of the process for destroying the VX nerve agent stockpile at Newport and not proceed with that process until such a review is completed, the findings are made available for public scrutiny, and all concerned understand precisely the risks involved.

Section 1412(f) of the National Defense Authorization Act for Fiscal Year 1986 (Public Law 99-145) requires that funds for carrying out the destruction of the U.S. stockpile shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account and shall not be included in the budget accounts for any military department. In committee hearings on the fiscal year 2005 budget request, Department of Defense witnesses testified that, while the Army was executive agent for the demilitarization program, the budget for the program is funded in a defense-wide account and any increases to program funding that might be required would come from the defense-wide account and not from the Department of the Army's budget. The committee agrees that this interpretation corresponds to the intent of Congress in establishing the program.

Elsewhere in this report the committee recommends a provision that would transfer oversight of the Assembled Chemical Weapons Alternative program from the Under Secretary of Defense for Acquisition, Technology and Logistics to the Secretary of the Army. The committee believes that the establishment of a new management structure, which brings together all elements of the program under a single activity, as recommended by the General Accounting Office, would ensure more efficient management of the total program, and would also address the equities and concerns of those sites using assembled chemical weapons alternatives for destruction of stockpiles.

The committee recommends \$154.2 million for Chemical Agents and Munitions Destruction research, development, test and evaluation, \$79.0 million for Chemical Agents and Munitions Destruction procurement, and \$1,138.8 million for Chemical Agents and Munitions Destruction operations and maintenance. Elsewhere in this report the committee recommends \$81.9 million for military construction for the chemical agents and munitions destruction program.

#### *Chemical and biological defense procurement program*

The budget request contained \$637.7 million for chemical and biological defense (CBD) procurement, including \$104.9 million for procurement of installation force protection equipment, \$131.9 million for individual protection equipment, \$11.3 million for decontamination equipment, \$101.1 million for the joint biological defense program, \$18.4 million for collective protection equipment, and \$270.1 million for contamination avoidance equipment.

The committee recommends the following increases for procurement of CBD individual protection and decontamination equipment:

	<i>In millions</i>
M40 protective mask (rebuild) .....	\$5.0
M45 protective mask (rebuild) .....	0.5
M40 protective mask .....	2.0
M45 protective mask .....	3.0
M12A1 decontamination apparatus (rework) .....	3.0
M49 fixed installation filters .....	1.0
M100 sorbent decontamination kit ....	2.0
M291 skin protection kit .....	3.0
M295 equipment decontamination kit	2.0

The committee also recommends an increase of \$19.0 million for procurement of retrofit kits for improvement of the currently fielded chemical biological protective shelters and \$20.0 million for procurement of M22 automatic chemical agent alarms for the Army National Guard.

#### *Countering improvised explosive devices*

The committee finds that the well-being of the members of the Armed Forces deployed in defense of the Nation is of paramount importance. Therefore, the Department of Defense should do its utmost to see that deployed military personnel have the best force protection equipment the Nation can make available.

Toward that end, the committee recommends that the Department of Defense and the military departments should, using all means at their disposal, increase the ability of currently unarmored vehicles that are deployed forward for operations in Operation Iraqi Freedom and Operation Enduring Freedom to resist improvised explosive devices, including nontraditional production sources and technologies, field-installable kits, and reprogramming of funds. Further, the committee urges the Department of Defense to immediately release all funds that have been authorized and appropriated and that have not previously been released, to the military departments for the purposes of defeating improvised explosive devices and mitigating their effect on vehicles.

In order to facilitate future such acquisitions, the committee directs the Secretary of Defense to submit a report to the congressional defense committees by March 1, 2005, discussing the lessons learned from the fiscal year 2004 effort to rapidly acquire force protection equipment and possible improvements in the acquisition system reflecting these lessons.

#### *Guard and Reserve equipment*

The committee believes that the Chiefs of the Reserve and National Guard should exercise control of modernization funds provided for Reserve and National Guard programs and directs that the Chiefs of the Reserve and National Guard provide a separate submission for fiscal year 2006 of a detailed assessment of their modernization requirements and priorities to the congressional defense committees.

#### *Indexing of class A mishaps*

The committee understands that the Department of Defense seeks to index certain contract thresholds to inflation, on the grounds that over time, unintended consequences result from not adjusting values to reflect actual economic conditions. The committee also notes that the value criterion for determining a Class A mishap has remained at \$1.0 million for many years, while the value of parts for, and repair of, military systems have increased considerably.

Therefore, the committee requests the Secretary of Defense to report to the congressional defense committees by February 1, 2005, his recommendation as to whether the dollar values used to classify military mishaps should be indexed, and if so to recommend a generally accepted index to be used.

*Joint threat work station, ground signals intelligence kits*

The budget request contained \$16.9 million for the Special Operations Command (SOCOM) joint threat work station (JTWS), ground signals intelligence (SIGINT) kits (GSK).

The committee notes that the JTWS is presently being integrated into the SOCOM mobile force platforms. The GSK is a variant of the JTWS that provides threat warning, force protection and SIGINT capabilities packaged for ground mobile special operation forces (SOF). Its utility in the global war on terrorism operations is significant. Additional funding would permit procurement of an additional 45 GSKs for use in the field by operational forces.

The committee recommends \$31.4 million, an increase of \$14.5 million for SOF intelligence systems for the procurement of 45 GSKs.

*Military specifications for radomes*

The committee notes that the military specification for radomes, also known as MIL-R-7705B, was written in 1975, and believes that this specification is outdated since it does not account for technological advancements that improve signal efficiency, reduce cost, and promote easier radome installation.

The committee understands that, according to MIL-R-7705B, radomes are constructed according to four styles. One of these styles is a sandwich construction where the wall of the radome is constructed of three layers, two skins and a core material, and the dielectric constant of the skin materials is higher than the dielectric constant of the core material. The committee believes that greater efficiencies could be achieved through the use of interchangeable panels and overlapping flanges where the panels are joined so that signal loss could be diminished and installation time is reduced, resulting in lower cost.

Therefore, the committee recommends that the Department of Defense consider updating its MIL-R-7705B military specification for radomes, by adding language to the sandwich construction section of this military specification to permit panels to be arranged in horizontal rows of identical interchangeable panels. The total panel arrangement would be such that the vertically joined edges would be staggered by locating them at the center of the panels in the rows immediately above and below the joint and that the joints of the panels would be overlapping sandwich flanges having appropriate dielectric constants and dimensions to produce minimum loss at the principal frequency of the system.

*Special Operations Forces binocular goggle system*

The budget request contained \$8.2 million for Special Operations Forces (SOF) small arms and weapons, but included no funding to procure the AN/PVS-15 binocular goggle system for SOF operators. The committee understands that this new binocular system will substantially improve the ability of SOF operators to conduct night operations by providing a wider field of view and better depth perception than the system currently in use. The committee notes that this item is on the unfunded priority list of the Commander, Special Operations Command.

The committee recommends \$20.2 million, an increase of \$12.0 million for the procurement of AN/PVS-15 goggles for SOF small arms and weapons.

*Special Operations Forces MH-47 infrared engine exhaust suppressor*

The budget request contained \$447.3 million for Special Operations Forces (SOF) rotary wing upgrades and sustainment, but included only \$2.9 million to procure the MH-47 infrared engine exhaust suppressor. The committee understands that these helicopter heat suppressors are a critical force protection requirement for the Army SOF MH-47 fleet now operating in a hostile environment, and believes that the entire fleet should be protected as soon as these suppressors can be manufactured. The committee notes that this item is on the unfunded priority list of the Commander, Special Operations Command.

The committee recommends \$454.3 million, an increase of \$7.0 million for SOF rotary wing upgrades and sustainment for procurement of additional MH-47 infrared engine exhaust suppressors.

*Use of capability-based acquisition*

The committee endorses the Department's continuing move to capability-based planning and acquisition, a system that develops requirements based on the expected capabilities of potential adversaries rather than any specific employment scenario.

Capability-based planning can be useful in allowing for unforeseen situations. Ideally, tailoring American forces to exceed other nations' known and projected capabilities should yield an advantage regardless of the situation in which they are employed.

However, the committee notes a growing difficulty emerging from capability-based acquisition. Requiring all new hardware to exceed the posited capabilities of all possible enemies in all possible scenarios, while ignoring the likelihood of engagement against a particular adversary, leads ineluctably to more sophisticated and expensive systems. Given a defense budget top-line relatively fixed in real terms, that focus on possible future conflicts impinges on the Department's ability to meet requirements for current and known threats. The combat systems of the future fight for dollars against current logistics and operations and maintenance requirements, often to the detriment of both.

Further, designing systems to meet the most stringent adversary capabilities does not always increase the capability to address lesser or unconventional threats. Traditional force structures included a "high-low" mix, offering an optimum combination of cost and capability. If all combat aircraft, for example, are tailored to operate in the most stressing environment that can be conceived, there can by definition be no "low" side.

The Department asserts that the point of spiral acquisition is to be able to increase system capabilities as threats increase. But even the basic systems, prior to any spirals, are far more complex than will be needed in many post-Cold War conflicts.

Before capabilities-based acquisition became the standard, the Office of Net Assessment provided input to the Defense Planning Guidance indicating which threats were likely to be most significant in the future; indeed, that was the reason Net Assessment

was created in the first place. Force structures and acquisitions were designed to be relevant to what was likely to happen during the foreseeable future, recognizing that the likelihood of, for example, going to war against longtime allies was at best remote. The resulting forces can hardly be called technologically inadequate.

As the military continues to operate at an unprecedented tempo around the globe against largely unsophisticated threats, the committee is concerned that use of capabilities-based acquisition, unleavened by common sense input as to the probability of a particular capability threat being used, will increase the pressure placed on the budgeting necessary to fight and win the wars in which we are currently engaged.

## LEGISLATIVE PROVISIONS

### SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

#### Sections 101–104—Authorization of Appropriations

These sections would authorize the recommended fiscal year 2005 funding levels for all procurement accounts.

### SUBTITLE B—PROGRAM MATTERS

#### Section 111—Multiyear Procurement Authority for the M777 Lightweight 155mm Howitzer Program

This section would permit the Secretary of the Navy and the Secretary of the Army to enter into a joint-service multiyear contract for procurement of the Lightweight 155mm Howitzer.

#### Section 112—DDG–51 Modernization Program

This section would direct the Secretary of the Navy to accelerate modernization of in-service guided missile destroyers (DDG–51) and expansion of the DDG–51 modernization program to include additional emphasis to reduce crew size to about 200.

The budget request contained \$3,445.0 million for procurement of three guided missile destroyers (DDG–51), but included no funding for in-service DDG–51 modernization.

The committee notes that the Navy is scheduled to commence a DDG–51 modernization plan in fiscal year 2005 with new construction and subsequently extend modernization to in-service destroyers. The committee is aware that the foundations for DDG–51 modernization are: increased warfighting capability, leverage of the DDG–51 shipbuilding program, reduction of total ship ownership costs, and use of open architecture. In addition to those factors, the committee believes that reduction in crew size from the present approximately 300 to an objective of 200 personnel should also be part of the foundation of an even more aggressive modernization program.

According to the Navy, a DDG–51 class ship costs \$25.0 million per year to operate, including \$13.0 million for the crew. The Navy estimate is that its present modernization plan could reduce the crew cost per ship by \$2.7 million per year. A larger reduction in crew size would clearly appear to result in significant savings over the estimated 18 years of remaining normal service life, especially

noting that per capita personnel costs may be expected to increase during that period.

The committee understands that the present DDG-51 retirement schedule would retire some ships significantly before their expected life. The recent report to Congress, "DDG-51 Class Guided Missile Destroyers Modernization Plan" indicates that modernization, beginning with the oldest DDGs first, "will keep the DDG-51 portion of the Aegis equipped fleet an integral part of the Navy's Sea Power 21 Plan through year 2047."

The committee believes that acceleration of the in-service DDG-51 modernization would have the benefit of providing significant additional work to sustain the shipbuilding industrial base, which would allow deliberate maturation of the next generation destroyer's (DD (X)) critical technologies prior to initiating production. The committee notes the recent testimony of the General Accounting Office and Congressional Research Service indicating that the majority of the DD (X) critical technologies are well below the acceptable level for initiating system design and development.

The committee also notes that efforts are reportedly being made to accelerate the Coast Guard Deepwater Cutter program and that the Army is preparing to award a contract to construct several high speed vessels. Both programs, if coordinated with Navy ship construction, have potential to eliminate significant fluctuation in shipyard manning and to help to stabilize the industry.

The committee understands that to increase shipyard work load, one solution would be to simply authorize one or several additional existing class new construction ships or to accelerate commencement of acquisition of some other class of ship. However, the committee believes it would be much wiser in the long run not to procure additional ships for which there is no established requirement. Likewise, to accelerate development of a class whose critical technologies are not mature has proven to significantly increase costs and cause delays that exacerbate industrial base problems.

In fiscal year 2003, Congress approved and funded, above the President's request, a \$300.0 million proposal that included a swap of DDG-51 and amphibious transport dock (LPD) shipbuilding workload between two shipyards handling the construction of these ships. At the time, the Navy indicated that such a workload "swap" was in the best interests of the government, providing workload stability and generally protecting a vital industrial base for the construction of surface combatants.

This swap, implemented by Congress as a way of stabilizing the workload at these yards, has been undermined by the Navy's changing construction profile. Starting in 2004 and continuing into 2005, the Navy has reduced the number of DDG-51s and LPDs in its shipyard construction plan. Each time this happens, it creates instability within the surface combatant shipyards that see workload shares decrease in both the short- and long-term. In both 2004 and 2005, the Navy's ship construction plan changed from the proposal presented in 2003, negatively impacting the construction of surface combatants and thereby the same shipyards that Congress, with approval of the Navy, attempted to stabilize in 2003.

The committee recommends \$3,545.0 million for DDG-51s, an increase of \$100.0 million to accelerate in-service DDG-51 modernization.

Section 113—Repeal of Authority for Pilot Program for Flexible Funding of Cruiser Conversions and Overhauls

This section would repeal Section 126 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

Section 114—Force Protection for Asymmetric Threat Environment

This section would require that all manned ground systems, war-fighter survivability systems, and certain manned airborne systems be assessed for adequacy in survivability and suitability against asymmetrical threats. Force protection or survivability enhancements would be developed for these existing systems through the combination of in-service modifications and tactics, techniques, and procedures. Further, developmental military system designs must account for survivability and suitability against asymmetrical threats.

The global war on terrorism has revealed a new sophisticated enemy. This foe is rapid to adapt, unbounded by civilized rules, and successfully using simple mechanisms to fight our advanced technology. Our military forces were developed to survive on the battlefield by detecting and destroying the enemy before he could see and engage our forces. Therefore, our existing manned ground and airborne systems were designed to survive in an environment that did not include the types of threats that now prevail in the global war on terrorism. Our military systems must now adapt to counter the close proximity, asymmetrical threat. Along with conventional threats, asymmetrical threats must be included as significant factors in the design and development of our war-fighter systems.

The committee recommends that military departments adapt their current war gaming and simulation systems used to test advanced concepts to include asymmetrical threat capability.

Section 115—Allocation of Equipment Authorized by This Title To Be Made on Basis of Units Deployed or Preparing To Deploy

This section would require the Secretary of Defense to provide that, in allocation to operational units of equipment acquired using funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2005, priority shall be given to units that are deployed to, or preparing to deploy to, Operation Iraqi Freedom or Operation Enduring Freedom, regardless of the status of those units as active, Guard, or reserve component units.

Section 116—KC-767 Tanker Multiyear Procurement

This section would clarify and reaffirm that the intent of Congress behind the multiyear aircraft tanker pilot program authority established by section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is to accomplish a lease of no more than 20 aircraft and conventional purchase of no more than 80 aircraft. The provision would repeal the multiyear portion of section 135 of Public Law 108–136 and reestablish it as an authorization for the Secretary of the Air Force to enter into a multiyear contract for 80 KC-767 tanker aircraft under section 2306b of title 10, United States Code. The multi-year procurement authority provided in this section may not be executed under sec-

tion 135 Public Law 108–136 or under section 8159 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117).

#### Section 117—Other Matters Relating to KC–767 Tanker Acquisition Program

This section would express the Sense of Congress that: (1) aerial refueling capability is a critical combat force multiplier, (2) the nation must expeditiously proceed with a program to replace the existing aging fleet of aerial refueling tankers, (3) in pursuing such a program, the Department of Defense should take full advantage of the United States’ commercial aircraft production base, and (4) anyone currently or previously associated with this program that is found to have engaged in illegal activities should be prosecuted to the fullest extent of the law. The provision would also direct the Secretary of the Air Force to proceed with one or more new contracts to execute the program authorized by subsection (a) in section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), section 8159 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117), and section 116(a) of this Act. Finally, the provision would require the creation of an advisory panel of experts to review and assess the terms of the new contract and advise the Department of Defense and Congress on whether it provides the best value for the funds expended.

The committee is deeply concerned that the ongoing multiple investigations into allegations of wrongdoing associated with this program, while necessary and proper, are needlessly delaying the pressing requirement to proceed with the acquisition of a replacement aircraft for our aging fleet of KC–135 tankers. The committee believes that a “fresh start” approach is warranted on the question of the contract proposed for the execution of the so-called 20–80 plan authorized by section 135 of Public Law 108–136. By negotiating a new contract and submitting the outcome of such negotiations to review by an independent panel of experts, the committee believes the Department can proceed with this important program without jeopardizing or undermining the various investigations presently under way at the direction of the Secretary of Defense. In turn, this approach would also help ensure that the Air Force can take full advantage of the existing availability of a “warm” domestic commercial aircraft production line ideal for the aerial tanker role. The committee is concerned that the increased costs associated with starting the production line, should production cease in the immediate future, would be significant and wholly unnecessary.

The committee notes that there is no legal or other impediment presently precluding the Department from immediately pursuing this strategy and strongly urges the Secretary of Defense to pursue this approach in advance of the enactment of the fiscal year 2005 defense authorization bill.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, & EVALUATION

### OVERVIEW

The budget request contained \$67,772.3 million for research, development, test, & evaluation (RDT&E). The committee rec-

ommends \$68,128.4 million, an increase of \$356.1 million to the budget request.

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005		Committee Decrease	Committee Increase	FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Change	Committee Increase			
		TOTAL, BASIC RESEARCH	317,506	13,000	13,000			330,506	
		TOTAL, APPLIED RESEARCH	651,192	208,300	208,300			859,492	
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	814,615	83,500	83,500			898,115	
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	737,373	26,500	26,500			763,873	
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	4,919,649	(151,397)	811,657	(963,054)		4,768,252	
		TOTAL, RDT&E MANAGEMENT SUPPORT	859,798	2,500	2,500			862,298	
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	966,125	29,503	30,500	(937)		995,628	
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>	<b>9,266,258</b>	<b>211,906</b>	<b>1,175,957</b>	<b>(964,051)</b>		<b>9,478,164</b>	
		TOTAL, BASIC RESEARCH	476,984	3,000	3,000			479,984	
		TOTAL, APPLIED RESEARCH	564,067	58,200	58,200			622,267	
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	677,172	(27,152)	140,500	(167,652)		650,020	
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	2,803,667	(8,598)	126,100	(134,698)		2,795,069	
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	8,008,517	(360,700)	163,400	(524,100)		7,647,817	
		TOTAL, RDT&E MANAGEMENT SUPPORT	653,996					653,996	
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	3,161,988	36,700	36,700			3,198,688	
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>	<b>16,346,391</b>	<b>(238,550)</b>	<b>527,900</b>	<b>(826,450)</b>		<b>16,047,841</b>	
		TOTAL, BASIC RESEARCH	345,500	2,000	2,000			347,500	
		TOTAL, APPLIED RESEARCH	786,180	41,000	41,000			827,180	
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	786,994	71,000	71,000			857,994	
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	2,384,536	50,000	150,000	(100,000)		2,434,536	
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	4,708,025	223,000	223,000			4,931,025	
		TOTAL, RDT&E MANAGEMENT SUPPORT	747,114					747,114	
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	11,356,318	26,300	61,700	(35,400)		11,382,618	
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>	<b>21,114,667</b>	<b>413,300</b>	<b>548,700</b>	<b>(135,400)</b>		<b>21,527,967</b>	

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization	
		TOTAL, BASIC RESEARCH	190,088	20,000	20,000			210,088
		TOTAL, APPLIED RESEARCH	1,876,306	(11,000)	58,000	(69,000)		1,865,306
		TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	3,047,451	55,500	200,500	(145,000)		3,102,951
		TOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	9,429,174	27,102	298,102	(271,000)		9,456,276
		TOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	424,870	(50,135)	13,000	(63,135)		374,735
		TOTAL, RDT&E MANAGEMENT SUPPORT	711,326	30,950	47,950	(17,000)		742,276
		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	5,060,622	(43,000)	30,200	(73,200)		5,017,622
		<b>TOTAL, RDT&amp;E, DEFENSE WIDE</b>	<b>20,739,837</b>	<b>-29,417</b>	<b>667,752</b>	<b>(638,336)</b>		<b>20,769,254</b>
		TOTAL, OPERATIONAL TEST & EVALUATION, DEFENSE	305,135					305,135
		<b>TOTAL, RESEARCH AND DEVELOPMENT</b>	<b>67,772,288</b>	<b>356,073</b>	<b>2,920,309</b>	<b>(2,564,236)</b>		<b>68,128,361</b>

ARMY RESEARCH, DEVELOPMENT, TEST, & EVALUATION

OVERVIEW

The budget request contained \$9,266.3 million for Army research, development, test, and evaluation (RDT&E).

The committee recommends \$9,478.2 million, an increase of \$211.9 million to the budget request.

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>						
<b>BASIC RESEARCH</b>						
0601101A	1	In-House Laboratory Independent Research	23,971			23,971
0601102A	2	Defense Research Sciences	131,206	6,000		137,206
0601103A	3	Carbon Nano Technology			6,000	
0601103A	3	University Research Initiatives	75,133	4,000		79,133
0601103A	3	Smart Responsive Nanocomposites			4,000	
0601104A	4	University and Industry Research Centers	77,658	3,000		80,658
0601104A	4	Centers of Excellence			3,000	
0601105A	5	Force Health Protection	9,538			9,538
<b>TOTAL, BASIC RESEARCH</b>			<b>317,506</b>	<b>13,000</b>	<b>13,000</b>	<b>330,506</b>
<b>APPLIED RESEARCH</b>						
0602105A	6	Materials Technology				
0602105A	6	Titanium Alloy Powder	15,385	8,300		23,685
0602105A	6	Ultrasonic Consolidation Matrix for Metal Composites			5,000	
0602105A	6	Ballistic Shields Technology			2,300	
0602105A	6	Sensors and Electronic Survivability			1,000	
0602120A	7	TRACTOR HIP	25,629			25,629
0602122A	8	Aviation Technology	6,627			6,627
0602211A	9	National Full Scale Aerodynamic Complex	41,629	17,000		58,629
0602211A	9	Center for Rotocraft Innovation			10,000	
0602211A	9	Xenon Light Source for Non Lethal Deterrence from Small UAVs			5,000	
0602270A	10	EW Technology	18,034			18,034
0602303A	11	Missile Technology	51,993	10,000		61,993
0602303A	11	Unmanned Systems Initiative			10,000	
0602307A	12	Advanced Weapons Technology/HEL	16,641	30,000		46,641
0602307A	12	Solid State Lasers			10,000	
0602307A	12	Applied Weapons Technology			20,000	

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
0602308A	13	Advanced Concepts and Simulation	15,041	7,000			22,041
0602308A		Institute for Creative Technologies			7,000		
0602601A	14	Combat Vehicle and Automotive Technology	69,838	15,000			84,838
0602601A		Hydrogen Proton Exchange Membrane			10,000		
0602601A		Light Utility Vehicle			5,000		
0602619A	15	Ballistics Technology/FCS	51,301				51,301
0602622A	16	Chemical, Smoke and Equipment Defeating Technology	3,476				3,476
0602623A	17	Joint Service Small Arms Program	5,739				5,739
0602624A	18	Weapons and Munitions Technology	44,666	20,000			64,666
0602624A		Strategic Materials Strategic Manufacturing Initiative			6,000		
0602624A		TEMPER			12,000		
0602705A	19	Active Coating Technology	41,236	39,000			80,236
0602705A		Electronics and Electronic Devices			2,000		
0602705A		Advanced Battery Technology Initiative			20,000		
0602705A		Flexible Display Initiative			13,500		
0602705A		JP-8 Soldier Fuel Cell			2,000		
0602705A		Silicon Based Alternative Substrates for IR Images			3,500		
0602709A	20	Night Vision Technology	22,617	5,000			27,617
0602709A		UAV Miniature Hyperspectral Coherent Imaging			5,000		
0602712A	21	Countermine Systems	20,547	1,500			22,047
0602712A		Stoichiometric Explosive Detection Systems			1,500		
0602716A	22	Human Factors Engineering Technology	16,899	5,500			22,399
0602716A		Manpower and Personnel Integration (MANPRINT)			5,500		
0602720A	23	Environmental Quality Technology	17,026				17,026
0602782A	24	Command, Control, Communications Technology	18,604				18,604
0602783A	25	Computer and Software Technology	3,982				3,982
0602784A	26	Military Engineering Technology	47,152	5,000			52,152
0602784A		Modeling and Analysis of Response of Structures			5,000		
0602784A	27	Manpower/Personnel/Training Technology	15,322				15,322

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005		Committee Increase	Committee Decrease	FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	Committee Authorization			
0602786A	28	Logistics Technology	21,131	10,000					31,131
0602786A		M5 High Performance Fibers			10,000				
0602787A	29	Medical Technology	60,877	35,000					95,877
0602787A		Amputee R&D			10,000				
0602787A		Applied Research Initiative			25,000				
<b>TOTAL, APPLIED RESEARCH</b>			<b>651,192</b>	<b>208,300</b>	<b>208,300</b>				<b>859,492</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>									
0603001A	30	Warfighter Advanced Technology	68,034						68,034
0603002A	31	Medical Advanced Technology	38,404	8,000					46,404
0603002A		Patient Monitor with Defibrillator			5,000				
0603002A		Rugged Textile Electronic Garments			3,000				
0603003A	32	Aviation Advanced Technology	69,549	2,000					71,549
0603003A		VTDP Compound Helicopter Program			2,000				
0603004A	33	Weapons and Munitions Advanced Technology	67,622	16,000					83,622
0603004A		Silicon Power Light Sandwich Technology			1,000				
0603004A		ALACV Air Burst Munition			15,000				
0603005A	34	Combat Vehicle and Automotive Advanced Technology / FCS	203,126	22,000					225,126
0603005A		Lightweight Structures Initiative			9,000				
0603005A		UAV Weaponization			4,000				
0603005A		Advanced Composite Bridge			9,000				
0603006A	35	Command, Control, Communications Advanced Technology	9,946						9,946
0603007A	36	Manpower, Personnel and Training Advanced Technology	7,288						7,288
0603008A	37	Electronic Warfare Advanced Technology / FCS	41,760	17,000					58,760
0603008A		Portable and Emergency Broadband System			4,000				
0603008A		Applied Communications and Information Networking			10,000				
0603008A		GalaxyVue Compression Technology			2,000				
0603008A		Advanced Antenna Technologies			1,000				
0603009A	38	TRACTOR HIKE	8,035						8,035

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005		
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization	
	39	Next Generation Training & Simulation Systems / FCS	18,072					18,072
0603015A	40	TRACTOR ROSE	4,736					4,736
0603020A	41	Explosives Demilitarization Technology	9,706					9,706
0603103A	42	Military HIV Research	6,641					6,641
0603105A	43	Combating Terrorism, Technology Development	3,383					3,383
0603125A	44	Global Surveillance/Air Defense/Precision Strike Technology Demonstration	10,721					10,721
0603238A	45	EW Technology / FCS	9,382					9,382
0603270A	46	Missile and Rocket Advanced Technology / FCS	92,800					92,800
0603313A	47	TRACTOR CAGE	13,312					13,312
0603322A	48	Landmine Warfare and Barrier Advanced Technology	25,577					25,577
0603606A	49	Joint Service Small Arms Program	5,968					5,968
0603607A	50	Line-Of-Sight Technology Demonstration		11,500				
0603654A	51	Night Vision Advanced Technology	50,071					50,071
0603710A		Night Vision Fusion Technology			9,500			
0603710A		Integrated Autonomous Situation Awareness Sensor			2,000			
0603728A	52	Environmental Quality Technology Demonstrations	14,666					14,666
0603734A	53	Military Engineering Advanced Technology	3,865					3,865
0603772A	54	Advanced Tactical Computer Science and Sensor Technology	31,951	7,000				38,951
0603772A		Digital Army Radar Technology Development			7,000			
		<b>TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>814,615</b>	<b>83,500</b>	<b>83,500</b>			<b>898,115</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>						
0603305A	55	Army Missile Defense Systems Integration (Non Space)/MTHL	53,509	10,000				63,509
0603305A		Joint and Combined Communications Test Tool			10,000			
0603308A	56	Army Missile Defense Systems Integration (Space)	4,871					4,871
0603327A	57	Air and Missile Defense Systems Engineering	91,713	14,000				105,713
0603327A		Space and Missile Defense Architecture Analysis Program			7,000			
0603327A		Geospatial Information Decision Support			7,000			
0603619A	58	Landmine Warfare and Barrier - Adv Dev	11,634					11,634

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease
0603627A	59	Smoke, Obscurant and Target Defeating Sys-Adv Dev	6,249			6,249
0603639A	60	Tank and Medium Caliber Ammunition	39,697			39,697
0603645A	61	Armored System Modernization - Adv Dev				
0603653A	62	Advanced Tank Armament System (ATAS) / STRYKER	51,892			51,892
0603747A	63	Soldier Support and Survivability	13,810			13,810
0603766A	64	Tactical Electronic Surveillance System - Adv Dev	15,441			15,441
0603774A	65	Night Vision Systems Advanced Development	14,047			14,047
0603779A	66	Environmental Quality Technology	9,356	2,500		11,856
0603779A	66	Aberdeen Proving Ground Asbestos Conversion Facility			2,500	
0603782A	67	Warfighter Information Network-Tactical	99,645			99,645
0603790A	68	NATO Research and Development	4,801			4,801
0603801A	69	Aviation - Adv Dev	12,113			12,113
0603802A	70	Small Arms Improvement	2,382			2,382
0603804A	71	Logistics and Engineer Equipment - Adv Dev	10,485			10,485
0603805A	72	Combat Service Support Control System Evaluation and Analysis	6,366			6,366
0603807A	73	Medical Systems - Adv Dev	10,258			10,258
0603850A	74	Integrated Broadcast Service (JMIP/DISTP)	4,356			4,356
0603854A	75	Artillery Systems				
0603856A	76	SCAMP Block II	10,221			10,221
0603869A	77	Medium Extended Air Defense System (MEADS) Concepts	264,527			264,527
		<b>TOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>737,373</b>	<b>26,500</b>	<b>26,500</b>	<b>763,873</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>						
0604201A	78	Aircraft Avionics	68,857			68,857
0604220A	79	Armed, Deployable OH-58D	20,000			20,000
0604223A	80	Comanche				
0604270A	81	EW Development	16,879			16,879
0604280A	82	Joint Tactical Radio	121,400			121,400
0604321A	83	All Source Analysis System	5,346			5,346

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
0604328A	84	TRACTOR CAGE	14,149				14,149
0604329A	85	JT Common Missile	152,381				152,381
0604601A	86	Infantry Support Weapons	28,187	2,500			30,687
0604601A		Low Cost Course Correction M135 AT4			2,500		
0604604A	87	Medium Tactical Vehicles/FMTV	2,854	9,700			12,554
0604604A		FMTV A2			9,700		
0604609A	88	Smoke, Obscurant and Target Defeating Sys-SDD	3,798				3,798
0604611A	89	JAVELIN	944				944
0604622A	90	Family of Heavy Tactical Vehicles	2,479				2,479
0604633A	91	Air Traffic Control	2,088				2,088
0604641A	92	Tactical Unmanned Ground Vehicle (TUGV)					
0604642A	93	Light Tactical Wheeled Vehicles					
0604645A	94	FCS -SDD	2,700,455	(963,054)		(963,054)	1,737,401
646XAA	94a	Reconnaissance and Sensors		35,300	35,300		35,300
646XBA	94b	Unmanned Ground Vehicles		57,600	57,600		57,600
646XCA	94c	MGVs		186,900	186,900		186,900
646XDA	94d	UGS		15,700	15,700		15,700
646XEA	94e	NLOS-LS		76,400	76,400		76,400
0604647A	95	Non-Line of Sight Cannon	497,643	345,857	345,857		843,500
0604649A	96	Engineer Mobility Equipment Development					
0604710A	97	Night Vision Systems - SDD	24,693				24,693
0604713A	98	Combat Feeding, Clothing, and Equipment	115,093	4,200			119,293
0604713A		Mounted Warrior Nomad C2 HUD					
0604715A	99	Non-System Training Devices - SDD	51,694				51,694
0604716A	100	Terrain Information - SDD	3,199				3,199
0604726A	101	Integrated Meteorological Support System	2,485				2,485
0604738A	102	JSIMS Core Program					
0604741A	103	Air Defense Command, Control and Intelligence - SDD	27,376				27,376
0604742A	104	Constructive Simulation Systems Development	42,869				42,869

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
0604746A	105	Automatic Test Equipment Development	4,713				4,713
0604760A	106	Distributive Interactive Simulations (DIS) - SDD	26,985				26,985
0604766A	107	Tactical Surveillance Systems - SDD	21,821				21,821
0604768A	108	Army Tactical Missile System (ATACMS)	21				21
0604770A	109	Joint Surveillance/Target Attack Radar System					
0604778A	110	Positioning Systems Development (SPACE)	2,048				2,048
0604780A	111	Combined Arms Tactical Trainer (CATT) Core	23,849				23,849
0604783A	112	Joint Network Management System	10,726				10,726
0604801A	113	Aviation - SDD	2,378				2,378
0604802A	114	Weapons and Munitions - SDD / APKWS / GAMRAAM	125,885	70,000			195,885
0604804A	115	Common Remotely Operated Weapon System			70,000		
0604805A	116	Logistics and Engineer Equipment - SDD	89,151				89,151
0604807A	117	Command, Control, Communications Systems - SDD	219,790				219,790
0604807A	117	Medical Materiel/Medical Biological Defense Equipment - SDD	11,727	2,500			14,227
0604807A		LSTAT			2,500		
0604808A	118	Landmine Warfare/Barrier - SDD	51,045				51,045
0604814A	119	Artillery Munitions	133,297	5,000			138,297
0604814A		BONUS Compliance Program			5,000		
0604817A	120	Combat Identification	6,994				6,994
0604818A	121	Army Tactical Command & Control Hardware & Software	60,115				60,115
0604818A	121a	Airborne C2	7,995				7,995
0604819A	122	LOSAT	22,628				22,628
0604820A	123	Radar Development / Sentinel	6,107				6,107
0604823A	124	Firefinder	18,516				18,516
0604854A	125	Artillery Systems	9,550				9,550
0604865A	126	Patriot PAC-3 Theater Missile Defense Acquisition	64,178				64,178
0605013A	127	Information Technology Development	95,261				95,261
<b>TOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>			<b>4,919,649</b>	<b>(151,397)</b>	<b>811,657</b>	<b>(963,054)</b>	<b>4,768,252</b>

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
<b>RD&amp;E MANAGEMENT SUPPORT</b>						
0604256A	128	Threat Simulator Development	22,101			22,101
0604258A	129	Target Systems Development	11,017			11,017
0604759A	130	Major T&E Investment	57,987			57,987
0605103A	131	Rand Arroyo Center	20,012			20,012
0605301A	132	Army Kwajalein Atoll	143,921			143,921
0605326A	133	Concepts Experimentation Program	22,727			22,727
0605502A	134	Small Business Innovative Research				
0605601A	135	Army Test Ranges and Facilities	181,114			181,114
0605602A	136	Army Technical Test Instrumentation and Targets	52,433			52,433
0605604A	137	Survivability/Lethality Analysis	44,648			44,648
0605605A	138	DOD High Energy Laser Test Facility	15,725			15,725
0605606A	139	Aircraft Certification	3,485			3,485
0605702A	140	Meteorological Support to RD&E Activities	8,711			8,711
0605706A	141	Material Systems Analysis	18,000			18,000
0605709A	142	Exploitation of Foreign Items	4,740			4,740
0605712A	143	Support of Operational Testing	71,239			71,239
0605716A	144	Army Evaluation Center	62,209			62,209
0605718A	145	Simulation & Modeling for Acq. Rqts. & Tng (SMART)	1,935			1,935
0605801A	146	Programwide Activities	59,368			59,368
0605803A	147	Technical Information Activities	27,713			27,713
0605805A	148	Munitions Standardization, Effectiveness and Safety MEMS/IMU Technology	14,611	2,500	2,500	17,111
0605857A	149	Environmental Quality Technology Mgmt Support	4,527			4,527
0605898A	150	Management Headquarters (Research and Development)	11,575			11,575
0909999A	151	Financing for Cancelled Account Adjustments				
<b>TOTAL, RD&amp;E MANAGEMENT SUPPORT</b>			<b>859,798</b>	<b>2,500</b>	<b>2,500</b>	<b>862,298</b>

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005				FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
0603778A	152	MLRS Product Improvement Program	97,422				97,422
0102419A	153	JT Land Attack Cruise Missile Defense Aerostat Joint Program Office	81,514	3,000	3,000		84,514
0203610A	154	Domestic Preparedness Against Weapons of Mass Destruction					
0203726A	155	Adv Field Artillery Tactical Data System	17,994				17,994
0203735A	156	Combat Vehicle Improvement Programs	15,952	5,000	5,000		20,952
0203735A		Combat Vehicle Electronics					
0203740A	157	Maneuver Control System - Tactical C2	24,753				24,753
0203744A	158	Aircraft Modifications/Product Improvement Programs / Guardrail	242,853				242,853
0203752A	159	Aircraft Engine Component Improvement Program Electronic Flight Planning	2,427	3,500	3,500		5,927
0203758A	160	Digitization	24,506				24,506
0203759A	161	Force XXI Battle Command, Brigade and Below (FBCB2)	23,510				23,510
0203801A	162	Patriot Product Improvement	31,690				31,690
0203802A	163	Other Missile Product Improvement Programs	4,863				4,863
0203806A	164	TRACTOR RUT	3,321				3,321
0203808A	165	TRACTOR CARD	9,023				9,023
0206010A	166	Joint Tactical Communications Program (TRI-TAC)	18,177				18,177
0208053A	167	Joint Tactical Ground System	9,967				9,967
0301359A	168	Special Army Program					
0301555A	169	Classified Programs					
0301556A	170	Special Program					
0303028A	171	Security and Intelligence Activities Information Dominance Center		4,000	4,000		4,000
0303028A		Information Dominance Center					
0303140A	172	Information Systems Security Program	24,725				24,725
0303141A	173	Global Combat Support System	94,215				94,215
0303142A	174	SATCOM Ground Environment (SPACE)	70,459				70,459
0303142A	175	WMCCS/Global Command and Control System	19,204				19,204

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**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
0305114A	176	Traffic Control, Approach and Landing System/JPALS					
0305204A	177	Tactical Unmanned Aerial Vehicles	27,127	3,500			30,627
0305204A		Shadow UAV Improvements			3,500		
0305206A	178	Airborne Reconnaissance Systems	5,128	3,500			8,628
0305206A		H/LITE			3,500		
0305208A	179	Distributed Common Ground Systems	43,254				43,254
0702239A	180	Avionics Component Improvement Program	997	(997)		(997)	
0708045A	181	End Item Industrial Preparedness Activities	67,236	3,000			70,236
0708045A		LEAN Munitions			3,000		
1001018A	182	NATO Joint STARS	595				595
XXXXXXX	183	Defense Language Institute Foreign Learning Center	5,213	5,000			5,000
XXXXXXX	999	Classified Programs	5,213				5,213
		<b>TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>966,125</b>	<b>29,503</b>	<b>30,500</b>	<b>(997)</b>	<b>995,628</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>	<b>9,266,258</b>	<b>211,906</b>	<b>1,175,957</b>	<b>(964,051)</b>	<b>9,478,164</b>

## Items of Special Interest

*Advanced amputee treatment research and development*

The budget request contained \$60.9 million in PE 62787A for applied research in medical technology.

The committee notes that in Afghanistan and Iraq approximately 60 to 80 percent of all survivable combat injuries are to the extremities with 20 percent resulting in traumatic amputation. In order to provide the best care for these patients, the Surgeon General established the Walter Reed Amputee Care Center and the Army Amputee Patient Care Program at Walter Reed Army Medical Center (WRAMC). The program provides state-of-the-art treatment and is the center of a multi-site, coordinated complex of facilities involving regional military medical centers, the Department of Veterans Affairs, and other military and civilian treatment facilities. The goal of the program is to ensure that amputee patients receive the kind of care that will allow them to lead lives unconstrained by their amputation.

Highlights of the program include innovative prosthetic technology; computer-assisted design and manufacturing of prosthetic devices; laboratory and training facilities, amputee education and peer visitation; clinical developments; and collaborative research in treatment, prosthetic design, and rehabilitation.

The committee strongly endorses the Army's initiative in establishing the Amputee Patient Care Program. The committee notes that one element of the program is an infrastructure improvement plan for the center, which proposes construction of an advanced amputee training center at WRAMC at a cost of \$10.9 million and is addressed elsewhere in this report.

The committee recommends an increase of \$10.0 million in PE 62787A for the Army program in clinical and applied collaborative research in amputee treatment, prosthetics, and rehabilitation.

*Advanced battery technology initiative*

The budget request contained \$41.2 million in PE 62705A for applied research in electronics and electronic devices.

The committee continues to note continuing requirements for small, light-weight, efficient, and portable battery and non-battery power sources for U.S. forces and of on-going applied research and development activities of the military departments that address these requirements. The committee is aware of a number of emerging battery and non-battery power technologies that have the potential for meeting the requirements of the military services, including but not limited to alkaline cylindrical cells, cylindrical zinc air batteries, high capacity nickel/zinc rechargeable cells, lithium oxyhalide and lithium ion thin-film technology, lithium copper oxide, lithium carbon monofluoride cells, and proton exchange membrane fuel cells. The committee recommends that these technologies be considered for potential funded research and development under the services' on-going programs on the basis of technical merit, cost effectiveness, and the potential of the particular technology to meet service needs.

The committee requests the Secretary of Defense provide a report to the congressional defense committees on the next generation of lithium battery technologies for military applications. New lithium

batteries for advanced portable electronic applications should be able to significantly increase energy and power, increase safety, lower cost, and/or weigh less. The Secretary should report on all phases of research, development and production for new systems and recommend actions necessary for commercial production in a one-to-three year time frame.

The committee recommends an increase of \$20.0 million in PE 62705A for the battery/portable power technology initiative.

*Advanced carbon nano technology*

The budget request contained \$131.2 million in PE 61102A for defense research sciences, but included no funding for advanced carbon nanotechnology.

The committee is aware that advanced carbon nanotechnology has the potential to open the door to the creation of new sensors and other devices.

The committee recommends \$137.2 million in PE 61102A for defense research sciences, an increase of \$6.0 million for a multi-institution, peer reviewed program for development of advanced carbon nanotechnology.

*Advanced weapons technology*

The budget request contained \$16.6 million in PE 62307A for Advanced Weapons Technology.

The committee understands the need to carry out applied research in support of existing and future missile defense technologies. The committee is specifically aware of the need to conduct research on systemic issues common to Terminal High Altitude Area Defense, PAC-3/ Medium Extended Air Defense System, Ground-based Midcourse Defense and future systems in areas such as radar and radio frequency sensors, electronics and micro-fabrication, optical sensors and composite material and structures.

The committee is also aware of the Army's need for additional funding for solid state technology laser research in support of directed energy weapons.

The committee recommends \$46.6 million in PE 62307A, an increase of \$30.0 million. Of the \$30.0 million increase, \$20.0 million shall be for missile defense applied technology research conducted by the Army Space and Missile Defense Command. The remaining \$10.0 million of the increase shall be for solid state laser technology research conducted by the Army Space and Missile Defense Command.

*Aerostat joint project office*

The budget request contained \$81.5 million for the Aerostat Joint Project Office.

The committee is aware of the importance of Micro Electro Mechanical (MEMS) antenna technology to the radar system for the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (JLENS).

The committee recommends \$84.5 million, an increase of \$3.0 million for MEMS antenna technology in support of JLENS radar development.

*Applied communications and information networking*

The budget request contained \$41.8 million in PE 63008A for electronic warfare advanced technology, but included no funding for applied communications and information networking (ACIN).

The committee realizes that the goal of ACIN is to revolutionize military doctrine and methods by enhancing high-value military systems with rapidly advancing commercial information technologies and innovative applications of those technologies.

The committee supports the application of state-of-the art commercial technology to improve military systems and recommends an increase of \$10.0 million in PE 63008A for ACIN.

*Center for rotorcraft innovation*

The budget request included \$41.7 million in PE 62211A for Aviation and Applied Research and Technology. No request was included for a center for rotorcraft innovation.

The committee is concerned that continued shortcomings in national policy planning for rotorcraft research and production is resulting in the inability of the United States to effectively produce competitive world-class rotorcraft products. This is evident by key decision-makers within federal, state, and local governments, as well as private sector users, selecting foreign products to meet their rotorcraft needs. National shortcomings in this regard are further evidenced by the closure of unique National Full Scale Aerodynamic Complex rotorcraft wind tunnel resources at the National Aeronautical and Space Administration (NASA) Ames Research Center at Moffett Field, California.

The committee believes there exists a requirement to establish a center for rotorcraft innovation to coordinate technology strategies and areas of cooperative research efforts and increase public and private resources available for rotorcraft research. The committee understands that the first step toward creation of a center for rotorcraft innovation was recently taken when industry and academic leaders signed an agreement to work together with the federal government to coordinate rotorcraft research.

The committee directs the Secretary of the Army to establish a center for rotorcraft innovation to facilitate the furtherance of the recently created partnership between the rotorcraft industry and academia to administer collaborative research projects. Members shall include major helicopter manufacturing companies, rotorcraft academic institutions, and technology firms; the Department of Defense; NASA; and the Federal Aviation Administration (FAA). The center shall take advantage of historical and present-day sites of helicopter technology development, rotorcraft academic institutions, and FAA technology facilities. Further, since NASA has concluded it is unable to continue to operate the National Full Scale Aerodynamic Complex, the committee recommends that the Secretary of the Army seek the transfer of the Complex to the Department of the Army.

Accordingly, the committee recommends an increase of \$15.0 million in PE 62211A, \$10.0 million to retain the availability of the wind tunnel facilities at Ames Research Center and \$5.0 million for the establishment of a center for rotorcraft innovation.

*Center for tribology*

The budget request contained \$69.6 million in PE 62601A for combat vehicle and automotive technology, but included no funding for a center for tribology.

The committee notes that new coatings and other surface treatments commercially available today could extend the useful life of gears and other commercially available parts from 4 to 10 times longer than current treatments. The committee is aware that this technology holds great promise for increasing the reliability for all types of military equipment, extending equipment life, and reducing fuel costs.

The committee directs the Secretary of the Army to work with the friction, wear and abrasion test equipment manufacturing industry to develop a commercial capability to create and standardize new test apparatus and methods to analyze new coatings more quickly.

*Centers of excellence*

The budget request contained \$77.7 million in PE 61104A for university and industry research centers and included \$2.5 million for a collaborative academic research effort leveraging Army Training and Doctrine (TRADOC) Battle Labs in accordance with the Army Science and Technology Master Plan.

The committee notes the Army initiative to harness university research expertise for Army-unique science and technology problems. The committee further notes the Army effort to partner university researchers at Historically Black Colleges and Universities/Minority Institutions (HBCU/MI) with Army TRADOC Battle Labs in an effort to accelerate the transition of research to actual technology demonstration. The committee recognizes the potential benefits in the cognitive research areas of modeling and simulation, data fusion, protective materials, maneuver, health, and human systems integration. The committee encourages a continuation of this initiative.

The committee recommends \$80.7 million in PE 61104A, an increase of \$3.0 million for the collaborative effort between HBCU/MI centers and TRADOC Battle Labs.

*Combat vehicle electronics*

The budget request contained \$16.0 million in PE 23735A for combat vehicle improvements, but included no funding to develop standardized next generation electronics architectures for current combat vehicle programs.

The committee is aware that current combat vehicles face accelerated component obsolescence issues.

The committee recommends \$21.0 million in PE 23735A, an increase of \$5.0 million to develop standardized next generation electronics architectures for current and future combat vehicle programs.

*Defense language institute/foreign language center*

The budget request contained no funds for the Defense Language Institute Foreign Learning Center (DLI/FLC) for research and development.

The committee notes the National Defense Authorization Act for Fiscal Year 2004 Public Law 108–136) recommended that the Secretary of the Army establish a research and development line, specifically focused on the latest technologies and instructional methods in language and language learning that are required by the DLI/FLC. The committee is surprised that a budget request was not included in the fiscal year 2005 budget request.

The committee is aware of the increased demands within the Department of Defense for increased student throughput and expanded off-campus and distant learning sites. These current endeavors necessitate innovative approaches in the instruction of foreign languages and the educational processes to administer them.

The committee applauds the progress of DLI/FLC's innovative practices in meeting this challenge and supports the efforts in seeking new methods in teaching foreign languages and language learning to meet the goals of the Department and the National Security Agency.

Therefore the committee directs the Secretary of the Army to establish a new research and development program in fiscal year 2005 for the DLI/FLC, entitled, "Defense Language Institute, Foreign Learning Center" and recommends \$5.0 million for this purpose.

#### *Digital array radar technology development*

The budget request contained \$32.0 million in PE 63772A for advanced tactical computer science and sensor technology, but included no funds for digital array radar technology development.

The committee is aware that evolving threats place new demands on sensors and notes that in particular the ground forces need reliable, transportable counter-fire radars to protect against mobile threats.

The committee recommends an increase of \$7.0 million in PE 63772A to develop a transportable, ground-based, digital solid-state multi-mission radar.

#### *Electronic flight planning*

The budget request contained \$2.4 million in PE 23752A for the aircraft engine component improvement program, but included no funding for electronic flight planning.

The committee believes that electronic flight planning will improve force protection and operational performance knowledge of helicopter aircrews in the combat environment.

The committee recommends \$5.9 million in PE 23752A, an increase of \$3.5 million for electronic flight planning.

#### *Flexible display initiative*

The budget request contained \$41.2 million in PE 62705A for electronics and electronic devices, but included no funding for the flexible display initiative.

The committee is aware that new flexible display technology has the potential to provide the military with technology to fabricate high definition displays on rugged conformable, flexible substrates. The committee notes that the United States Display Consortium coordinates these efforts with over 80 companies, using investments from both the public and private industry to accelerate the

development of technologies and products needed by the Army, other military services, and various national security agencies.

Therefore, the committee recommends an increase of \$13.5 million in PE 62705A for the flexible display initiative.

*Force XXI battle command brigade and below blue force tracking system*

The committee recognizes the Army's superb efforts to establish a truly network-centric (tactical) command, control, and communications (C3) capability through the fielding of the Force XXI Battle Command Brigade and Below (FBCB2) Blue Force Tracking system by employing a satellite communications network. The committee notes the accelerated fielding of this enhanced version of FBCB2 prior to commencement of Operation Enduring Freedom and Operation Iraqi Freedom proved to be an invaluable situational awareness tool for the warfighters and saved lives.

The committee strongly recommends the Department of Defense leverage the Army's investment into a joint solution providing interoperability to all military services. Furthermore, the committee recommends the Army maintain the role of executive agent for this joint capability and directs the Secretary of the Army to provide a report to the congressional defense committees on its vision for a joint blue force situational awareness capability that builds upon the successes of previous operations.

*Future combat systems*

The budget request included \$3,198.1 million in PE 64645A and PE 64647A for the Future Combat Systems (FCS) program.

The committee believes that the March 2004 General Accounting Office assessment is correct and is particularly concerned that the system network, the heart of this transformational concept, is by far the most technically challenging aspect of the FCS program. The committee believes that the demonstrations required by this section should begin early in system development and become increasingly more complex. In order to accomplish the direction of this section in regard to demonstrating the capabilities of the network, the committee recommends that the Secretary of the Army direct the U.S. Army Communications Electronics Command to test emerging network concepts in small scale field exercises at readily accessible range facilities.

Further, the committee believes that to provide for necessary congressional oversight the Department of the Army's budget justification documents should provide separate justification of the major elements of the FCS program, as shown in the accompanying tables.

The committee recommends \$2,952.8 million in PE 64645A and PE 64647A for FCS, a reduction of \$245.3 million as detailed in section 211 of this report.

*Geospatial information decision support for single integrated air picture*

The budget request contained \$91.7 million in PE 63327A for air and missile defense systems engineering, but included no funding for geospatial information decision support for the single integrated air picture (GIDS-SIAP).

The committee notes that there is a need for commanders to have a clear, unambiguous geospatial foundation in order to support a common operational picture. The committee is aware that GIDS-SIAP will integrate disparate geospatial information systems to provide ground and air picture recommendations for the commanders.

The committee recommends an increase of \$7.0 million in PE 63327A for GIDS-SIAP.

#### *Human systems integration*

The budget request included \$16.9 million in PE 62716A for human factors engineering, \$61.1 million in PE 63236N for warfighter sustainment advanced technology, and \$71.5 million in PE 62202F for human effectiveness applied research.

The committee recognizes the need to consider human systems integration issues early in the development cycle. Too often, man-machine interface issues are not addressed until late in the development cycle after the configuration of a particular weapon or system has been set. What results is a degraded combat system that is not able to achieve its maximum performance and, at worst, becomes a liability on the battlefield.

The committee notes that all the military departments include some form of human systems integration in their development and acquisition process, but believes that institutionalization and standardization of human systems integration methodologies and modeling tools across the Department of Defense is desirable. To this end, the committee recommends that the Secretary of Defense conduct a comprehensive Department-wide review of the implementation of human systems integration in defense acquisition programs. Further, the committee recommends additional resources for human factors engineering initiatives in each of the military departments.

The committee recommends an increase of \$5.5 million in PE 62716A for development of manpower and personnel integration (MANPRINT) tools for modeling and predicting soldier and system performance; increases of \$3.0 million in PE 63236N and \$2.0 million in PE 62233N to develop cognitive and physiological research data under the Navy's system engineering, acquisition and personnel integration (SEAPRINT) program; and an increase of \$3.0 million in PE 62202F for the development of new training algorithms for human performance prediction under the Air Force's improved performance research integration tool (IMPRINT) program. The committee directs the Secretary of Defense to conduct a comprehensive review of human systems integration programs within the Department and to report the results of that review to the congressional defense committees by December 31, 2004.

#### *Hydrogen proton exchange membrane*

The budget request contained \$69.6 million in PE 62601A for combat vehicle and automotive technology, but included no funding for the hydrogen proton exchange membrane (PEM) ambient pressure fuel cell medium/heavy duty vehicle demonstration program.

The committee is aware that the hydrogen PEM fuel cell is to demonstrate zero emission, ambient pressure, highly efficient hydrogen fuel cell powered vehicles in various operating situations

and conditions. The committee notes that this development supports the government objective of tripling fuel economy while reducing harmful emissions.

The committee recommends an increase of \$10.0 million in PE 62601A for the hydrogen proton exchange membrane (PEM) ambient pressure fuel cell medium/heavy duty vehicle demonstration program.

#### *Information dominance center*

The budget request contained no funds for operations and maintenance or research and development for the Army's information dominance center (IDC) at Fort Belvoir, Virginia.

The IDC provides multi-disciplinary Information Operations (IO) support to the Army's commands. Through tailored analytical products generated to meet immediate operational needs, the IDC also monitors potential trouble spots worldwide, preparing to support contingency operations with IO-related products. The committee believes the IDC's use of high-capacity communications links to access selected information from a number of databases maintained by a number of other organizations is truly transformational.

The committee acknowledges that the IDC is one of the Army Chief of Staff's unfunded priorities intelligence objectives. The committee supports the transformation efforts of the IDC and the future plan to incorporate functions of the IDC into the Army's Distributed Common Ground Systems (DCGS).

Therefore, the committee recommends \$6.0 million in operations and maintenance, Army for IDC, an increase of \$6.0 million, and \$4.0 million in PE 33028A, an increase of \$4.0 million for research and technology development at the IDC.

#### *Institute for creative technologies*

The budget request contained \$15.0 million in PE 62308A for advanced concepts and simulation, including \$1.6 million for the institute for creative technologies (ICT).

The committee notes that the technologies developed at the ICT are being applied to significantly improve fidelity of computer-based training, which is essential to the Army.

The committee supports development of improved training devices and recommends \$22.0 million in PE 62308A, an increase of \$7.0 million for the ICT.

#### *Integrated communications navigation identification avionics program*

The committee is aware that during the execution of the now canceled Comanche program, significant progress had been made in development of the Integrated Communications Navigation Identification Avionics (ICNIA) system. The Joint Tactical Radio System (JTRS) has been selected as the joint standard radio system for all services and has also made significant technical progress and is scheduled to begin testing in the first quarter of fiscal year 2005. After the cancellation of the Comanche program the Army convened an independent assessment panel to compare the relative performance of the Joint Tactical Radio System (JTRS) and ICNIA. The committee is aware that a second evaluation has been requested as a result of the independent assessment team's review.

The committee directs the Secretary of the Army to submit the results of the independent assessment panel and subsequent evaluations to the congressional defense committees. The committee further directs the Secretary, prior to a final decision or selection of JTRS or ICNIA as the standard for Army aviation or the obligation of fiscal year 2005 authorized amounts for JTRS, to brief the congressional defense committees on the criteria of selection and the performance comparison of these two avionics systems.

*Joint and combined communications test tool product suite*

The budget request contained \$53.5 million in PE 63305A for Army missile defense systems integration, but included no funding for the joint and combined communications test tool product suite.

The committee notes that the joint and combined communications test tool product suite will provide a test tool suite that will test interoperability issues within joint and combined forces.

The committee recommends \$63.5 million in PE 63305A, an increase of \$10.0 million for the joint and combined communications test tool product suite.

*JP-8 soldier fuel cell*

The budget request contained \$41.2 million in PE 62705A for electronics and electronic devices, but included no funding for JP-8 soldier fuel cell.

The committee is aware that light, compact, high-capacity power sources are essential to success on the modern battlefield to power a variety of devices. The committee notes that an effort is on-going to modify a commercial fuel cell to run on standard, readily available JP-8 fuel.

The committee recommends an increase of \$2.0 million in PE 62705A for development of the JP-8 soldier fuel cell.

*LEAN munitions*

The budget request contained \$67.2 million in PE 78045A for end item industrial preparedness activities, but included no funds for the second phase of the LEAN Munitions program.

The committee notes that the Army Armaments Research, Development and Engineering Command (ARDEC) is responsible for 90 percent of the munitions produced and utilized by the U.S. Army. The committee further notes that the Army's increased operational tempo and transformation plans support the need to reduce the time and cost for development and production of munitions used by our armed forces. The committee believes that the use of a standards-based, model-driven design and manufacturing life cycle support environment would enable the more timely and affordable production and sustainment of current and future munitions systems.

The committee recommends \$70.2 million in PE 70845A, an increase of \$3.0 million to continue the LEAN Munitions program.

*Light unmanned aerial vehicle weaponization*

The budget request contained \$203.1 million in PE 63005A for combat vehicle and automotive technology, but included no funds for light unmanned aerial vehicle (UAV) weaponization.

The committee notes that historically, light UAVs have been unable to carry weapons. The committee is aware that a unique, pat-

ented, electronically-fired, stacked-round technology has been developed that lends itself to the stringent restrictions of lightweight UAV weaponization.

The committee recommends an increase of \$4.0 million in PE 63005A for integration of the unique electronically-fired, stacked-round capability with a light UAV such as the Defense Advanced Research Agency DP-5 UAV.

*Light utility vehicle*

The budget request contained \$69.6 million in PE 62601A for combat vehicle and automotive technology, but included no funding for the light utility vehicle.

The committee believes that the Army requires a low-cost, light utility vehicle (LUV) that would provide soldiers with enhanced mobility, lethality and survivability compared to the current high mobility multipurpose wheeled vehicle and understands that the design and development of a LUV demonstrator could be accelerated due to previous research in LUV technology by the National Automotive Center.

Accordingly, the committee recommends an increase of \$5.0 million in PE 62601A to design, develop, and deliver an operational prototype LUV.

*Lightweight structures initiative*

The budget request contained \$203.1 million in PE 63005A for combat vehicle and automotive technology, but included no funding for the Army lightweight structures initiative (ALSI).

The committee is aware that the objective of the ALSI program is to develop, design, demonstrate, validate and implement a methodology for producing lightweight vehicle structure components and assemblies for the Army Future Combat Systems. The committee notes that the methodology utilized has been proven to substantially reduce costs and weights of structures in the automotive and aerospace applications.

The committee recommends an increase of \$9.0 million in PE 63005A for the ALSI.

*Low cost course correction*

The budget request contained \$28.2 million in PE 64601A for infantry support weapons, of which no funds were requested for Low Cost Course Correction.

The committee has been encouraged by the demonstration of Low Cost Course Correction (LCCC) technology.

The committee recommends an increase of \$2.5 million in PE 64601A to accelerate the development of LCCC for projectiles in the 20mm to 100mm range.

*M5 high performance fiber for personnel armor systems*

The budget request contained \$21.1 million in PE 62786A for warfighter technology, but included no funding for M5 high performance fiber.

The committee notes that M5 fiber, based on independent evaluation, offers the possibility of a new generation of lighter and more effective body and vehicle armor as well as similar improvement in heat resistant clothing.

The committee recognizes the urgency to provide improved personnel protection and recommends \$31.1 million in PE 62786A, an increase of \$10.0 million to hasten development and evaluation of M5 fiber and M5 based armor.

*Medical technology applied research initiative*

The budget request contained \$60.9 million in PE 62787A for medical technology applied research.

The committee notes that the primary goal of medical research and development in the Department of Defense is to sustain medical technology to effectively protect and improve the survivability of U.S. armed forces in a variety of settings including, but not limited to: conventional battlefields, areas of low-intensity conflict, and military operations other than war. Operations of U.S. forces in the global war on terrorism have placed a premium on the need for a range of medical technologies in the areas of infectious diseases, combat casualty care, military operational medicine, and health hazards for materials, that are the core applied technology for the Army's military technology applied research program.

The committee recommends the establishment of a medical technology applied research initiative that would provide the opportunity for emerging medical technologies and concepts to compete for funding on the basis of peer-reviewed technical merit. The committee recommends that the medical projects and technologies to be considered for funding under the initiative, include, but are not limited to the following:

- (1) Bio-activity of nanomaterials;
- (2) Bio-defense gene knockout technology;
- (3) Dermal phase meter;
- (4) Elgen gene delivery technology;
- (5) Fibrin bandage from non-mammalian sources;
- (6) Nano-fabricated Bio-artificial kidney; and
- (7) Rapid Bio-pathogen detection technology.

The committee recommends an increase of \$25.0 million in PE 62787A for the medical technology applied research initiative.

*Clinical research programs*

The committee understands that the primary federal agency responsible for conducting research into diseases affecting a broad demographic portion of the population is the Department of Health and Human Services. Nonetheless, the Department of Defense (DOD), and in particular the Department of the Army, has at the direction of Congress conducted and managed research for a number of diseases that particularly affect military members, their family members, and military retirees. In fact, the Army provides special scrutiny to these programs, since they are congressional directed and necessarily involve clinical trials conducted over several years.

While the committee applauds the Department's efforts to manage these programs, the committee is concerned that there may be missed opportunities to conduct research into other vital areas. For example, service members, family members, and military retirees are certainly affected by such serious and increasingly prevalent diseases as lung cancer and diabetes, yet no formal program exists for either.

The committee believes that a comprehensive review of these research programs is necessary so that research can be directed into areas that may have been neglected. Accordingly, the committee directs the Secretary of Defense to review ongoing clinical research efforts within the military departments and report to the congressional defense committees by February 1, 2005, whether any research programs should be added to the DOD's efforts. The committee believes that lung cancer and diabetes are excellent candidates for military sponsored research and urges the Secretary to give every consideration to establishing formal programs to fight these diseases, as they relate to military service.

#### *Medium tactical truck development*

The budget request contained \$2.9 million in PE 64604A for the continued development of medium tactical truck technologies and enhancements.

The family of medium tactical vehicles (FMTV) A2 will be the next generation of FMTVs. The committee understands additional funds are required to ensure synchronization with the fielding of the Army's Future Combat Systems (FCS) Increment I Unit of Action. The committee also notes these additional funds will enable the spiraling of FCS-like technologies into the tactical truck fleet, ensuring interoperability and maximizing future force capability.

The committee recommends \$12.6 million in PE 64604A, an increase of \$9.7 million, to further the development of medium tactical truck technologies.

#### *Miniature sensor development for small and tactical unmanned aerial vehicles*

The budget request contained \$22.6 million in PE 62709A for night vision technology, but included no funding for miniaturized hyperspectral and coherent imaging sensors for small and tactical unmanned aerial vehicles (UAV).

The committee notes the urgent need for better sensors for small and tactical UAVs and recommends \$27.6 million in PE 62709A, an increase of \$5.0 million for miniaturized hyperspectral and coherent imaging sensors for small and tactical UAVs.

#### *Modeling and analysis of the response of structures*

The budget request contained \$47.2 million in PE 62784A for military engineering technology, but included no funding for modeling and analysis of the response of structures (MARS).

The committee notes that MARS computer simulations will provide accurate vulnerability assessments that can be used to improve warfighter protection, enhance survivability, and facilitate rapid repair of structures.

The committee recommends \$52.2 million in PE 62784A, an increase of \$5.0 million for MARS.

#### *Night vision fusion*

The budget request contained \$50.1 million in PE 63710A for night vision advanced technology, but included no funds to accelerate development of night vision fusion technology.

The committee recognizes that night vision capability has provided our armed forces a significant advantage over their adver-

saries. The committee notes that while older technology has become available to others, state-of-the-art in night vision, pixel level digital fusion of light intensification and infrared images offers a very significant advantage over previous night vision devices. The committee understands that this technology will provide vital survivability and operational enhancements.

The committee recommends an increase of \$9.5 million in PE 63710A to accelerate development and fielding of pixel level, digital fusion of light intensification and infrared image technology.

*Patient monitor with defibrillator*

The budget request contained \$38.4 million in PE 63002A for medical advanced technology development.

The committee recommends an increase of \$5.0 million in PE 63002A for development of advanced technology for a compact, lightweight, full-featured patient monitor with defibrillator.

*Portable and mobile emergency broadband system*

The budget request contained \$41.8 million in PE 63008A for electronic warfare advanced technology, but included no funding for the portable and mobile emergency broadband system.

The committee notes that the portable and mobile emergency broadband system, based on emerging commercial technology, will allow rapid establishment of emergency communications networks.

The committee recommends an increase of \$4.0 million in PE 63008A to complete critical development of the portable and mobile emergency broadband system.

*Shadow tactical unmanned aerial vehicle*

The budget request contained \$27.1 million in PE 35204A for tactical unmanned aerial vehicles (TUAV).

The committee is aware that the three major improvements to the Shadow 200 TUAV based on operational evaluation were incorporation of the tactical common data link (TCDL), changes to reduce target location error, and a larger wing to increase both payload and endurance. The committee understands that the only remaining engineering necessary to include all three improvements in future Shadow 200 production is software modifications associated with TCDL.

The committee fully supports expediting completion of these improvements in order to field the most capable Shadow 200 to ground forces. Therefore the committee recommends \$30.6 million in PE 35204A, an increase of \$3.5 million to complete required Shadow non-recurring engineering for these improvements.

*Smart responsive nanocomposites*

The budget request contained \$75.1 million in PE 61103A for University Research Initiatives, but included no funding for smart responsive nanocomposites (SRN).

The committee is aware that there is a multitude of design possibilities for nanostructured, nature-simulating materials capable of responding to outside stimuli.

The committee recommends \$79.1 million in PE 61103A, an increase of \$4.0 million to develop a smart responsive nanostructured

material, which combines detection of toxins and alarm-release with self-cleaning and self-repairing material.

*Space and missile defense architecture analysis program*

The budget request contained \$91.7 million in PE 63327A for Army air and missile defense systems engineering, but included no funding for the Army Space and Missile Defense (ASMD) architecture analysis program.

The committee places a priority on the development of a transformational capability. The committee recognizes the contributions of the ASMD architecture analysis program in providing the essential analytical, modeling, and simulation tools to support advanced concepts and architectures of future forces.

The committee recommends an increase of \$7.0 million in PE 63327A for the ASMD architecture analysis program.

*Strategic materials strategic manufacturing initiative*

The budget request contained \$44.7 million in PE 62624A for weapons and munitions technology, but included no funding for the strategic materials strategic manufacturing initiative (SM2i).

The committee notes that titanium is important for weight reduction of weapons systems. The committee is aware that SM2i will link the Army's efforts to establish a reliable low-cost domestic source of titanium with advanced domestic manufacturing capabilities.

The committee supports an increase of \$6.0 million in PE 62624A for SM2i.

*Titanium alloy powder*

The budget request contained \$15.4 million in PE 62105A for materials technology, but included no funding for titanium, titanium-alloy powder production.

The committee recommends an increase of \$5.0 million in PE 62105A to enhance the domestic capacity to produce inexpensive, high-quality titanium powder for military use.

*Titanium extraction, mining, and process engineering research*

The budget request contained \$44.7 million in PE 62624A for weapons and munitions technology, but included no funding for Titanium extraction, mining, and process engineering research (TEMPER).

The committee is aware that the TEMPER initiative is intended to enhance U.S. industrial capability for the efficient production of inexpensive titanium for military systems. The committee notes that titanium offers weight and performance advantages and that the process must be developed to produce titanium at a reasonable cost in order to realize those advantages in future military systems.

The committee recommends an increase of \$12.0 million in PE 62624A for TEMPER.

*Unmanned systems initiative*

The budget request contained \$52.0 million in PE 62303A for missile technology, but included no funding for the unmanned systems initiative.

The committee recognizes the unmanned systems initiative will support battlefield control of multiple unmanned assets.

The committee recommends \$62.0 million in PE 62303A, an increase of \$10.0 million for the unmanned systems initiative.

NAVY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Overview

The budget request contained \$16,346.4 million for Navy research, development, test, and evaluation (RDT&E).

The committee recommends \$16,047.8 million, a decrease of \$298.6 million to the budget request.

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005				FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>							
<b>BASIC RESEARCH</b>							
0601103N	1	University Research Initiatives	83,508			83,508	
0601152N	2	In-House Laboratory Independent Research	17,664			17,664	
0601153N	3	Defense Research Sciences	375,812	3,000		378,812	
0601153N		Nanoscience and Nanomaterials			3,000		
		<b>TOTAL, BASIC RESEARCH</b>	<b>476,984</b>	<b>3,000</b>	<b>3,000</b>	<b>479,984</b>	
<b>APPLIED RESEARCH</b>							
0602114N	4	Power Projection Applied Research	98,831	8,000		106,831	
0602114N		Integrated Personnel Protection System			3,000		
0602114N		Interrogator for High-Speed Retro-Reflective Communications			3,000		
0602114N		Terahertz for Photonics for Imaging			2,000		
0602123N	5	Force Protection Applied Research	96,269	7,000		103,269	
0602123N		Hybrid POSS Composites			2,000		
0602123N		Center for Critical Infrastructure Protection			5,000		
0602131M	6	Marine Corps Landing Force Technology	35,398			35,398	
0602232N	7	Communications, Command and Control, Intel, Surveillance					
0602233N	8	Human Systems Technology		2,000		2,000	
0602233N		Human Systems Integration					
0602234N	9	Materials, Electronics and Computer Technology					
0602235N	10	Common Picture Applied Research	60,134	6,000		66,134	
0602235N		Theater Undersea Warfare Initiative					
0602236N	11	Warfighter Sustainment Applied Research	63,726	17,200		80,926	
0602236N		Formable Aligned Carbon Thermosets			2,000		
0602236N		Marine Mammal Research Program			2,200		
0602236N		Composite Ceramic UUV			8,000		
0602236N		Composite Ceramic Materials for Aerospace Fabrication			5,000		
0602271N	12	RF Systems Applied Research	49,151	17,000		66,151	
0602271N		Vacuum Technology			10,000		

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(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
0602271N		Gallium Nitride RF Power Technology			3,000		
0602271N		Wide Band Gap Semiconductor Technology			4,000		
0602435N	13	Ocean Warfighting Environment Applied Research	48,482				48,482
0602747N	14	Undersea Warfare Applied Research	64,060	1,000			65,060
0602747N		Low Acoustic Signature Motor/Propulsor			1,000		
0602782N	15	Mine and Expeditionary Warfare Applied Research	48,016				48,016
		<b>TOTAL, APPLIED RESEARCH</b>	<b>564,067</b>	<b>58,200</b>	<b>58,200</b>		<b>622,267</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>							
0603114N	16	Power Projection Advanced Technology	92,359	25,000	10,000		117,359
0603114N		DP-2 Thrust Vectoring System			3,000		
0603114N		Laser Radar Data Exploitation			5,000		
0603114N		Low-Cost Terminal Imaging Seeker			7,000		
0603123N		Low Power Mega Performance UAV Processing Engine					
0603123N	17	Force Protection Advanced Technology/LSC-X	82,130	59,500	25,800		141,630
0603123N		Littoral Support Craft Experimental			9,200		
0603123N		Superconducting DC Homopolar Motor			4,000		
0603123N		Project M			8,000		
0603123N		High Temperature Superconducting AC Synchronous Ship Propulsion Motor			2,000		
0603123N		Technologies for Future Naval Capabilities			9,500		
0603123N		Electromagnetic Gun Program			1,000		
0603235N	18	High-Speed Power Node Switching Center	79,521	4,000			83,521
0603235N		Common Picture Advanced Technology			4,000		
0603236N	19	Consolidated Undersea Situational Awareness	61,103	15,000	4,000		76,103
0603236N		Warfighter Sustainment Advanced Technology			4,000		
0603236N		Intermediate Modulus COTS Carbon Fiber Qualification			4,000		
0603236N		Emerging/Critical Interconnection Technology			3,000		
0603236N		Virtual, At Sea Training Initiative					
0603236N		Human Systems Integration					
0603271N	20	RF Systems Advanced Technology	44,046	21,500			65,546

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
0603271N		Vacuum Technology			5,000		
0603271N		APY-6 Realtime Precision Targeting Radar			10,000		
0603271N		Remote Ocean Surveillance System			3,000		
0603271N		SCOUT Radar			2,000		
0603271N		Spectral Beam Combining Fiber Lasers			1,500		
0603640M	21	Marine Corps Advanced Technology Demonstration (ATD)	58,222	4,500			62,722
0603640M		Advanced Mine Detection Program			3,000		
0603640M		Rapid Deployment Fortification Wall			1,500		
0603712N	22	Environmental Quality and Logistics Advanced Technology	167,626	(167,626)			
0603727N	23	Joint Experimentation					
0603727N		Transfer PDW 81a	16,719	11,000			27,719
0603729N	24	Warfighter Protection Advanced Technology			4,000		
0603729N		Organ Transplant Technology			5,000		
0603729N		Biomedical Research Imaging			2,000		
0603729N		Oxygen Dressing					
0603747N	25	Undersea Warfare Advanced Technology	26,515				26,515
0603757N	26	Joint Warfare Experiments	26	(26)			
0603757N		Transfer PDW 81b					
0603758N	27	Navy Warfighting Experiments and Demonstrations	16,006				16,006
0603782N	28	Mine and Expeditionary Warfare Advanced Technology	32,899				32,899
0603792N	29	Advanced Technology Transition					
		<b>TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>677,172</b>	<b>(27,152)</b>	<b>140,500</b>	<b>(167,652)</b>	<b>650,020</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
0603207N	30	Air/Ocean Tactical Applications	24,431				24,431
0603216N	31	Aviation Survivability	10,820	3,000			13,820
0603237N	32	Reduced Risk Ordnance			3,000		
0603254N	33	Deployable Joint Command and Control	42,394				42,394
0603254N		ASW Systems Development	4,541	11,000			15,541
		Claymore Marine			7,000		

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Authorization
0603254N		Tactical E Field Buoy Development			4,000	
0603261N	34	Tactical Airborne Reconnaissance / UAV CONOPS	6,448	(4,548)		1,900
0603261N		UAV Concept of Operations				(4,548)
0603382N	35	Advanced Combat Systems Technology	67,605			67,605
0603502N	36	Surface and Shallow Water Mine Countermeasures UUV	103,308	20,000		123,308
0603502N					20,000	
0603506N	37	Surface Ship Torpedo Defense	46,896	7,000		53,896
0603506N		Anti Torpedo Torpedo			7,000	
0603512N	38	Carrier Systems Development (CVN-21)	157,479	10,000		167,479
0603512N		Aviation Ship Integration Center			10,000	
0603513N	39	Shipboard System Component Development	18,993	6,500		25,493
0603513N		DD(X) Ship System Component Development			2,000	
0603513N		Integrated-fight-through-power			2,000	
0603513N		Ultrasound Detection Equipment			2,500	
0603525N	40	PILOT FISH	78,223			78,223
0603527N	41	RETRACT LARCH	82,532			82,532
0603536N	42	RETRACT JUNIPER	36,915			36,915
0603542N	43	Radiological Controls	946			946
0603553N	44	Surface ASW	17,633	16,600		34,233
0603553N		Task Force Anti-Submarine Warfare			16,600	
0603559N	45	SSGN Design	19,970			19,970
0603561N	46	Advanced Submarine System Development	81,160	17,000		98,160
0603561N		Composite Structures			7,000	
0603561N		Payloads and Sensors			10,000	
0603562N	47	Submarine Tactical Warfare Systems	5,957			5,957
0603563N	48	Ship Concept Advanced Design	3,723			3,723
0603564N	49	Ship Preliminary Design & Feasibility Studies				
0603570N	50	Advanced Nuclear Power Systems (CVN-21)	169,733			169,733
0603573N	51	Advanced Surface Machinery Systems				

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005		
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization	
0603576N	52	CHALK EAGLE	47,786				47,786	
0603581N	53	Littoral Combat Ship (LCS)	352,089	(107,700)		(107,700)	244,389	
0603582N	54	Combat Systems Integration Laser Diode Arrays	80,840	6,000	6,000		86,840	
0603609N	55	Conventional Munitions	34,151				34,151	
0603611M	56	Expeditionary Fighting Vehicle (EFV/AAAV)	236,969				236,969	
0603612M	57	Marine Corps Mine/Countermeasures Systems - Adv Dev. Mine Detector	4,522				4,522	
0603635M	58	Marine Corps Ground Combat/Support System NLW	22,440				22,440	
0603654N	59	Joint Service Explosive Ordnance Development	18,047				18,047	
0603658N	60	Cooperative Engagement	103,452				103,452	
0603713N	61	Ocean Engineering Technology Development	26,232				26,232	
0603721N	62	Environmental Protection	24,641				24,641	
0603724N	63	Navy Energy Program One Megawatt Molten Carbonate Fuel Cell	1,494	6,000	6,000		7,494	
0603725N	64	Facilities Improvement	1,621				1,621	
0603734N	65	CHALK CORAL	58,467				58,467	
0603739N	66	Navy Logistic Productivity	7,421				7,421	
0603746N	67	RETRACT MAPLE	275,407				275,407	
0603748N	68	LINK PLUMERIA	112,997				112,997	
0603751N	69	RETRACT ELIM	48,130				48,130	
0603755N	70	Ship Self Defense	9,493				9,493	
0603764N	71	LINK EVERGREEN	63,346				63,346	
0603787N	72	Special Processes	44,232				44,232	
0603790N	73	NATO Research and Development	10,151				10,151	
0603795N	74	Land Attack Technology / AWS	82,049	23,000	23,000		105,049	
0603795N	75	Affordable Weapon System						
0603851M	75	Nonlethal Weapons	43,321				43,321	
0603857N	76	Joint Combat ID Evaluation Team	13,626				13,626	

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PE Name	Line	PROGRAM TITLE	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
0603860N	77	Joint Precision Approach and Landing Systems	32,391				32,391
0603879N	78	Single Integrated Air Picture (SIAP) System Engineer (SE)	20,252				20,252
0603889N	79	Counterdrug RDT&E Projects					
0604272N	80	Tactical Air Directional Infrared Countermeasures (TADIRCM)	25,943				25,943
0604707N	81	Space and Electronic Warfare (SEW) Architecture/Engineering Support	22,450	(22,450)			
0604787N	82	Joint Warfare Transformation Programs					
0604787N		Transfer PDW 81c				(22,450)	
		<b>TOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>2,803,667</b>	<b>(8,598)</b>	<b>126,100</b>	<b>(134,698)</b>	<b>2,795,069</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
0604212N	83	Other Helo Development	186,970				186,970
0604214N	84	AV-8B Aircraft - Eng Dev	12,284				12,284
0604215N	85	Standards Development	57,675				57,675
0604216N	86	Multi-Mission Helicopter Upgrade Development	78,757				78,757
0604217N	87	S-3 Weapon System Improvement					
0604218N	88	Air/Ocean Equipment Engineering	4,506				4,506
0604221N	89	P-3 Modernization Program	9,554				9,554
0604230N	90	Naval Coastal Warfare	5,201				5,201
0604231N	91	Tactical Command System	49,180				49,180
0604234N	92	Advanced Hawkeye	597,015				597,015
0604245N	93	H-1 Upgrades	90,389				90,389
0604261N	94	Acoustic Search Sensors	13,363				13,363
0604262N		Automatic Radar Periscope Detection Discrimination					
0604262N	95	V-22A			15,000		
0604264N	96	Air Crew Systems Development	304,164				304,164
0604269N	97	EA-18G	8,838				8,838
0604270N	98	EW Development	357,502				357,502
0604273N	99	VHXX Executive Helo Development	48,956				48,956
0604280N	100	Joint Tactical Radio System - Navy (JTRS-Navy)	777,398	(220,000)			557,398
0604280N		Digital Modular Radio	78,624	15,000			93,624

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PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
0604300N	101	DD(X) Systems Engineering	1,431,585	(211,100)	10,000	1,220,485
0604300N		Advanced Gun System for DD(X)				
0604307N	102	Aegis Combat System Engineering	146,463	21,800	10,000	168,263
0604307N		Open Architecture			21,800	
0604311N	103	LPD-17 Class System Integration	8,988			8,988
0604312N	104	JASSM	27,047			27,047
0604329N	105	Small Diameter Bomb (SDB)	9,961			9,961
0604366N	106	Standard Missile Improvements	99,022			99,022
0604373N	107	Airborne MCM	50,514			50,514
0604503N	108	Submarine Systems Development	75,359	29,000	20,000	104,359
0604503N		Advanced Processor Build Integration			6,000	
0604503N		Affordable Towed Array Construction			3,000	
0604504N		AN/BLQ-10 Test and Support				
0604507N	109	Air Control	13,102			13,102
0604512N	110	Enhanced Modular Signal Processor	1,075			1,075
0604512N	111	CV Launch / Recovery System	28,631	4,000	4,000	32,631
0604518N		Aviation Shipboard Information Technology Initiative				
0604518N	112	Combat Information Center Conversion	8,228			8,228
0604558N	113	Virginia Class Design Development	143,270	10,000		153,270
0604558N		Multi Mission Modules			10,000	
0604561N	114	SSN-21 Developments	3,020			3,020
0604562N	115	Submarine Tactical Warfare System	43,404			43,404
0604567N	116	Ship Contract Design/ Live Fire T&E	130,908			130,908
0604574N	117	Navy Tactical Computer Resources	2,381			2,381
0604601N	118	Mine Development	6,123			6,123
0604603N	119	SLAM-ER				
0604610N	120	Lightweight Torpedo Development	9,965			9,965
0604610N		MK-54 System PIP				
0604618N	121	Joint Direct Attack Munition		12,000		[2,000]

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
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PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
0604654N	122	Joint Service Explosive Ordnance Development	8,081				8,081
0604703N	123	Personnel, Training, Simulation, and Human Factors	3,005				3,005
0604710N	124	Navy Energy Program					
0604721N	125	Shipboard IW	17,981				17,981
0604727N	126	Joint Standoff Weapon Systems	9,531				9,531
0604755N	127	Ship Self Defense (Detect & Control)	48,154	40,600			88,754
0604755N	127	Integrated Radar Optical Surveillance and Sighting System			3,500		
0604755N		Evolved Sea Sparrow			15,300		
0604755N		Open Architecture Warfare Systems			21,800		
0604756N	128	Ship Self Defense (Engage: Hard Kill)	51,213				51,213
0604757N	129	Ship Self Defense (Engage: Soft Kill/EW)	28,233				28,233
0604771N	130	Medical Development	6,942	15,000			21,942
0604771N		Hemoglobin-based Oxygen Carrier			13,000		
0604771N		Pseudomonas Barbae Research			2,000		
0604777N	131	Navigation/ID System	28,104				28,104
0604784N	132	Distributed Surveillance System	7,776				7,776
0604800N	133	Joint Strike Fighter (JSF)	2,264,507				2,264,507
0604910N	134	Smart Card Program	695				695
0605013M	135	USMC Information Technology Development	9,301				9,301
0605013N	136	Information Technology Development	109,543	(80,000)			29,543
0605013N		Enterprise Resource Planning				(83,000)	
0605013N		Open Architecture Wireless Sensors			3,000		
0605014N	137	Defense Integrated Military Human Resources System (DIMHRS)					
0605500N	138	Multi-mission Maritime Aircraft (MMA)	496,029				496,029
0508713N	139	Navy Standard Integrated Personnel System (NSIPS)					
		<b>TOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>	<b>8,008,517</b>	<b>(360,700)</b>	<b>163,400</b>	<b>(524,100)</b>	<b>7,647,817</b>

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
<b>RDT&amp;E MANAGEMENT SUPPORT</b>						
0604256N	140	Threat Simulator Development	23,866			23,866
0604258N	141	Target Systems Development	35,677			35,677
0604759N	142	Major T&E Investment	39,787			39,787
0605152N	143	Studies and Analysis Support - Navy	2,183			2,183
0605154N	144	Center for Naval Analyses	43,982			43,982
0605155N	145	Fleet Tactical Development	2,338			2,338
0605502N	146	Small Business Innovative Research		696		696
0605804N	147	Technical Information Services	31,407			31,407
0605853N	148	Management, Technical & International Support	3,493			3,493
0605856N	149	Strategic Technical Support	66,117			66,117
0605861N	150	RDT&E Science and Technology Management	19,370			19,370
0605862N	151	RDT&E Instrumentation Modernization	81,308			81,308
0605863N	152	RDT&E Ship and Aircraft Support	255,926			255,926
0605864N	153	Test and Evaluation Support	13,044			13,044
0605865N	154	Operational Test and Evaluation Capability	2,941			2,941
0605866N	155	Navy Space and Electronic Warfare (SEW) Support	12,160			12,160
0605867N	156	SEW Surveillance/Reconnaissance Support	19,701			19,701
0605873M	157	Marine Corps Program Wide Support				
0909999N	158	Financing for Cancelled Account Adjustments				
<b>TOTAL, RDT&amp;E MANAGEMENT SUPPORT</b>			<b>653,996</b>			<b>653,996</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>						
0603660N	159	Advanced Development Projects				
0603661N	160	Retract Violet				
0101221N	161	Strategic Sub & Weapons System Support	108,782			108,782
0101224N	162	SSBN Security Technology Program	43,408			43,408
0101226N	163	Submarine Defensive Warfare Systems	8,453			8,453
0101402N	164	Navy Strategic Communications/E-6B	31,391			31,391

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
	165	Rapid Technology Transition (RTT)	14,630			14,630
0203761N	166	F/A-18 Squadrons	134,580			134,580
0204136N	167	E-2 Squadrons	6,055			6,055
0204152N	168	Fleet Telecommunications (Tactical)	19,784			19,784
0204229N	169	Tomahawk Weapons System	28,776			28,776
0204311N	170	Integrated Surveillance System	16,965			16,965
0204413N	171	Amphibious Tactical Support Units	2,604			2,604
0204571N	172	Consolidated Training Systems Development	21,644			21,644
0204574N	173	Cryptologic Direct Support	1,460			1,460
0204575N	174	Electronic Warfare (EW) Readiness Support	12,139			12,139
0205601N	175	HARM Improvement / AARGM	163,371	2,000	2,000	165,371
		Embedded National Tactical Receiver - AARGM				
0205604N	176	Tactical Data Links	18,977			18,977
0205620N	177	Surface ASW Combat System Integration	10,612			10,612
0205632N	178	MK-48 ADCAP	21,620			21,620
0205633N	179	Aviation Improvements	62,635			62,635
0205658N	180	Navy Science Assistance Program	3,821			3,821
0205675N	181	Operational Nuclear Power Systems	64,554			64,554
0206313M	182	Marine Corps Communications Systems	268,638			268,638
0206623M	183	Marine Corps Ground Combat/Supporting Arms Systems	44,828			44,828
0206624M	184	Marine Corps Combat Services Support	10,731			10,731
0207161N	185	Tactical Air Intercept Missiles	4,061			4,061
0207163N	186	Advanced Medium Range Air-to-Air Missile (AMRAAM)	9,085			9,085
0301303N	187	Maritime Intelligence				
0301323N	188	Collection Management				
0301327N	189	Technical Reconnaissance and Surveillance				
0303109N	190	Satellite Communications (SPACE)	573,092	8,000	8,000	581,092
0303109N	191	Joint Integrated Systems Technology for Digital Networking				
0303140N		Information Systems Security Program	18,676	17,700	8,000	36,376

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease
0303140N		Common Submarine Radio Room			17,700	
0304111N	192	Special Activities				80,694
0305149N	193	COBRA JUDY	80,694			4,215
0305160N	194	Defense Meteorological Satellite Program	4,215			43,569
0305188N	195	Joint C4ISR Battle Center (JBC)	43,569			4,746
0305192N	196	Joint Military Intelligence Programs	4,746			53,439
0305204N	197	Tactical Unmanned Aerial Vehicles	53,439			113,438
0305205N	198	Endurance Unmanned Aerial Vehicles	113,438			13,191
0305206N	199	Airborne Reconnaissance Systems	10,191	3,000		
0305206N		Passive Collision Avoidance and Reconnaissance			3,000	
0305207N	200	Manned Reconnaissance Systems	20,203			20,203
0305208N	201	Distributed Common Ground Systems	3,635	6,000		9,635
0305208N		Enterprise Targeting and Strike System			6,000	
0305927N	202	Naval Space Surveillance				24,909
0307207N	203	Aerial Common Sensor (ACS) (JMIP)	24,909			7,262
0308601N	204	Modeling and Simulation Support	7,262			56,565
0702207N	205	Depot Maintenance (Non-IF)				10,265
0708011N	206	Industrial Preparedness	56,565			1,003,485
0708730N	207	National Shipbuilding Research Program	10,265			
XXXXXX	999	Classified Programs	1,003,485			
		<b>TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>3,161,988</b>	<b>36,700</b>	<b>36,700</b>	<b>3,198,688</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>	<b>16,346,391</b>	<b>(298,550)</b>	<b>527,900</b>	<b>(826,450)</b>
						<b>16,047,841</b>

## Items of Special Interest

*Advanced composite structures program*

The budget request contained \$81.2 million in PE 63561N, for advanced submarine systems development.

The committee notes that the success of the Navy's Phase I Large Scale Vessel (LSV) advanced composite sail program suggests that the use of composite materials can impart improved performance, significant increases in load carrying capacity and stealth characteristics to submarine sails and to surface combatant superstructures and hulls. Therefore, the committee recommends that the Secretary of the Navy expand the program to include the fabrication and test of full-scale composite structures.

The committee recommends an increase of \$7.0 million in PE 63561N to continue the program for development and evaluation of advanced composite structures for submarine and surface combatant applications.

*Advanced gun system for DD(X) multi-mission destroyer*

The budget request contained \$1,431.6 million in PE 64300N for DD(X) total ship systems engineering development and demonstration, including \$46.5 million for the advanced gun system (AGS), \$20.3 million of which is for continued development and testing of the engineering development model of the long-range land attack projectile.

The committee notes that the acquisition strategy for the DD(X) multi-mission destroyer includes the development and testing of engineering development models of the major component systems of the DD(X), including AGS, to ensure that these systems are ready for fielding with the first ship of the DD(X) class. The AGS system consists of a major caliber gun, automated ammunition handling systems, and the long-range land attack projectile family of munitions.

The committee recommends an increase of \$10.0 million in PE 64300N to continue development, integration, and testing of the long-range, land-attack projectile family of munitions with the AGS.

*Advanced laser diode arrays*

The budget request contained \$80.8 million in PE 63582N for combat systems integration advanced development and prototyping. The budget included no funds for continued development of advanced laser diode arrays.

The committee notes that the Navy is developing electrically driven high energy lasers for potential use in ship self defense against a variety of surface and air threats. High reliability and high power continuous wave diode arrays, efficient laser optical configurations, and advanced solid-state laser gain materials will be among the key technologies needed to reach the power levels required in a solid-state laser weapon system.

The committee recommends an increase of \$6.0 million in PE 63582N to continue the development of advanced laser diode arrays.

*Advanced mine detection program*

The budget request contained \$58.2 million in PE 63640M for the Marine Corps advanced technology demonstration, but included no funding for the advanced mine detection program.

The committee is aware that the Marine Corps urgently needs a backpack advanced mine detection capability with minimal false alarm rates. The committee notes that the Office of Naval Research has been working to develop an advanced mine detection system based on quadrupole resonance technology that has the potential to meet Marine Corps requirements.

The committee recommends an increase of \$3.0 million in PE 63640M to complete development of a quadrupole resonance technology advanced backpack mine detection system.

*Advanced processor build integration*

The budget request contained \$75.3 million in PE 64503N for system development and demonstration for SSN-688 and Trident submarine modernization.

The committee has strongly supported the use of the acoustic rapid commercial-off-the-shelf technology insertion (ARCI) program and use of advanced processor software builds (APB) to upgrade sonar systems on submarines, surface combatants, and other platforms. Use of the ARCI/APB process has enabled the United States Navy to regain the advantage in sonar systems that it lost in the 1980s.

The committee notes that the fiscal year 2005 budget request includes sufficient funds for APB integration to provide the fiscal year 2004 advanced processor build (APB-04) software update for 668I and SSGN submarine sonar systems. However, additional funding is needed to integrate APB-04 into the 688, SEAWOLF, and SSBN class ARCI systems and ensure that thirteen ships, for which the update is not presently funded, receive the updates before their planned deployments in fiscal year 2006.

The committee recommends an increase of \$20.0 million in PE 64503N for the Navy's unfunded requirement for integration of APB-04 update into the 688, SEAWOLF, and SSBN class ARCI systems.

*Aegis open architecture*

The budget request contained \$146.5 million in PE 64307N for Aegis combat system engineering systems development and demonstration.

The Aegis combat system engineering program includes the development of upgrades for cruiser and destroyer Aegis combat systems and the integration of new equipment and systems to keep pace with the threat and capture advances in technology. The committee notes that experiences aboard Aegis-equipped ships and shore sites have shown that the use of currently available commercial-off-the-shelf equipment requires periodic refreshment and additional development effort as new technologies become available and computer operating systems, device drivers, and interfaces are updated. To overcome these problems, the Navy is developing an open architecture computing environment for Aegis-equipped cruisers and destroyers as a part of the Navy's overall open architecture program. The goal of the program is to evolve combat systems into

a “system of systems” that resides on a common computing environment which will be less complex, more easily upgraded, and have lower total ownership costs.

The committee recommends \$168.3 million in PE 64307N, an increase of \$21.8 million to accelerate the development and introduction of an open architecture computing environment for the Aegis combat system.

#### *Affordable towed array construction*

The budget request contained \$75.6 million in PE 64503N for submarine system equipment development, including \$5.2 million to continue the development of affordable towed array technology initiatives for the development of fiber optic thin line towed arrays technology initiatives. The affordable towed array construction (ATAC) program employs fiber optic thinline arrays to provide reliability improvements by reducing system complexity, eliminating wet end electronics, enhancing littoral capability and incorporating robust array construction methods.

The committee believes that accelerating the development and fielding of fiber optic towed array technology using improved construction methods and processes would provide increased performance, reliability and operational capabilities at reduced costs.

Accordingly, the committee recommends an increase of \$6.0 million in PE 64503N to accelerate the development and introduction into the fleet of fiber optic thinline arrays.

#### *Affordable weapon system*

The budget request contained \$82.0 million in PE 63795N for land attack technology advanced component development and prototypes, and included \$28.9 million for development and demonstration of the affordable weapon system (AWS).

The AWS program began as an Office of Naval Research (ONR) advanced technology initiative to demonstrate the ability to design, develop, and build a capable and affordable precision guided weapon system at a cost that would be an order of magnitude cheaper than comparable weapons systems and in production would achieve a stable unit production cost very early in the production cycle.

The committee notes that the ONR program has been successful in all respects. In less than four years, the AWS program demonstrated the use of commercial-off-the-shelf (COTS) components to construct a 400–600 mile range, subsonic (180–220 knot), loitering, 200 pound payload, precision strike missile with global positioning inertial navigation system guidance; a control unit; and a data link. The missile has both line-of-sight and satellite data links for interaction with ground stations and forward observers and is reprogrammable in flight. In operational use the missile would be launched from CONEX-type containers that hold between six and twenty missiles and could be carried on land, sea, or air platforms. The initiative has demonstrated that the COTS approach can reduce costs by an order of magnitude from traditional cruise missiles. The current missile cost in large scale production, exclusive of warhead, is estimated to be approximately \$60,000.

Based on the results of the AWS advanced technology demonstration, the Department of Defense and the Navy decided to transition the AWS from the technology base to an accelerated advanced com-

ponent development and prototype program that demonstrates the ability to produce the missile at the projected cost; provides up to 100 missiles and launch and fire control equipment for developmental and operational testing; and supports user evaluation of the AWS for potential use by the fleet. Congress provided \$28.0 million to support the program in fiscal year 2004. The committee notes that shortfalls in science and technology funding for the AWS transition and delays in award of the development and production contract have delayed the program and completion of operational test and evaluation until the spring of 2005 and resulted in increased costs to complete the initial missile production buy.

The committee recommends an increase of \$23.0 million in PE 63795N to complete a 100-missile build of the AWS and support developmental and operational testing and fleet evaluation of the system.

#### *Airborne mine neutralization system*

The budget request contained \$50.5 million in PE 64373N for airborne mine countermeasures system development and demonstration, including \$15.6 million for continued development of the Airborne Mine Neutralization System (AMNS)

The AMNS is an expendable, remotely operated mine neutralization device that is deployed in shallow and deep water from the MH-53E and MH-60S mine countermeasures helicopters to explode unburied bottom and anchored sea mines, which are impractical or unsafe to counter using existing minesweeping techniques.

In an audit of the AMNS program completed in February 2004, the Department of Defense Inspector General (DOD IG) concluded that the program is well-managed overall. However, the DOD IG cited the decision to transition the MH-53E to a Rapid Deployment Capability as premature and recommended that the ASN(RDA) rescind approval and require full operational test and evaluation of the system to assure that it is operationally effective and capable of supporting real-world contingency operations. The DOD IG also found that the Navy did not perform an adequate analysis of alternatives to evaluate the cost- and operational- effectiveness of alternative courses of action and that the Program Executive Officer (Littoral and Mine Warfare) should not proceed further with the development and acquisition of the AMNS unless a comprehensive, independent analysis of alternatives justifies proceeding.

The committee recognizes that operational necessity may require the rapid deployment of interim or developmental capabilities in times of emergency, but also recognizes and supports the requirement that such systems be operationally capable and effective. The committee directs the Secretary of the Navy to report to the congressional defense committees by September 30, 2004, the actions that will be taken by the Department of the Navy to respond to the DOD IG's findings.

#### *Airborne reconnaissance systems*

The budget request contained \$10.2 million in PE 35206N for airborne reconnaissance systems, but included no funding for passive collision avoidance and reconnaissance (PCAR).

The committee is aware that unmanned aerial vehicles (UAV) must fly in regions that make them a potential hazard to commer-

cial and other manned aircraft. The committee notes that PCAR will sense an impending collision and allow the UAV to safely avoid approaching aircraft.

Therefore, to improve safety of UAV operations, the committee recommends \$13.2 million in PE 35206N, an increase of \$3.0 million for PCAR.

#### *AN/BLQ-10 test and support*

The budget request contained \$75.3 million in PE 64503N for system development and demonstration for SSN-688 and Trident submarine modernization, including \$1.4 million for submarine support equipment.

The submarine support equipment program develops and evaluates improvements in submarine electronic warfare support measures, including implementation of state-of-the-art technologies for periscope, mast, and engineering improvements in the AN/BLQ-10 tactical electronic support system.

The committee notes proposals for adaptation and evaluation of a commercial-off-the-shelf tester for electronic circuit card assemblies that could be used aboard submarines.

The committee recommends an increase of \$3.0 million in PE 64503N for adaptation and evaluation of a commercial-off-the-shelf tester for electronic circuit card assemblies for the AN/BLQ-10 tactical electronic support system.

#### *Anti-torpedo torpedo*

The budget request contained \$46.9 million in PE 63506N for surface ship torpedo defense advanced component development and prototyping.

The surface ship torpedo defense program develops the Tripwire AN/WSQ-11 torpedo defense system, which includes the Tripwire towed sensor and processor to detect a threat torpedo and provide launch orders for the associated anti-torpedo torpedo countermeasure. The committee notes that the anti-torpedo torpedo as the "offensive" response to the Tripwire launch detection is a critical part of the surface ship torpedo defense.

The committee recommends an increase of \$7.0 million in PE 63506N to accelerate development of the anti-torpedo torpedo as a part of the surface ship torpedo defense system.

#### *Automatic radar periscope detection and discrimination*

The budget request contained \$13.4 million in PE 64261N for acoustic search sensors system development and demonstration, including \$2.9 million to continue development of the automatic radar periscope detection and discrimination (ARPDD) project.

The ARPDD project provides fully automated periscope detection, classification and tracking capability to reliably detect periscopes and masts of submerged submarines and to discriminate periscopes from other targets. The committee notes that the Navy regards this capability as essential for effective detection of submarines in congested littoral waters. The current program of record provides for a four-year development cycle, followed by developmental and operational testing and a low rate initial production decision in fiscal year 2011. The budget request would be used for project planning and acquisition program documentation in preparation for award-

ing a contract for development of an airborne ARPDD capability. The committee notes that acceleration of the program is a priority for the Navy.

Accordingly, the committee recommends an increase of \$15.0 million in PE 64261N to accelerate ARPDD system development and demonstration and rapid introduction of the capability into the fleet.

*Aviation ship integration center*

The budget request contained \$157.5 million in PE 63512N for carrier systems advanced technology development and prototyping. No funds were included for the Aviation Ship Integration Center.

The Aviation Ship Integration Center supports the development and conceptualization of fully integrated advanced technology designs for future aircraft carriers. The center identifies, tests, and integrates transformational design changes and products for aviation capable ships and component systems, and permits the identification and resolution of potential problems early in the development cycle, thereby reducing overall engineering costs and facilitating the introduction of transformational initiatives in the CVN-21 carrier.

The committee notes that additional funding is required to expand and complete several key initiatives by the shipbuilder and appropriate government sponsors.

Congress appropriated \$9.8 million for the Aviation Ship Integration Center in fiscal year 2004. The Chief of Naval Operations has indicated the center is a critical unfunded requirement for fiscal year 2005.

The committee recommends an increase of \$10.0 million in PE 63512N for the Aviation Ship Integration Center.

*Aviation shipboard information technology initiative*

The budget request contained \$28.6 million in PE 64512N for system development and demonstration for shipboard aviation systems, but included no funds for continuation of the integrated aviation shipboard information technology initiative.

The aviation shipboard information technology initiative seeks to use state-of-the-art information technology and decision support systems to automate the current manually intensive process for collecting and distributing the information required to manage aviation operations on board aircraft carriers more efficiently and effectively. The committee notes continued progress in the initiative, now renamed the Aviation Data Management and Control Systems (ADMACS). The development of a common operating picture for carrier aviation operations and the ability through process automation and integration of key operational systems to provide an accurate status of weapons, aircraft, personnel, launch, and recovery systems throughout the ship should result in significant workload reductions, reduced mission planning and execution time, and an increased sortie generation rate. In addition to the operational impact of ADMACS, the committee notes estimates of operations and support cost savings of \$2.0 million per year per ship and workload savings of 45 man-years per year per ship. Congress has provided a total of \$7.8 million for the program since fiscal year 2002.

The committee recommends an increase of \$4.0 million in PE 64512N to continue the development of ADMACS. The committee expects the Navy to include funding for any further development of ADMACS in the Navy's core aviation program beginning with the fiscal year 2006 budget request.

*Biomedical research imaging*

The budget request contained \$16.7 million in PE 63729N for warfighter protection advanced technology development.

The committee continues to note the progress being made in the use of advanced imaging technology in biomedical research. The program develops new tools and diagnostic procedures that improve the efficiency and accuracy of biomedical research in bone marrow transplantation and breast and prostate cancer, and the potential for new collaboration between previous unconnected medical specialties. The committee believes that these findings have important implications for advances in real-time medical diagnosis and treatment and for the application of advanced data fusion technologies in other areas.

The committee recommends an increase of \$5.0 million in PE 63729N to continue research in the applications of advanced imaging technology to biomedical research.

*Center for critical infrastructure protection*

The budget request contained \$96.3 million for force protection applied research, but included no funding for the Center for Critical Infrastructure Protection (CCIP).

The committee believes that the Department of Defense should place a greater emphasis on its acknowledged mission of protecting critical defense infrastructure, such as ports, railroads, and pipelines. Sustained force protection of fixed defense-critical national assets requires additional research on sustained and integrated surveillance and sensing capabilities. The CCIP is an innovative program that will explore such technologies on a continuing basis, helping to develop the most comprehensive security systems for the nation's critical defense infrastructure.

The committee recommends an increase of \$5.0 million in PE 62123N for this important research.

*Claymore marine*

The budget request contained \$4.5 million in PE 63254N for anti-submarine warfare (ASW) systems development.

The committee notes that the Navy established the Claymore Marine program to investigate and demonstrate a new littoral anti-submarine warfare (ASW) system that integrates the previously developed ATD-111 airborne ASW and mine hunting system with new signal processing algorithms to achieve a significant increase in performance.

The committee recommends an increase of \$7.0 million in PE 63254N for the Claymore Marine program.

*Common submarine radio room*

The budget request contained \$18.7 million in PE 33140N for information systems security program operational systems development.

The committee notes that the radio room on many of today's ships uses outdated, and in some cases, obsolete technologies. As a result, the systems that support ship communications in the radio room are labor intensive, require heavy and costly maintenance, suffer from operator overload and require large numbers of highly skilled operators. The Navy developed the Common Submarine Radio Room (CSRR) in the Virginia Class submarine program and now plans to standardize radio rooms across all submarine classes using the CSRR model. CSRR will reduce the cost, training, and maintenance of submarine radio rooms and, through increased use of automation, will permit the reduction of personnel required to stand watch in the radio room. In the future the CSRR concept may be extended to the surface fleet.

The committee recommends \$36.4 million in PE 33140N, an increase of \$17.7 million for the Navy's unfunded requirement for the CSRR.

#### *Composite ceramic unmanned underwater vehicle*

The budget request contained \$63.7 million in PE 62236N for warfighter sustainment advanced technology development, but included no funding for development of a composite ceramic unmanned underwater vehicle.

The committee notes that the high cost of development and manufacture of advanced underwater vehicles (UUV) and that the long design and development lifecycle have significantly limited introduction of innovative UUV capabilities. The committee is aware that the composite ceramic unmanned underwater vehicle program plans to use advanced ceramic material research for the rapid development of high-performance, low cost, modular UUVs. The committee supports the development of high-performance UUVs, using advanced composite technology, ceramic component technology and water-soluble tooling, and integration of next-generation sensors, guidance and control, propulsion and payloads. The committee expects that this technology could replace steel construction with light-weight, high strength, corrosion resistant ceramics and polymers.

The committee recommends an increase of \$8.0 million in PE 62236N for composite ceramic unmanned underwater vehicle applied research.

#### *Consolidated undersea situational awareness*

The budget request contained \$79.5 million in PE 63235N for common picture advanced technology development, but included no funds to continue development of the consolidated undersea situational awareness system (CUSAS).

The committee notes that CUSAS is a decision-support system that would provide knowledge superiority to undersea warfare (USW) forces through the use of advanced, interactive, decision support software. Developed initially under the Defense Advanced Research Projects Agency, CUSAS would offer significant improvements in situational awareness for fleet operators through the use of high fidelity, two- and three-dimensional presentations, augmented with real-time, intelligent agent-based, tactical recommendations.

The committee notes the progress in the development of CUSAS. The system has demonstrated the capability to interface with, process, and display all sources of sensor and intelligence data onboard a U.S. submarine. The core technology has been installed and successfully demonstrated in an operational tactical submarine trainer and a follow-on at-sea demonstration is scheduled later in 2004. The committee believes that successful development of the CUSAS decision support system would provide a capability that would significantly assist submarine commanders to make rapid and informed decisions in critical combat operations.

The committee recommends an increase of \$4.0 million in PE 63235N to continue development of CUSAS.

*DD(X) multi-mission destroyer*

The fiscal year 2005 budget request included \$1,450.6 million for the DD(X) multi-mission destroyer, including \$1,431.5 million in PE 64300N and \$19.0 million in PE 63513N, to continue detailed design and, using RDT&E funding, to begin construction of the first ship of the DD(X) class. Of the amount requested, \$221.1 million is for construction.

DD(X) is a multi-mission surface combatant tailored for land attack in support of the ground campaign and maritime dominance. In addition, the DD(X) program will provide a baseline for development of technology and engineering to support a range of future surface ships such as the CG(X) future cruiser and the Littoral Combat Ship. A Milestone B acquisition decision is scheduled for mid-fiscal year 2005. Delivery of the first ship of the class to the fleet is currently planned for fiscal year 2011. The Navy wants to procure a total of 24 DD(X)s at a unit procurement cost of \$1,200 million to \$1,400 million.

The committee has strongly supported the DD(X) program since its inception. DD(X) will be the advanced technology platform for transformational technologies including an integrated power system and electric drive; an advanced gun system; a new multi-function radar/volume search radar suite; optimal manning through advanced system automation; stealth through reduced acoustic, magnetic, infrared, and radar cross-section signatures; and enhanced survivability through automated damage control and fire protection systems. The committee report on H.R. 1588 (H. Rept. 108–106) noted that the ship's operational requirements and key performance parameters, which affect the mission capabilities, design, and size of the ship, were under review. Subsequently, the Navy decided to reduce the size of the DD(X) from a full load displacement of approximately 18,000 tons to 14,000 tons.

In its report, "Defense Acquisitions—Assessments of Major Weapons Programs," dated March 2004, the General Accounting Office (GAO) assessed the DD(X) as entering system development with none of its 12 critical technologies fully mature (and thereby subject to a higher risk of completing development at the planned cost and schedule). The program manager is pursuing risk mitigation by constructing and testing engineering development models for the critical technologies; however, the acquisition strategy calls for engineering development model construction and testing to be done concurrently with system design. The decision to reduce the weight of the ship prompted redesign of the advanced gun system

and hull form engineering development models. Because of schedule slippage, only two engineering development models (the hull form and the integrated power system) would be mature by the award of the lead ship construction contract, currently planned for September 2005. Current testing schedules call for the integrated power system, dual band radar suite, total ship computing environment, and peripheral vertical launching system to continue development beyond the lead ship production decision. In the GAO's view, should any of these innovative technologies encounter challenges that cannot be accommodated within the current design margins, redesign of other technologies and of the integrated ship system may be needed. Redesign would likely result in additional costs and schedule delays and affect the planned installation schedule. In addition, because the DD(X) acquisition strategy focuses on developing and maturing technologies that could be leveraged across multiple ship classes, delay in the maturation of critical technologies would increase the risk for other development programs.

The committee notes that the engineering development models of the integrated power system and the advanced gun system are scheduled to complete land-based testing by the end of fiscal year 2005 and the multi-function radar will have completed two-thirds of its land-based and at-sea testing by that date. The committee believes that it would be prudent to delay the award of the contract for construction of the first ship of the class from fiscal year 2005 to fiscal year 2006 in order to accommodate any results from the testing of these critical systems in the design of the ship prior to beginning construction. The committee recommends that the DD(X) program be restructured to reduce concurrency and develop technology "off-ramps" for technologies that do not mature.

Accordingly, the committee recommends a decrease of \$221.1 million in PE 64300N and deferring the initiation of construction of the lead ship from fiscal year 2005 to fiscal year 2006.

#### *Deployable joint command and control*

The budget request contained \$42.4 million in PE 63237N for research and development of the Deployable Joint Command and Control System (DJC2) and \$32.5 million for procurement of two DJC2 cores (120 seats total) for the European Command.

The committee supports the concept of establishing a standing joint force headquarters within each of the regional combatant commands (RCCs) and of providing standardized joint command and control capabilities for the commands. However, the committee questions the acquisition strategy to procure, equip, and provide technology updates for this program. The committee is concerned that the schedule to procure and equip the first set of two cores per RCC is too aggressive and may not accomplish its schedule due to lack of technology integration for the information systems and applications that are required for this program.

While the committee understands that each combatant commander would like four core systems, for a potential of up to 240 seats per RCC, the committee notes the Department has not devised a capital planning strategy to pay for the second set of two cores per RCC. Furthermore, there is no justification to show how the Department plans to pay for updating hardware and software

systems to prevent them from becoming obsolete by fiscal year 2008.

Accordingly, the committee directs the Secretary of the Navy, in coordination with the commander, Joint Forces Command, to provide a report to the congressional defense committees by March 31, 2005, detailing a systems architecture, performance metrics, management plan for the development of DJC2, and a capital planning investment strategy as to how the Department plans to fund the second set of two cores per combatant command.

*Digital modular radio*

The budget request contained \$78.6 million in PE 64280N for system development and demonstration for the Joint Tactical Radio System-Navy (JTRS-Navy). No funds were requested to continue system development and demonstration for the digital modular radio (DMR).

DMR is a digital, modular, software programmable, multi-channel, multi-function and multi-band (2 megahertz—2 gigahertz) radio system that would provide improved fleet radio communications in the high, very-high, and ultra-high frequency radio bands. DMR would replace and be interoperable and backwards compatible with currently deployed Navy radio systems.

The committee notes that the Department of Defense has mandated that all future tactical radio procurements must be compliant with the Joint Tactical Radio System (JTRS). The committee also notes that the contract for a commercial-off-the-shelf, non-development initiative DMR was awarded before the JTRS architecture and acquisition strategy was established.

The committee recommends an increase of \$15.0 million in PE 64280N to continue development of the DMR and bring the DMR operating environment software to full compliance with the JTRS common architecture (version 2.2).

*DP-2 thrust vectoring system*

The budget request contained \$92.4 million in PE 63114N for power projection advanced technology development, but included no funding for continuation of the DP-2 thrust vectoring system demonstration.

DP-2 is a proof-of-concept program to demonstrate the use of jet-powered, thrust vector control in a light weight composite airframe to achieve vertical takeoff and short takeoff and landing in a one-half scale flight test vehicle. The committee notes the progress to date in the program and believes that the potential for a successful proof-of-concept demonstration justifies continuation of the program.

The committee recommends an increase of \$10.0 million in PE 63114N to continue development and demonstration of the DP-2 thrust vector system concept, leading to potential flight test of the one-half scale airframe.

*Electromagnetic gun program*

The budget request contained \$82.1 million in PE 63123N for force protection advanced technology development.

In section 211 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), Congress directs the Secretary

of Defense to establish and carry out a collaborative program among the Director of Defense Research and Engineering, Defense Advanced Research Projects Agency, the Army, the Navy, and other appropriate Department of Defense activities, for evaluation and demonstration of advanced technologies and concepts for advanced gun systems that use electromagnetic propulsion for direct and indirect fire applications. The committee believes that the development of electromagnetic gun technology would have potentially high payoff for U.S. armed forces in both direct and indirect fire weapons systems, and that the major investment made by the Department of Defense (principally by the Army) in this technology over the last 20 years is beginning to provide significant returns. In the fiscal year 2005 budget request, the committee notes significant shortfalls in Department of the Navy funding for the program.

Accordingly, the committee recommends an increase of \$9.5 million in PE 63123N for electromagnetic gun technology advanced development.

*Embedded national tactical receiver integration with advanced anti-radiation guided missile*

The budget request included \$163.4 million in PE 25601N for operational systems development for high-speed anti-radiation missile (HARM) improvement, including \$53.5 million for the advanced anti-radiation guided missile (AARGM).

The embedded national tactical receiver (ENTR) is a circuit card capable of receiving global surveillance information. Integrating the ENTR in the AARGM would facilitate the engagement of time sensitive and critical targets by adding the ability for the missile to receive threat data from national assets, thereby enlarging the target set and increasing aircrew situational awareness. The capability of such a system to receive near real time intelligence data will enhance the suppression of enemy air defense by increasing the ability to engage the most current surface-to-air missile threats in denied access area.

The committee recommends \$165.4 million in PE 25601N, an increase of \$2.0 million to integrate the ENTR in the AARGM.

*Emerging/critical interconnection technology*

The budget request contained \$61.1 million in PE 63236N for warfighter sustainment advanced technology development but no funds were requested for continuation of the electronic interconnection research and development program.

The committee notes that printed circuit boards are fundamental components of military navigation, guidance and control, electronic warfare, missile, and surveillance and communications equipment. The committee notes that printed circuit boards for military systems have unique design requirements for high performance, high reliability, and the ability to operate under extreme environmental conditions that require the use of high density, highly rugged, and highly reliable interconnection technology. The committee also notes that the commercial printed circuit board industry focuses on the design and high-volume production of low-cost boards and the United States has lost much of its printed circuit board manufacturing capability to overseas sources. The committee recognizes the need to enhance the U.S. capability for development and production

of high density, highly reliable printed circuit boards for use in U.S. military systems. Congress appropriated \$3.5 million in fiscal year 2004 for this program.

The committee recommends an increase of \$4.0 million in PE 63236N to continue the program for development of emerging and critical printed circuit interconnection technology. The committee expects that the electronic interconnection research and development program will be included in the Navy's core research and development program in the fiscal year 2006 budget request.

#### *Enterprise resource planning*

The budget request contained \$109.5 million in PE 65013N for information technology (IT) development, including the Enterprise Resource Planning (ERP) program.

The Navy ERP program is intended to provide a standard set of tools to Navy organizations to facilitate business process re-engineering and provide interoperable data for acquisition, financial, and logistics operations. The committee understands that this new program would converge the four existing ERP pilot programs in various Navy commands into one larger ERP.

The committee believes the Navy should select the most comprehensive ERP pilot for the entire Navy's use and terminate the other three pilots. Accordingly, the committee recommends \$26.5 million in PE 65013N for IT programs, a decrease of \$83.0 million for the ERP program.

#### *Enterprise targeting and strike system*

The budget request contained \$3.6 million in PE 35208N for the development of the Navy's enterprise targeting and strike system (eTSS). This program will employ web-enabled enterprise technologies across existing operational capabilities. By using commercial e-business technologies, eTSS transforms the Navy's targeting, strike and mission-planning systems by integrating combat platforms and their support components into a single hardware dispersed web-enabled enterprise. The committee supports this non-proprietary, open standards solution that is consistent with the Department of the Navy's other important information technology programs. The committee also supports the program's goal of supporting globally distributed, joint, collaborative, time critical, strike operations within the Global Information Grid (GIG) architecture.

Accordingly, the committee recommends \$9.6 million in PE 35208N, an increase of \$6.0 million, for the acceleration and deployment of eTSS.

#### *Evolved sea sparrow missile capability for large decks*

The budget request contained \$48.2 million in PE 64755N for ship self defense (detect and control) system development and demonstration.

The committee notes the requirement for large deck amphibious ships and aircraft carriers to be capable of countering the anti-ship cruise missile (ASCM) threat.

The committee notes that the Navy has identified the Evolved Sea Sparrow Missile (ESSM) capability for large deck amphibious ships as a critical unfunded requirement in the fiscal year 2005 budget request. Additional funds are required to develop the com-

plete SSDS Mk 2 software configuration modification for LHD 1 class ships; initiate integration of the ESSM into the SSDS Mk 2 computer program; and procure the Reconfigured NATO Sea Sparrow Missile System (RNSSMS), a Mk 29 missile launching system, an AN/SPQ-9B radar system, and a cooperative engagement capability (CEC) system for the LHD 1.

The committee recommends the following to address the Navy's unfunded requirement for providing the ESSM capability on large deck amphibious ships:

- (1) An increase of \$15.3 million in PE 64755N for SSDS Mk 2 system development and demonstration;
- (2) An increase of \$8.7 million for one Reconfigured NATO Sea Sparrow Missile System (RNSSMS);
- (3) An increase of \$6.0 million for one AN/SPQ-9B radar system; and
- (4) An increase of \$4.2 million for one cooperative engagement capability system.

#### *Formable aligned carbon thermosets*

The budget request contained \$63.7 million in PE 62236N for warfighter sustainment applied research, but included no funds for formable aligned carbon thermosets (FACTS).

The committee continues to support the development and demonstration of FACTS, which employ stretch broken fibers to give the composite material plasticity akin to metals. FACTS also significantly eases the formation of composite parts for use in aircraft and other construction where weight savings and reduced operation and maintenance costs are desired. The use of FACTS is expected to increase significantly the percentage of airframes that can be fabricated from composites, reduce the cost of the composite structure, permit the use of more efficient designs, and significantly lower the weight of the airframes.

The committee recommends an increase of \$2.0 million in PE 62236N to continue the program for development and demonstration of FACTS product technology.

#### *Gallium nitride radio-frequency power technology*

The budget request contained \$49.2 million in PE 62271N for radio frequency systems applied research.

Gallium nitride (GaN) radio frequency power microelectronics is a wide band gap power semiconductor technology that has several key advantages over radio frequency component technologies now in use, including higher power density, better heat dissipation, and increased bandwidth. This new technology could lead to dramatic improvements in system performance, such as significant increases in the range of radar systems and enabling such systems to more effectively identify threat signatures in the presence of terrain background clutter. Congress authorized \$3.0 million for GaN microelectronics and materials development in fiscal year 2004.

The committee recommends an increase of \$3.0 million in PE 62271N to continue the program for applied research in GaN wide band gap semiconductor materials and power microelectronics.

*Hemoglobin-based oxygen carrier*

The budget request contained \$6.9 million in PE 64771N for medical system development and demonstration. No funds were specifically requested to continue the development of hemoglobin-based oxygen carrier technology.

The committee notes that there is currently no effective method of providing front-line resuscitative treatment (i.e. immediate oxygen-carrying support) for acute blood loss to wounded soldiers on the battlefield and civilian trauma victims in an out-of-hospital setting. The single major cause of death in potentially salvageable battlefield casualties is hemorrhage and blood loss, and early intervention to treat hemorrhage provides the greatest opportunity for reducing mortality and morbidity. Although blood transfusion is not practical in far forward or out-of-hospital settings, hemoglobin-based oxygen carriers have the characteristics of stability at room temperature that overcome many of the medical and logistical problems associated with red blood cell transfusion.

In fiscal year 2002 Congress initiated a program for evaluation of hemoglobin-based oxygen carriers for the treatment of trauma casualties. Based on the progress in the program the U.S. Naval Medical Research Center is directing a clinical development and trials program to evaluate the safety and efficacy of a particular hemoglobin-based oxygen carrier. The program is designed to serve as the basis for U.S. Food and Drug Administration approval and subsequent licensing of the product for military and civilian trauma applications.

The committee recommends an increase of \$13.0 million in PE 64771N to continue the program for development and clinical trials of hemoglobin-based oxygen carriers for treatment of trauma casualties.

*High temperature superconducting AC synchronous ship propulsion motor*

The budget request contained \$82.1 million in PE 63123N for force protection advanced technology development, including \$16.0 million to continue development of a 36.5 megawatt class, high temperature superconducting alternating current (AC) synchronous motor.

The committee notes that development of component technologies for the all electric warship is one of the major goals of the Navy's science and technology program. In fiscal year 2003, the Navy awarded a contract for development and demonstration of high temperature, superconducting AC synchronous motor technology in a 36.5 megawatt propulsion motor and drive system that would be designed to be compatible with Navy electric warship concepts and performance requirements, and would be available to begin Navy evaluation in fiscal year 2006. The committee is informed that the Navy's budget request is not sufficient to maintain the program schedule.

The committee recommends an increase of \$8.0 million in PE 63123N to maintain the schedule for development of the AC synchronous high temperature superconducting motor.

*Hybrid POSS composites development*

The budget request contained \$96.3 million in PE 62123N for force protection applied research.

The committee notes that the use of composite materials in naval aircraft continues to increase and the use of composites for ship and submarine applications is becoming more acceptable. Organic polymers are the main component of the composite resin technology that is currently in use; however, the limited capability of composites to survive the effects of a shipboard fire is the main obstacle to more extensive use and there are no resin systems which entirely meet military standards. The committee notes that hybrid (organic-inorganic) POSS polymers have been demonstrated that meet the fire retardance standard of Military Specification 2031, but have not yet been qualified for use on board ships. The committee is aware that in fiscal year 2004, the Navy has committed to conduct a 1/4-scale demonstration of the fire retardancy of hybrid POSS composite resins. The committee believes that it is important that the POSS resin technology be fully demonstrated in fiscal year 2005 in order to insure that the resin is qualified as a candidate for use in the DD(X) multi-mission destroyer and the Littoral Combat Ship.

The committee recommends an increase of \$2.0 million in PE 62123N to continue applied research in the design, fabrication, testing, and qualification of POSS composites for shipboard use by the Navy.

*Integrated personnel protection system*

The budget request contained \$98.8 million in PE 62114N for power protection applied research.

The committee notes Navy requirements for improving the protection of Navy ships and personnel from natural or combat hazards ashore and afloat. Although many advances have been made in personnel protection equipment for Navy personnel, many situations exist in which current personnel protective equipment is inadequate. The committee is aware of advances in technologies for protection of Navy personnel from fire, chemical, and biological hazards that, when combined with an integrated individual display system and interconnected through an ultra-wideband personnel communications network, would provide enhanced situational awareness and communications capabilities for the monitoring of personnel situations and coordination of crew response in critical situations.

The committee recommends an increase of \$3.0 million in PE 62114N for applied research in integrated personnel protection systems.

*Integrated radar optical surveillance and sighting system*

The budget request contained \$48.2 million in PE 64755N for ship self defense (detect and control) system development and demonstration.

The committee notes that, in view of the current world situation and the worldwide deployment of United States naval forces, protection of high value surface assets has become highly important.

The integrated radar optical surveillance and sighting system (IROS3) integrates commercial-off-the-shelf systems in a non-pro-

prietary, network architecture to provide a digital radar picture, electro-optical sensor, non-lethal deterrent, and remote engagement by small arms and minor caliber guns. In addition to providing a capability to detect and classify asymmetric surface threats, maintain 360-degree situational awareness around the ship, and effectively engage small close-in threats, IROS3 would also enhance the capability for surface warfare, navigation, maritime intercept operations and related naval missions. Congress provided \$4.2 million in fiscal year 2004 to continue development of the IROS3.

The committee recommends an increase of \$3.5 million in PE 64755N for demonstration and evaluation of the IROS3 system.

#### *Intermediate modulus carbon fiber qualification*

The budget request contained \$61.1 million in PE 63236N for warfighter sustainment advanced technology development. No funds were requested to continue the qualification of commercially available intermediate modulus carbon fibers.

The committee supports efforts to transition new materials and processes for use in present and future aircraft and missile systems. The committee is encouraged by the Navy's efforts to establish a second production source for intermediate modulus carbon fiber to ensure more competitive practices. In fiscal year 1997, the Navy initiated an effort to develop a protocol for the qualification of new materials, second source materials, and new processes for use on naval aircraft and missile systems. The Navy has developed a certification protocol for the qualification of commercially available intermediate modulus carbon fibers, which are used to strengthen aircraft and missile bodies. To date \$5.5 million has been provided for this qualification program.

The committee recommends an increase of \$4.0 million in PE 63236N to complete the qualification program for commercially available intermediate modulus carbon fibers.

#### *Interrogator for high-speed retro-reflective communications*

The budget request contained \$98.8 million in PE 62114N for power project applied research, but included no funding for a high-speed retro-reflectometer communications data link.

The committee notes that the Naval Research Laboratory (NRL) has been conducting extensive research into the use of modulated retro-reflectors, which would eliminate the need for an unmanned aerial vehicle (UAV) to carry a laser for downlink communications. NRL's progress to date is promising and includes the development of a prototype interrogator with fine steering optics and software, laser tracking algorithms, hardware and software, electronics, and return signal collection and demodulation to effectively test a ship-to-shore communications scenario. A second prototype will be demonstrated in an air-to-ground scenario.

The committee notes that additional funding in fiscal year 2005 would permit NRL to develop and demonstrate a miniaturized prototype high-speed data link with an interrogator designed for easy transport, setting the stage for demonstrations of further system applications.

The committee recommends an increase of \$3.0 million in PE 62114N to continue development of a laser interrogator for high-speed retro-reflectometer communications data link.

*Joint integrated systems technology*

The budget request contained \$573.1 million in PE 33109N for Satellite Communications (SATCOM) operational system development.

The Joint Integrated Satellite Communications (JIST) is a web-based satellite communications planning and management technology that utilizes the Department of Defense's existing internet protocol router to expand the flexibility and efficiency of military satellite communications across a broad spectrum of radio frequencies. The committee continues to believe that developmental systems like JIST, based on common standards, are key to increased satellite communications efficiency and maximizing the utilization of available spectrum resources across legacy and follow-on satellite communications systems.

The committee recommends \$581.1 million in PE 33109N, an increase of \$8.0 million to continue the JIST program for development of a uniform web-based architecture for SATCOM mission planning and resource allocation.

*Joint Strike Fighter*

The budget request included \$2,264.5 million in the Department of the Navy and \$2,307.4 million in the Department of the Air Force for the Joint Strike Fighter (JSF) program.

In order to maintain competition for the engine for the JSF, Congress has mandated the funding of an alternate engine program and the JSF Joint Program Office (JPO) is working with the contractor propulsion teams to provide for completely interchangeable engines.

The committee believes that the earliest possible engine production lot competition is beneficial to the JSF program. The committee directs the JSF JPO plan to compete, at the earliest possible date, engine common hardware as well as the turbomachinery, while maintaining PW F135 and GE F136 engine interchangeability.

*Laser radar data exploitation*

The budget request contained \$92.4 million in PE 63114N for power projection advanced technology development.

The committee notes that laser radar (LADAR) seekers provide high-quality, high-resolution, three-dimensional imagery of the target area that is used by the seeker for autonomous target recognition (ATR) and location. The committee also notes the development of LADAR imagery viewing software for engineering analysis of the ATR algorithms and believes that such technology can be exploited for intelligence, surveillance, and reconnaissance purposes. The imagery, if down-linked or otherwise made available to the user, could be used to support three-dimensional target area visualization, aim point analysis, mission planning, and attack plan rehearsal.

The committee recommends an increase of \$3.0 million in PE 63114N for the continued development of software tools for laser radar imagery analysis and the development of concepts of operations and procedures for exploiting LADAR imagery for mission planning, mapping, and three-dimensional target area visualization.

*Littoral combat ship*

The budget request contains \$352.1 million in PE 63581N for the Littoral Combat Ship (LCS), including \$244.4 million for LCS development and \$107.7 million for construction, using RDT&E funds for the first ship of the LCS class.

The LCS is a planned new Navy surface combatant for fighting in heavily contested littoral waters that would be the smallest member of the DD(X) family of next-generation surface combatants and has been identified in budget reviews as a key component of Navy transformation. A fast, agile, and stealthy surface combatant, LCS missions include mine countermeasures, littoral anti-submarine warfare, and countering fast attack craft (i.e. "swarm boats") in heavily contested littoral waters. Secondary missions include intelligence, surveillance, and reconnaissance; homeland defense/maritime intercept; special operations forces support; and logistics support for movement of personnel and supplies.

LCS would be the first Navy ship to separate capability from hull form. Modular mission payloads and open-system architecture are intended to be used to configure the LCS for particular missions. LCS would be much smaller and faster than the Navy's current major surface combatants (2,000–3,000 ton displacement and a maximum speed of 40 to 50 knots) and would have a reduced crew size of 15 to 50 core members. Three contractor teams are competing for the LCS prime contract and two will be selected later this year for the next phase of the competition. The Navy wants to procure 56 LCSs at an estimated unit cost of \$150.0 to \$220.0 million for the ship alone and \$250.0 million, including a representative mission payload package. The total acquisition cost for the program could exceed \$14,000 million. Congress provided \$166.0 million for LCS in fiscal year 2004. The Chief of Naval Operations has identified an unfunded requirement of \$74.7 million for LCS mission module development in fiscal year 2005.

Prior to announcing the LCS program, the Navy did not conduct a formal analysis of alternatives to demonstrate that a ship like the LCS would be more cost-effective for performing the stated missions than potential alternative approaches. In the statement of managers accompanying the conference report on H.R. 4546 (H. Rept. 107–772), the conferees raised a number of issues with respect to the development of LCS. The Secretary of the Navy's report on those issues was a brief, summary document that provided little detail with regard to the analysis performed by the Navy in developing the requirement and the concept for LCS. The Navy's March 2004 report on LCS requirements, concepts of operations, acquisition strategy, and systems that would be replaced by LCS was also a relatively brief summary document that provided little new information about the LCS program. Congress has directed the General Accounting Office to report by March 1, 2005, on the LCS program's analytical justification, concept of operations, technical maturity, and potential costs.

The committee continues to have concerns about the lack of a rigorous analysis of alternative concepts for performance of the LCS mission, the justification for the force structure sought by the Navy, and whether the program's acquisition strategy is necessary to meet an urgent operational need. In view of continued unfunded requirements for mission module development and experimentation

and what the committee believes is the need for more thorough evaluation program, the committee is concerned about the Navy's ability to resolve these issues before committing to the design for the LCS and beginning construction of the first ship. Finally, the committee is concerned about whether the program schedule provides sufficient time and capabilities for experimentation and evaluation of the operational concepts for LCS before committing to major serial production of the ship.

Consequently, the committee recommends \$244.4 million in PE 63581N for the LCS, a decrease of \$107.7 million for LCS construction. The committee also recommends that the construction of the first Flight 0 LCS be delayed until fiscal year 2006.

*Littoral support craft-experimental*

The budget request contained \$82.1 million in PE 63123N for force protection advanced technology development, including \$10.2 million to continue development and demonstration of the Littoral Surface Craft-Experimental (LSC-X).

The LSC-X or "X-Craft" is a science and technology platform designed for experimentation with lifting bodies, drag reduction and mission modularity. A high-speed, all-aluminum catamaran, the LSC-X displaces 1,400 tons at full load. Performance requirements are speeds of 50 knots at a combat load of about 1,200 tons and 40 knots in sea state four, and a range of 4,000 nautical miles without replenishment. The LSC-X will be capable of landing two helicopters up to the size of the SH-60R, transporting and operating autonomous vehicles, and carrying several reconfigurable mission modules in standard twenty-foot-equivalent unit boxes. The operating crew will be minimal and the vessel will be built to commercial American Bureau of Shipping standards. As expressed in the committee report on H.R. 4546 (H. Rept. 107-436), the committee continues to believe that an experimental vessel such as the LSC-X would be an effective experimental test bed for many of the technologies that might be chosen for use on the Littoral Combat Ship (LCS). The committee encourages the Secretary of the Navy to carry out such an experimentation program as a part of the process for developing the operational and design requirements for the LCS.

The committee recommends an increase of \$25.8 million in PE 63123N to complete construction of the LSC-X, high-speed performance testing at-sea, and mission module demonstrations.

*Low acoustic signature motor/propulsor*

The budget request contained \$64.1 million in PE 62747N for undersea warfare advanced technology development.

The committee notes that the low acoustic signature motor propulsor for electrically powered undersea vehicles (LAMPREY) will demonstrate an integrated motor-propulsor and power converter with extremely low acoustic signature for undersea vehicles. When integrated with an already developed, high power lithium-propulsion system, the LAMPREY program will represent a new propulsion system for an upgraded MK-48 Advanced Capability torpedo. The LAMPREY test vehicle will also represent a 1/20th-scale submarine and will provide valuable data for a larger scale version of the propulsion system that could ultimately be used in

Virginia class submarines. Congress provided \$2.1 million in fiscal year 2003 and \$1.8 million in fiscal year 2004 for the LAMPREY program.

The committee recommends an increase of \$1.0 million in PE 62747N to complete on-range testing of the LAMPREY test vehicle to verify acoustic performance of the propulsion system and maximum speed, range, and maneuvering characteristics.

*Low-cost terminal imaging seeker*

The budget request contained \$92.4 million in PE 63114N for power projection advanced technology development.

The committee notes that the Naval Air Warfare Center, Weapons Division, China Lake is demonstrating a low-cost precision guidance upgrade kit for a low-cost terminal imaging seeker (LCTIS) that is an out-growth of the low-cost guided imaging rocket (LOGIR) project. The committee believes that the technology which would be demonstrated in the LCTIS could have application to the advanced precision kill weapon system, the joint common missile, and the small diameter bomb and would be a risk reduction alternative for all three of these programs. The committee notes that the plan for use of additional fiscal year 2005 funding for the LCTIS project would include development and test of seeker guidance and control alternatives and seeker signal processing algorithms.

The committee recommends an increase of \$5.0 million in PE 63114N for LCTIS advanced technology development and demonstration.

*Low-power mega-performance unmanned aerial vehicle processing engines*

The budget request contained \$92.4 million in PE 63114N for power projection advanced technology, but included no funding for low-power mega-performance unmanned aerial vehicle processing engines.

The committee continues to support the development of improved signal processing capability for unmanned aerial vehicles for precision targeting and other missions. The committee notes that the massively parallel processing technology being developed under the low-power mega-performance unmanned aerial vehicle processing engines program should provide significantly enhanced on-board sensor processing capabilities that will address the difficult computational challenge of on-board sensor processing capabilities for unmanned aerial vehicles and will greatly enhance sensor performance and surveillance capabilities. Congress appropriated \$1.5 million for the program in fiscal year 2004.

The committee recommends an increase of \$7.0 million in PE 63114N to accelerate advanced technology development of low-power mega-performance unmanned aerial vehicle processing engines.

*Marine mammal research program*

The budget request contained \$63.7 million in PE 62236N for warfighter sustainment applied research, but included no funds for continuation of the marine mammal research program.

The committee notes continuing public concern about the effect of sound on the behavior and well-being of marine mammals and continues to support research in these areas. The marine mammal research program investigates the effects of noise on dolphin hearing and dolphin biosonar capabilities, conducts joint visual and acoustic surveys of the behavior of humpback whales, and supports research in bioacoustical oceanography.

The committee recommends an increase of \$2.2 million in PE 62236N to continue the program for research in marine mammal behavior, the effects of sound on marine mammals, and bioacoustical oceanography.

#### *Nanoscience and nanomaterials*

The budget request contained \$375.8 million in PE 61153N for defense research sciences, including \$65.8 million for basic research in advanced naval materials sciences.

The committee notes continuing progress in research in nanoscience and nanomaterials. The committee is also aware that the application of these new concepts and technologies in improved materials, novel structures, and integrated multifunctional composite materials and structures that address high priority Navy science and technology needs and future Navy capabilities.

The committee recommends an increase of \$3.0 million in PE 61153N for basic research in nanoscience and nanomaterials.

#### *One megawatt molten carbonate fuel cell demonstrator*

The budget request contained \$1.5 million in PE 63724N for advanced component development and prototyping for the Navy energy program. No funds were requested for the development and demonstration of a one megawatt molten carbonate fuel cell.

The committee notes that reliable, grid-independent and environmentally "clean" power plants would provide many advantages for Department of Defense use. The ability of such power plants to generate electricity independent from the local electrical utilities would enhance base security by satisfying the critical military need of providing uninterruptible electrical service.

The committee recommends \$7.5 million in PE 63724N, an increase of \$6.0 million for the development and demonstration of a one megawatt molten carbonate fuel cell.

#### *Open architecture warfare systems*

The budget request contained \$48.2 million in PE 64755N for ship self defense (detect and control) system development and demonstration.

The committee notes that open architecture warfare systems support the Navy's top priority of modernizing warfighting capabilities to meet the concepts described in Sea Power 21 and that open architecture is the technology enabler that supports the Navy's FORCEnet and joint interoperability. Established in a commercially based computing environment, open architecture provides the common internet protocol technology base that will be critical to the seamless interchange of information among elements of the Navy's battle management command and control systems and the operational and planning capabilities required to make network-centric warfare effective.

The Navy has identified a requirement for \$21.8 million in fiscal year 2005 to fully fund the implementation of open architecture and establish a single functional information architecture for Navy surface forces. The committee notes that providing these funds in fiscal year 2005 would complete the engineering effort to modernize and report the software for Ship Self Defense System Mark 2 (SSDS MK 2) combat system applications and comply with the required technical and functional system design standards that are the necessary precursors for implementing the single integrated operational picture.

The committee recommends an increase of \$21.8 million in PE 64755N for the Navy's unfunded requirement for open architecture systems development.

#### *Open architecture wireless sensors*

The budget request contained \$9.3 million in PE 65013N for information technology system development and demonstration.

The committee notes that the applications of wireless networking have achieved significant cost reductions and benefits to the U.S. Navy in ship building through the use of wearable computers, personal data assistants, and wireless communications devices that enable supervisors, engineers, technicians, and construction workers to coordinate their activities more efficiently. The committee believes that the future insertion of wireless network applications through the shipboard environment and the converging of multiple networks into a single ship-wide network could facilitate significant improvements in ship operations, damage control, maintenance, and other activities.

The committee recommends an increase of \$3.0 million in PE 65013N for development and demonstration of open architecture wireless sensors and their applications to improvements in ship operations, maintenance and monitoring of ship systems, damage control, and other activities.

#### *Organ transplant technology*

The budget request contained \$16.7 million in PE 63729N for warfighter protection advanced technology development. No funds were requested for continuation of the organ transfer technology program.

The committee continues to note progress in the development of immune therapies by investigators at the Naval Medical Research Center that have been shown to prevent the rejection of tissue and organ transplants without the need for continuous use of immunosuppressive drugs. In fiscal year 2001, the Chief of Naval Research initiated a program to capitalize on these newly developed methods of treatment. The committee notes the continuing progress in the clinical trials program. The committee believes that the ability to transplant massive tissue segments without rejection could revolutionize the treatment of combat casualties who suffer significant tissue loss or organ damage from blast, missile fragments, or burns.

The committee recommends an increase of \$4.0 million in PE 63729N to continue the organ transfer technology clinical trials program.

*Project M*

The budget request contained \$82.1 million in PE 63123N for force protection advanced technology development. No funds were included for continuation of Project M.

The committee notes the progress in the Office of Naval Research (ONR) program to evaluate the ability of Project M technology to mitigate the high shock and vibration experienced by the Navy SEALs Mark V patrol craft crew and passengers in high-speed special operations. The committee is aware that at-sea tests of the technology are scheduled for the summer of 2004.

The committee also notes the application of Project M technology to reduce the magnetic signature of electric propulsion motors. As the Navy places increased emphasis on the introduction of the "electric" ship and the use of electric motors for ship propulsion, reduction of the magnetic signature of the ship as a defense against magnetic-influence mines, particularly in littoral operations, will become increasingly important. The committee strongly recommends that the Navy consider the exploitation of the Project M technology for magnetic signature reduction in new construction ships such as the DD(X) destroyer and the Littoral Combat Ship.

The committee report on H.R. 1588 (H. Rept. 108–106) directed the Secretary of the Navy and the Commander, Special Operations Command, to report to the congressional defense committees on plans for transition of Project M shock reduction technology to potential operational use, and the Secretary to report Department of the Navy plans for further development, evaluation, and exploitation of Project M technology for magnetic signature reduction. The committee expects the results of the shock-mitigation at-sea trials to be included in the report.

The committee recommends an increase of \$4.0 million in PE 63123N to continue the development and demonstration of Project M technology.

*Rapid deployment fortification wall*

The budget request contained \$58.2 million in PE 63640M for Marine Corps advanced technology demonstration. No funds were requested to continue the development and evaluation of the rapid deployment fortification wall.

In the fiscal year 2004 budget the committee initiated a program for development and evaluation of a rapid deployment fortification wall (RDFW) which would provide a significantly faster means for force protection than the use of sand bags. The RDFW has been selected for force protection evaluation at Lackland Air Force Base, Texas. The committee is informed that additional funding for the evaluation would permit its evaluation as a vehicular barrier and a more comprehensive evaluation of the speed of installation, labor savings, construction, and structural integrity, and innovative uses of the RDFW.

The committee recommends an increase of \$1.5 million in PE 63640M to continue evaluation of the RDFW.

*Real-time precision targeting radar*

The budget request contained \$44.0 million in PE 63271N for radio frequency systems advanced technology development. No funds were requested for the AN/APY–6 radar.

The committee notes the Navy's operational requirement for reducing the targeting cycle for engaging time-critical mobile targets and enhancing the ability to detect, locate and strike these targets in all weather conditions. The committee also notes as a part of the future naval capabilities program that the Office of Naval Research is developing the AN/APY-6 multi-mode, high-resolution surveillance radar as a real-time precision targeting radar for all-weather surveillance, detection and location of such targets. The objective of the program is to provide the warfighter with a lightweight, low-cost, high-resolution radar, with synthetic aperture radar and ground moving target indicator capability for use in both manned and unmanned platforms for reconnaissance, surveillance, and targeting.

The committee recommends an increase of \$10.0 million in PE 63271N for continuation of the development and demonstration of the AN/APY-6 real-time precision targeting radar.

#### *Reduced risk ordnance*

The budget request contained \$10.8 million in PE 63216N for aviation survivability advanced component development and prototyping, including \$1.2 million for aircrew and ordnance safety.

The committee notes that current submunitions in naval weapon systems use fuzes that have reliabilities in the range of 90 to 94 percent. As a result, a significant number of deployed submunitions fail to detonate and become unexploded ordnance that pose a safety hazard to warfighters who might encounter the unexploded submunitions on the battlefield, to technicians who must clear the battlefield, and to civilians who might come upon them accidentally.

The committee notes that in the past, highly reliable fuzes have been too expensive for use in submunitions. However, new technologies are being developed for all-electronic fuzes that would have a much higher reliability (approximately 99 percent) and could be produced at a cost that would make such fuzes affordable for use in submunitions.

The committee recommends \$13.8 million in PE 63216N, an increase of \$3.0 million for development and demonstration of highly reliable, all-electronic fuzes for use in submunitions.

#### *Remote ocean surveillance system*

The budget request contained \$44.0 million in PE 63271N for radio frequency systems advanced technology development.

The committee notes continued progress in the development of high contrast, high resolution multi-spectral sensors and image processing technology that indicates potential capabilities for detection of objects in the ocean in real time, at various depths, and with relatively high search rates. Realization and employment of these technologies in littoral areas, estuaries, and ports would provide the capability for a remote ocean surveillance system to provide real-time capabilities for mine detection and avoidance, force protection, and identification and dissemination of information on the surface and sub-surface threat to ports and harbors.

The committee recommends an increase of \$3.0 million in PE 63271N to continue the proof-of-concept development and demonstration of multi-spectral sensor and image processing technology for a remote ocean surveillance system.

*Ship system component development*

The budget request contained \$19.0 million in PE 63513N for ship system component advanced technology development and prototyping.

The committee notes that with the integration of advanced power systems into future combat ships there is a need to address the manufacturing methods and process technology that will improve the manufacturability and affordability of advanced solid state power electronics systems early in the development cycle. This effort should begin with the manufacturing methods and processes for high density advanced motors, solid-state switches, distribution systems, and other power electronics systems that will be used in the DD(X) multi-mission destroyer.

The committee recommends an increase of \$2.0 million in PE 63513N for development and demonstration of improvements in manufacturing methods and process technology for high power switches and conversion equipment that will be used in the DD(X) program.

*Spectral beam combining fiber lasers*

The budget request contained \$44.0 million in PE 63271N for radio frequency systems advanced technology development.

The committee notes that high power lasers based on fiber laser technology might be capable of providing U.S. armed forces the same operational advantages as solid-state lasers, but could offer potential breakthroughs in reduced size, weight, complexity, and cooling requirements. The committee is informed that recently demonstrated technology for spectral beam combining fiber lasers, in which the outputs of a number of low power fiber optic lasers are combined into a single, high quality laser beam, could permit the construction of high power lasers from an array of lower power fiber laser elements at a significantly lower cost than conventional high power lasers.

The committee recommends an increase of \$1.5 million in PE 63271N for advanced development and evaluation of the technology for spectral beam combining fiber lasers.

*Submarine payloads and sensors program*

The budget request contained \$81.2 million in PE 63561N, for advanced submarine systems development.

The committee notes that the Defense Advanced Research Project Agency/Navy submarine payloads and sensors program resulted in the development of a number of innovative, but realistic payload, sensor, and platform concepts that would enable a revolutionary expansion of capabilities and allow the submarine (Virginia Class and SSGN) to play a more decisive role in joint force operations, especially in the ability to exert greater influence over events on shore.

The committee recommends and increase of \$10.0 million in PE 63561N to continue the program for continued development and demonstration of advanced submarine payloads and sensor capabilities.

*Superconducting direct current homopolar motor*

The budget request contained \$82.1 million in PE 63123N for force protection advanced technology development, including \$42.7 million for advanced development of surface ship and submarine hull, mechanical, and electrical systems, of which \$5.0 million would continue the development and demonstration of an advanced main propulsion 36.5 megawatt prototype superconducting direct current (DC) homopolar motor.

The development of component technologies for the all-electric warship is one of the major goals of the Navy's science and technology program. The committee also notes that low temperature superconducting DC homopolar motor technology has the potential technical advantages of being smaller, lighter, and quieter than alternating current (AC) electric motors, and, if realized, would make the superconducting DC homopolar motor a potentially more suitable alternative for use in submarines or in other ship applications where these attributes are desired.

The committee recommends an increase of \$9.2 million in PE 63123N to continue the program for development of a 26.5 megawatt prototype superconducting DC homopolar motor for ship main propulsion.

*Tactical E-field buoy development*

The budget request contained \$4.5 million in PE 63254N for advanced component development and prototypes for anti-submarine warfare systems, including the continued development and evaluation of nonlinear dynamics and stochastic resonance (NDSR) for acoustic, magnetic, and other anti-submarine warfare sensor and signal processing applications.

The committee notes the continuing progress in the application of nonlinear dynamics science and technology to non-acoustic shallow water anti-submarine warfare and the potential for greatly improving anti-submarine warfare systems performance as a result of significantly increased electromagnetic detection ranges, enhanced sonar target discrimination, and improved signal processing. One result of this program has been the establishment of the effectiveness of E-field sensors using state-of-the-art sensor technology coupled with nonlinear signal processing. The committee believes that an air-launched tactical E-field buoy patterned after the Air Deployed Active Receiver sonobuoy has great potential for real-time target detection and classification.

The committee recommends an increase of \$4.0 million in PE 63254N to continue the program for accelerated component and prototype design, development, and laboratory and at-sea testing of a tactical E-field buoy for littoral anti-submarine warfare.

*Task force anti-submarine warfare*

The budget request contained \$17.6 million in PE 63553N for surface anti-submarine warfare (ASW).

Task Force Antisubmarine Warfare (ASW) was established in 2003 at the direction of the Chief of Naval Operations to examine fleet shortcomings in anti-submarine warfare operational capabilities and recommend improvements in technology, operational concepts, and training techniques. The program focuses on fundamentally changing the way ASW is conducted, to render enemy sub-

marines impotent against United States and coalition forces. According to the Navy, changing the calculus of antisubmarine warfare will require developing off-board and distributed systems, minimizing force-on-force engagements, reducing the time required to conduct an ASW engagement, and supporting rapid maneuver of ASW forces.

The committee notes that the Navy plans a multi-level trials program for development of active-passive distributed sensor systems and promising technologies proposed by industry. Two at-sea experiments are planned that would employ active-passive distributed sensor systems to test hardware concepts, evaluate candidate software algorithms, and collect the data required for further software development. The plan also includes advanced development of a minimum of two promising industry-proposed technologies. The program has been established as one of the Chief of Naval Operations highest priority unfunded requirements.

The committee recommends an increase of \$16.6 million in PE 63553N for Task Force ASW multi-level trials for technical and operational evaluation of developmental ASW systems and concepts of operation.

#### *Theater undersea warfare initiative*

The budget request contained \$60.1 million in PE 62235N for common picture applied research. No funds were requested to continue the theater undersea warfare initiative.

The committee notes that Congress has added a total of \$14.5 million in fiscal years 2003 and 2004 for the Theater Undersea Warfare Initiative, which seeks to enhance the Navy's network centric capability for maritime patrol aircraft (MPA) and provide a near real-time, collaborative communication, command, and control capability for MPA operations. The program utilizes the High Performance Computing Center in Maui, Hawaii, to support network-centric undersea warfare (USW) and as a repository for tactical environmental data services; the oceanographic and atmospheric master library, and sensor and platform data bases. The committee notes that over the long term the Office of Naval Research intends to use the program to provide enhanced USW capabilities to the fleet and to transfer the technology developed in the program to USW support activities.

The committee recommends an increase of \$6.0 million in PE 62235N to continue the theater undersea warfare initiative.

#### *Ultrasonic detection equipment*

The budget request contained \$19.0 million in PE 63513N for shipboard system component advanced technology development and prototyping.

The committee notes the recently completed shipboard demonstration of a commercial-off-the-shelf (COTS) ultrasonic tester aboard the USS Gunston Hall that evaluated the effectiveness and the practicality of inexpensive ultrasonic testers to assess the material condition of specific shipboard components and equipment. Areas examined during the demonstration included watertight door integrity, fluid systems leakage, valve leak-by identification, compartment integrity inspections, gear-train and bearing inspections, faulty electrical component identification, and rotating machinery

integrity. The results of the demonstration indicated that the use of relatively inexpensive, COTS ultrasonic testers as a diagnostic tool to assist sailors in conducting periodic maintenance is practical and cost-effective, and supports the implementation of condition-based maintenance in the surface fleet. Based on the results of the test, the committee recommends the adoption of such testers for use in the fleet.

The committee recommends an increase of \$2.5 million in PE 63513N for fielding and evaluation of COTS ultrasonic testers for use by the fleet.

#### *VH-XX executive helicopter development*

The budget request contained \$777.4 million for the VH-XX executive development program, a program that is developing a replacement for the VH-3D helicopter.

The committee notes that the Department of the Navy has delayed the decision to enter the system design and development (SDD) phase of the VH-XX program from fiscal year 2004 to fiscal year 2005, and understands that the VH-XX program SDD phase would select one helicopter manufacturer to develop and produce the VH-XX helicopter. The committee further understands that this decision resulted principally from the awareness of the complexities in equipping helicopter commercial variants with the communication systems required to perform the VH-XX mission. While the committee commends the Department for taking the additional time necessary to further refine requirements and to conduct design and integration planning, it notes that the budget planned for both fiscal year 2004 and fiscal year 2005 assumed that the VH-XX SDD program would begin in the third quarter of fiscal year 2004. Since the committee believes that the VH-XX SDD program will not begin until at least the second quarter of fiscal year 2005, it also believes that \$26.0 million in fiscal year 2004 appropriations can be applied to fiscal year 2005 requirements and that \$194.0 million requested for fiscal year 2005 exceeds requirements.

Consequently, the committee recommends \$557.4 million for the VH-XX executive helicopter development program, a decrease of \$220.0 million.

#### *Virginia class multi-mission modules*

The budget request contained \$143.2 million in PE 64558N for Virginia class submarine design development system development and demonstration.

The committee notes the experience gained in the development, design, and implementation of multi-mission capabilities in the USS Jimmy Carter (SSN-23). The committee believes that the modular design of the Virginia class submarine continues to lend itself to the evaluation of multi-mission module concepts for that submarine that could be considered for insertion in selected hull numbers of the class to increase payload capacity, capability for technology insertion, and adaptability to new missions.

The committee recommends an increase of \$10.0 million in PE 64558N to continue the program for evaluation of modular payload concepts and multi-mission modules for Virginia class submarine variants that would increase payload capacity and mission capability.

*Virtual at-sea training initiative*

The budget request contained \$61.1 million in PE 63236N for warfighter sustainment advanced technology development.

In view of recent reductions in the number of available naval live-fire training ranges, the committee recognizes the benefit of the Department of the Navy's program to develop a technological solution to maintain fleet readiness in the area of live fire targeting and ordnance delivery. The Office of Naval Research's Virtual-at-Sea-Training (VAST) initiative is an encouraging technology solution for solving the problem of maintaining readiness despite the reduction in live fire training ranges. The committee, therefore, supports the Navy's continued development of VAST by the Office of Naval Research for transition into a Department of Defense acquisition program.

The committee recommends an increase of \$4.0 million in PE 63236N for continued development of the VAST initiative.

*Wide band gap semiconductor power electronics*

The budget request contained \$46.3 million in PE 62712E and \$3.5 million in PE 62271N for applied research in wide band gap semiconductor electronics and wide band gap semiconductor electronic devices. Section 212 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) requires the Secretary of Defense to carry out a cooperative program to develop and demonstrate advanced technologies and concepts for future Navy radar systems and other applications with particular emphasis on development of high frequency and high power wide band gap semiconductor materials and devices.

The committee notes the progress in the development of silicon carbide and other wide band gap materials in the Defense Advanced Research Projects Agency program and in the Navy program and the potential for transition of the materials technology to applications in advanced power and high frequency semiconductor devices.

The committee recommends an increase of \$4.0 million in PE 62271N for wide band gap semiconductor power electronics applied research.

## AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

## Overview

The budget request contained \$21,114.7 million for Air Force research, development, test, and evaluation (RD&E).

The committee recommends \$21,528.0 million, an increase of \$413.3 million to the budget request.

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			
			Authorization Request	Committee Change	Committee Increase	Committee Decrease
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>						
<b>BASIC RESEARCH</b>						
0601102F	1	Defense Research Sciences	217,304	2,000	2,000	219,304
0601103F	2	Chabot Space and Science Center	115,865			115,865
0601108F	3	University Research Initiatives	12,331			12,331
		High Energy Laser Research Initiatives				
		<b>TOTAL, BASIC RESEARCH</b>	<b>345,500</b>	<b>2,000</b>	<b>2,000</b>	<b>347,500</b>
<b>APPLIED RESEARCH</b>						
0602102F	4	Materials	73,660			73,660
0602201F	5	Aerospace Vehicle Technologies	74,679			74,679
0602202F	6	Human Effectiveness Applied Research	71,483	3,000		74,483
0602202F		Improved Performance Research Integration Tool			3,000	
0602203F	7	Aerospace Propulsion	92,650	15,500		108,150
0602203F		Integrated Cooling and Power System Magnetic Bearing			4,000	
0602203F		Fuel Cell Technology-Proton Exchange Membrane			2,000	
0602203F		Advanced Vehicle and Propulsion Center			8,500	
0602203F		Engineering Research Lab Equipment Upgrade			1,000	
0602204F	8	Aerospace Sensors	78,804			78,804
0602204F		Combat Optical Receiver for Smart Loitering Standoff Munitions			[2,000]	[2,000]
0602500F	9	Multi-disciplinary Space Technology	84,581			84,581
0602601F	10	Space Technology	88,909	8,000		96,909
0602601F		Integrated Control for Autonomous Space Systems			4,000	
0602601F		Satellite Tool Kit Technology Integration			4,000	
0602602F	11	Conventional Munitions	52,251			52,251
0602603F	12	Directed Energy Technology	36,532	10,000		46,532
0602605F		Ultra Short Pulse Laser Technology			10,000	
0602702F	13	Command Control and Communications	82,147	4,500		86,647
0602702F		Collaborative Information and Knowledge Management			4,500	

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
0602805F	14	Dual Use Science and Technology Program	5,151				5,151
0602890F	15	High Energy Laser Research	45,333				45,333
<b>TOTAL, APPLIED RESEARCH</b>			<b>786,780</b>	<b>41,000</b>	<b>41,000</b>		<b>827,780</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>							
0603112F	16	Advanced Materials for Weapon Systems		14,000			48,284
0603203F	17	Metals Affordability Initiative	34,284				
0603205F	18	Advanced Aerospace Sensors	30,634		14,000		30,634
0603211F	19	Flight Vehicle Technology					
0603216F	20	Aerospace Technology Dev/Demo	29,145				29,145
0603231F	21	Aerospace Propulsion and Power Technology	79,914				79,914
0603270F	22	Crew Systems and Personnel Protection Technology	32,794				32,794
0603270F	22	Electronic Combat Technology	28,282	12,000			40,282
0603270F	22	Day-Night Electro Optical Tracker Countermeasures			6,000		
0603311F	23	Light Weight Modular Support Jammer			6,000		
0603333F	24	Ballistic Missile Technology					
0603401F	25	Unmanned Air Vehicle Dev/Demo		14,000			74,124
0603401F	25	Advanced Spacecraft Technology	60,124				
0603401F	25	Satellite Simulation Toolkit					
0603401F	25	Streaker Small Launch Vehicle			5,000		
0603444F	26	Intelligent Free Space Optical Satellite Communication Node			6,000		
0603444F	26	Maui Space Surveillance System (MSSS)	6,306	10,000	3,000		16,306
0603500F	27	High Accuracy Network Determination System (HANDS)			10,000		
0603500F	27	Multi-disciplinary Advanced Development Space Technology	51,114	7,000			58,114
0603601F	28	Upper Stage Engine Technology	22,398	9,000	7,000		31,398
0603601F	28	Conventional Weapons Technology			9,000		
0603601F	29	BLU-109H					
0603605F	30	Advanced Weapons Technology	31,103				31,103
0603723F	30	Environmental Engineering Technology					

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Request	Committee Change	Committee Increase	Committee Decrease
0603789F	31	C31 Advanced Development	28,524	5,000		33,524
0603789F		Identification of Time Critical Targets			5,000	
0603801F	32	Special Programs	320,503			320,503
0603850F	33	Integrated Broadcast Service	2,294			2,294
0603924F	34	High Energy Laser Advanced Technology Program	8,547			8,547
0207423F	35	Advanced Communications Systems	12,051			12,051
0401840F	36	AMC Command and Control System	6,038			6,038
0604757F	37	Joint National Training Center	2,939			2,939
		<b>TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>786,994</b>	<b>71,000</b>	<b>71,000</b>	<b>857,994</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
0603260F	38	Intelligence Advanced Development	4,612			4,612
0603287F	39	Physical Security Equipment	22,640	13,000	8,000	35,640
0603287F		Xray Base Protection System			5,000	
0603421F	40	Quick Reaction Perimeter Intrusion Detection	40,568			40,568
0603430F	41	NAVSTAR Global Positioning System III	612,049			612,049
0603432F	42	Advanced EHF MILSATCOM (SPACE)	960			960
0603432F		Polar MILSATCOM (SPACE)				
0603434F	43	National Polar-orbiting Operational Environmental Satellite Sys (SPACE)				
0603438F	44	Space Control Technology	15,046			15,046
0603742F	45	Combat Identification Technology	19,582			19,582
0603790F	46	NATO Research and Development	3,930			3,930
0603791F	47	International Space Cooperative R&D	552			552
0603845F	48	Transformational SATCOM (TSA-T)	774,836	(100,000)		674,836
0603850F	49	Integrated Broadcast Service	23,927			23,927
0603851F	50	Intercontinental Ballistic Missile	72,503			72,503
0603854F	51	Wideband Gapfiller System RDT&E (Space)	73,499	15,000	15,000	88,499
0603856F	52	Air Force/National Program Cooperation (AFNPC)				
0603858F	53	Space-Based Radar	327,732			327,732

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
0603859F	54	Pollution Prevention	2,692				2,692
0603860F	55	Joint Precision Approach and Landing Systems	18,385				18,385
0604015F	56	Next Generation Bomber		100,000	100,000		100,000
0604327F	57	Hard and Deeply Buried Target Defeat System (HDBTDS) Program	6,383				6,383
0604731F	58	Unmanned Combat Air Vehicle (UCAV)					
0604855F	59	Operationally Responsive Launch	35,362	10,000	6,000		45,362
		Blue MAJIC			4,000		
0604856F	60	Common Aero Vehicle (CAV)	21,610	12,000	12,000		33,610
0305178F	61	National Polar-Orbiting Operational Environmental Satellite System (NPOESS)	307,668				307,668
		<b>TOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>2,384,536</b>	<b>50,000</b>	<b>150,000</b>	<b>(100,000)</b>	<b>2,434,536</b>

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**SYSTEM DEVELOPMENT & DEMONSTRATION**

0603840F	62	Global Broadcast Service (GBS)	33,447				33,447
0604012F	63	Joint Helmet Mounted Cueing System (JHMCS)	2,867				2,867
0604222F	64	Nuclear Weapons Support	13,301				13,301
0604226F	65	B-1B	59,462				59,462
0604233F	66	Specialized Undergraduate Flight Training	3,359				3,359
0604239F	67	F-22	210,000				210,000
0604240F	68	B-2 Advanced Technology Bomber	245,049	98,000	98,000		343,049
		Global Strike					
0604270F	69	EW Development / B-52	138,393				138,393
0604280F	70	Joint Tactical Radio	49,856				49,856
0604287F	71	Physical Security Equipment	9,744				9,744
0604329F	72	Small Diameter Bomb (SDB)	76,489				76,489
0604421F	73	Counterspace Systems	75,863				75,863
0604435F	74	Advanced Polar MILSATCOM					
0604441F	75	Space Based Infrared System (SBIRS) High EMD	508,448	35,000	35,000		543,448
0604479F	76	Milstar LDR/MDR Satellite Communications (SPACE)	1,380				1,380
0604600F	77	Munitions Dispenser Development	28,048				28,048

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease
0604602F	78	Armament/Ordnance Development	8,353			8,353
0604604F	79	Submunitions	4,824			4,824
0604617F	80	Agile Combat Support	10,053			10,053
0604618F	81	Joint Direct Attack Munition				
0604706F	82	Life Support Systems	6,630			6,630
0604731F	83	Unmanned Combat Air Vehicle (UCAV)				
0604735F	84	Combat Training Ranges	18,714			18,714
0604740F	85	Integrated Command & Control Applications (IC2A)	258	6,000		6,258
0604740F	85	Distributed Mission Interoperability Tool Kit			6,000	
0604750F	86	Intelligence Equipment	1,349			1,349
0604754F	87	Tactical Data Link Infrastructure				
0604762F	88	Common Low Observables Verification System (CLOVerS)	10,303			10,303
0604800F	89	Joint Strike Fighter (JSF)	2,307,420			2,307,420
0604851F	90	Intercontinental Ballistic Missile	91,687			91,687
0604853F	91	Evolved Expendable Launch Vehicle Program	27,000			27,000
0605011F	92	RDT&E for Aging Aircraft	15,665	4,000		19,665
0605011F	92	Enterprise Availability and Cost Optimization System			2,000	
0207131F	93	A-10 Squadrons				
0207256F	94	Joint Unmanned Combat Air System	2,911			2,911
0207434F	95	Link-16 Support and Sustainment	141,012			141,012
0207443F	96	Family of Interoperable Operational Pictures (FIOP)	44,947			44,947
0207450F	97	Multi-Sensor C2 Aircraft (MC2A)	538,860			538,860
0207701F	98	Full Combat Mission Training	5,894			5,894
0305176F	99	Combat Survivor Evader Locator				
0401318F	100	CV-22	16,439			16,439
XXXXXX	100a	KC-767		80,000	80,000	
<b>TOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>			<b>4,708,025</b>	<b>223,000</b>	<b>223,000</b>	<b>4,931,025</b>

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
<b>RD&amp;E MANAGEMENT SUPPORT</b>						
0604256F	101	Threat Simulator Development	34,517			34,517
0604759F	102	Major T&E Investment	58,933			58,933
0605101F	103	RAND Project Air Force	24,970			24,970
0605306F	104	Ranch Hand II Epidemiology Study	4,813			4,813
0605502F	105	Small Business Innovation Research				
0605712F	106	Initial Operational Test & Evaluation				
0605807F	107	Test and Evaluation Support / Eglin AFB Range	28,839			28,839
0605860F	108	Rocket Systems Launch Program (SPACE)	356,266			356,266
0605864F	109	Space Test Program (STP)	7,984			7,984
0605976F	110	Facilities Restoration and Modernization - Test and Evaluation Support	44,521			44,521
0605978F	111	Facilities Sustainment - Test and Evaluation Support	58,936			58,936
0804731F	112	Cyber Crime Center	23,067			23,067
0909900F	113	Financing for Expired Account Adjustments	323			323
0909980F	114	AC-130U Claim	100,000			100,000
1001004F	115	International Activities	3,945			3,945
<b>TOTAL, RD&amp;E MANAGEMENT SUPPORT</b>			<b>747,114</b>			<b>747,114</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>						
0605024F	116	Anti-Tamper Technology Executive Agency	7,858			7,858
0101113F	117	B-52 Squadrons	25,766			25,766
0101120F	118	Advanced Cruise Missile	7,740			7,740
0101122F	119	Air-Launched Cruise Missile (ALCM)	11,837			11,837
0101313F	120	Strat War Planning System - USSTRATCOM	23,391			23,391
0101314F	121	Night Fist - USSTRATCOM	4,987			4,987
0101815F	122	Advanced Strategic Programs	8,393			8,393
0102326F	123	Region/Sector Operation Control Center Modernization Program	19,047			19,047
0203761F	124	Warfighter Rapid Acquisition Process (WRAP) Rapid Transition Fund	24,935			24,935
0207028F	125	Joint Expeditionary Force Experiment				

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease
0207131F	126	A-10 Squadrons	22,590			22,590
0207133F	127	F-16 Squadrons (AFG-68V9)	99,606			99,606
0207134F	128	F-15E Squadrons (APG-63V3)	115,246	17,200		132,446
0207134F		Active Electronically Scanned Array Radar			17,200	
0207136F	129	Manned Destructive Suppression	16,976			16,976
0207138F	130	F-22 Squadrons	354,528			354,528
0207141F	131	F-117A Squadrons	29,661			29,661
0207161F	132	AIM 9 Product Improvement	5,558			5,558
0207163F	133	Advanced Medium Range Air-to-Air Missile (AMRAAM)	33,266			33,266
0207224F	134	Personnel Recovery Vehicle - New Rescue Helo	12,342			12,342
0207247F	135	AF TENCAP	10,673			10,673
0207248F	136	Special Evaluation Program	199,040			199,040
0207253F	137	Compass Call	3,990			3,990
0207268F	138	Aircraft Engine Component Improvement Program	165,609			165,609
0207277F	139	Eagle Vision	1,879			1,879
0207325F	140	Joint Air-to-Surface Standoff Missile (JASSM)	45,777			45,777
0207410F	141	Air and Space Ops Center	27,695			27,695
0207412F	142	Battle Control System	11,634			11,634
0207417F	143	Airborne Warning and Control System (AWACS)	288,787			288,787
0207423F	144	Advanced Communications Systems / TACP	20,066			20,066
0207424F	145	Evaluation and Analysis Program				
0207433F	146	Advanced Program Technology	249,391			249,391
0207438F	147	Theater Battle Management (TBM) C4I	37,210			37,210
0207445F	148	Fighter Tactical Data Link	50,976			50,976
0207446F	149	Bomber Tactical Data Link	120,256			120,256
0207448F	150	C2ISR Tactical Data Link	25,441			25,441
0207449F	151	Command and Control (C2) Constellation	44,035			44,035
0207581F	152	Joint Surveillance and Target Attack Radar System (Joint STARS)	89,247	11,000		100,247
0207581F		Blue Force Combat ID Upgrades			11,000	

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Request	Committee Change	Committee Increase	Committee Authorization
0207590F	153	Seek Eagle	23,159			23,159
0207591F	154	Advanced Program Evaluation	474,734			474,734
0207601F	155	USAF Modeling and Simulation	18,693			18,693
0207605F	156	Wargaming and Simulation Centers	6,377			6,377
0208006F	157	Mission Planning Systems	136,701			136,701
0208021F	158	Information Warfare Support	7,230			7,230
0208160F	159	Technical Evaluation System				
0208161F	160	Special Evaluation System				
0301310F	161	National Air Intelligence Center				
0301314F	162	COBRA BALL				
0301315F	163	Missile and Space Technical Collection				
0301324F	164	FOREST GREEN				
0301398F	165	Management Headquarters GDIP				
0302015F	166	E-4B National Airborne Operations Center (NAOC)	11,172			11,172
0303110F	167	Defense Satellite Communications System (SPACE)				
0303131F	168	Minimum Essential Emergency Communications Network (MEECN)				
0303140F	169	Information Systems Security Program	33,183	8,000	8,000	33,183
0303140F	169	Worldwide Infrastructure Security Environment	79,625			79,625
0303141F	170	Global Combat Support System	18,637		8,000	18,637
0303150F	171	Global Command and Control System	3,611	2,000	2,000	5,611
0303150F	171	Applied Research in Computing Enterprise Services				
0303401F	172	Communications Security (COMSEC)				
0303601F	173	MILSATCOM Terminals	272,149			272,149
0304111F	174	Special Activities				
0304311F	175	Selected Activities				
0305099F	176	Global Air Traffic Management (GATM)	7,291			7,291
0305110F	177	Satellite Control Network (SPACE)	17,833			17,833
0305111F	178	Weather Service	16,526			16,526
0305114F	179	Air Traffic Control, Approach, and Landing System (ATCAL)	7,371			7,371

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
0305116F	180	Aerial Targets	5,178			5,178
0305128F	181	Security and Investigative Activities	484			484
0305142F	182	Applied Technology and Integration				
0305148F	183	Air Force Tactical Measurement and Signature Intelligence (MASINT) Systems/	7,905			7,905
0305159F	184	Defense Reconnaissance Support Activities (SPACE)	219,345			219,345
0305160F	185	Defense Meteorological Satellite Program (SPACE)				
0305164F	186	NAVSTAR Global Positioning System (User Equipment) (SPACE)	104,114			104,114
0305165F	187	NAVSTAR Global Positioning System (Space and Control Segments) / OCS	148,344			148,344
0305172F	188	Combined Advanced Applications				
0305174F	189	Space Warfare Center	411			411
0305182F	190	Spacecraft Range System (SPACE)	47,253			47,253
0305191F	191	Personnel Security Investigations Program - Air Force	118,787			118,787
0305193F	192	Intelligence Support to Information Operations (IO)	1,097			1,097
0305202F	193	Dragon U-2 (JMIP)	87,745	(6,300)		81,445
0305202F		ASIP Sensor Development				
0305205F	194	Endurance Unmanned Aerial Vehicles		(2,000)		(2,000)
0305205F		Network Centric Collaborative Targeting				
0305206F	195	Airborne Reconnaissance Systems	55,464			55,464
0305207F	196	Manned Reconnaissance Systems / COBRA BALL	13,283	11,500		24,783
0305207F		Geo Processor			4,000	
0305207F		COBRA BALL			7,500	
0305208F	197	Distributed Common Ground Systems / RAS-1R				
0305219F	198	Predator UAV (JMIP)	21,232			21,232
0305220F	199	Global Hawk UAV (JMIP)	81,346			81,346
0305887F	200	Electronic Combat Intelligence Support	336,159	(18,000)		318,159
0305906F	201	NCMC - TW/AA System	963			963
0305910F	202	SPACETRACK (SPACE)	64,822			64,822
0305910F		Space Situational Awareness Initiative	161,838	9,000		170,838
0305911F	203	Defense Support Program (SPACE)			9,000	

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization	
			Request	Committee Change	Committee Increase		Committee Decrease
0305913F	204	NUDET Detection System (SPACE)	35,398			35,398	
0305917F	205	Space Architect	12,907			12,907	
0308601F	206	Modeling and Simulation Support					
0308699F	207	Shared Early Warning (SEW)	3,345			3,345	
0401115F	208	C-130 Airlift Squadron	150,242	3,000		153,242	
0401115F		Realtime Weight and Balance Measurement			3,000		
0401119F	209	C-5 Airlift Squadrons	332,982			332,982	
0401130F	210	C-17 Aircraft	199,692			199,692	
0401132F	211	C-130J Program	36,305			36,305	
0401134F	212	Large Aircraft IR Countermeasures (LAIRCM)	73,684			73,684	
0401218F	213	KC-135s	1,079			1,079	
0401219F	214	KC-10s	18,452	(9,100)		9,352	
0401219F		KC-10 GATM				(9,100)	
0408011F	215	Special Tactics/Combat Control	1,067			1,067	
0702207F	216	Depot Maintenance (Non-IF)	1,431			1,431	
0702808F	217	Acquisition and Management Support	1,596			1,596	
0708011F	218	Industrial Preparedness	38,012			38,012	
0708012F	219	Logistics Support Activities					
0708026F	220	Productivity, Reliability, Availability, Maintain. Prog Ofc (PRAMPO)					
0708611F	221	Support Systems Development	50,238			50,238	
0708612F	222	Computer Resources Support Improvement Program (CRSIP)					
0808716F	223	Other Personnel Activities	110			110	
0901212F	224	Service-Wide Support (Not Otherwise Accounted For)					
0901218F	225	Civilian Compensation Program	7,272			7,272	
0901538F	226	Financial Management Information Systems Development	15,732			15,732	
XXXXXX	999	Classified	5,551,279			5,551,279	
<b>TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>			<b>11,356,318</b>	<b>26,300</b>	<b>61,700</b>	<b>(35,400)</b>	<b>11,382,618</b>
<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>			<b>21,114,667</b>	<b>413,300</b>	<b>548,700</b>	<b>(135,400)</b>	<b>21,527,967</b>

## Items of Special Interest

*Advanced vehicle and propulsion center and engineering research lab equipment upgrade*

The budget request contained \$92.7 million in PE 62203F for aerospace propulsion, but contained no funds for the advanced vehicle and propulsion center and engineering research laboratory equipment upgrade.

The committee recognizes the value added to Air Force Space Command projects through the Air Force Research Laboratory's effort to merge modeling and simulation capabilities with advanced technologies involving the advanced vehicle and propulsion center. Additionally, the committee notes the need to upgrade propulsion laboratory equipment to support the exploration of emerging technologies.

The committee recommends increases of \$8.5 million in PE 62203F for the advanced vehicle and propulsion center and \$1.0 million for the engineering research lab equipment upgrade.

*Advanced wideband signals intelligence geo-processor*

The budget request contained \$13.3 million in PE 35207F, but contained no funding for the advanced wideband processor and high frequency geo-processor (AWP/HGP).

The committee notes that our asymmetrical adversaries are more commonly using widely available high-technology communications for command and control networks. Airborne collectors are experiencing an increasing challenge in collecting these types of low probability of intercept (LPI)/ low probability of detection (LPD) signals in a dense co-channel environment with rapid geolocation capability. The Air Force Research Laboratory (AFRL) has developed a promising technology that enables signals intelligence collection suites to collect against these signals and provide real-time geo-coordinates of these signals. Flight testing is being conducted and follow-on field testing needs to be accomplished with subsequent integration of this capability into an operational intelligence collector such as the RC-135.

Therefore the committee recommends an increase of \$4.0 million in PE 35207F for the AWP/HGP project for the RC-135 aircraft.

*B-2 development*

The budget request contained \$245.0 million in PE 64240F for B-2 system development, but included no funds to develop the extremely high frequency (EHF) satellite communications (SATCOM) system, or for a global strike capabilities initiative (GSCI). The B-2 is the Department of Defense's most advanced long-range strike aircraft, capable of global force projection in a highly defended target environment.

The EHF SATCOM system is being developed to provide high bandwidth communications for both nuclear and conventional B-2 missions. The committee notes that the Congress appropriated \$12.6 million in fiscal year 2004 for this system, understands that \$24.0 million is required in fiscal year 2005 to complete EHF SATCOM development. Therefore, the committee recommends an increase of \$24.0 million for the EHF SATCOM system.

The GSCI would incrementally upgrade B-2 aircraft with capabilities that address warfighting gaps identified by the Air Force and Joint Force Commanders. For fiscal year 2005, the committee understands that the most urgent capabilities required through the GSCI would include: defensive management system processor upgrades; integrated avionics block development to address deficiencies in the standby flight instruments; Link 16 information exchange between B-2 and other aircraft, and flight management control processor software; and global air traffic management system upgrades. Additionally, the committee understands that the GSCI for fiscal year 2005 would begin development of small diameter bomb (SDB) integration on the B-2, and expects that this effort would eventually provide the B-2 with a capability to deliver 160 to 240 SDBs. Accordingly, the committee recommends an increase of \$74.0 million for the GSCI, and expects that \$13.0 million would upgrade the defensive management system, \$51.0 million would develop an integrated avionics block upgrade, and \$10.0 million would provide for SDB design concepts and program planning necessary to implement an SDB development and integration program.

In total, the committee recommends \$343.0 million for B-2 system development, an increase of \$98.0 million.

#### *Blue MAJIC*

The budget request contained \$35.4 million in PE 64855F for operationally responsive launch, but included no funding for Blue MAJIC.

The committee understands the importance of blue force tracking in the effort to reduce fratricide and increase force protection. The committee recognizes Blue MAJIC would provide the field commander a significant tool to improve blue force tracking. The committee also realizes that Blue MAJIC will pursue a strategy that furthers the employment of responsive launch and integrates current technology into operations.

The committee recommends an increase of \$4.0 million in PE 64855F for Blue MAJIC.

#### *Cobra Ball*

The budget request contained \$13.3 million in PE 35207F for the manned reconnaissance system, but contained no funds for Cobra Ball.

The committee notes Cobra Ball's ability to exploit unused spectral data content and its increased sensitivity and accuracy in the medium wave infrared spectrum and believes it necessary to accelerate this effort.

The committee recommends an increase of \$7.5 million in PE 35207F for Cobra Ball.

#### *Combat optical receiver for smart and loitering standoff weapons*

The budget request included \$78.8 million in PE 62204F for aerospace sensors.

The committee directs that \$2.0 million be made available within funds authorized for PE 62204F for the combat optical receiver for smart and loitering standoff weapons.

*Collaborative information technologies*

The budget request included \$5.3 million in PE 62702F, project 4917, for collaborative information technologies to develop emerging technologies for the next generation of distributed, collaborative command and control systems.

The committee recommends an additional \$4.5 million in PE 62702F, project 4917, to develop an initial operational capability for application of collaborative information technologies to joint and Air Force capability planning, technology assessment, and enterprise management activities.

*Common aero vehicle*

The budget request contained \$21.6 million in PE 64856F for the Common Aero Vehicle (CAV).

The committee is aware that additional funding is required to complete CAV analysis; ensure validation of system components and operational capabilities; fund launch vehicle procurement; and provides flight test planning and range safety support.

The committee recommends \$33.6 million in PE 64856F, an increase of \$12.0 million for CAV.

*Defensive electro-optical tracker countermeasures technologies*

The budget request included \$12.4 million in PE 63270F to develop and demonstrate advanced warning and countermeasures technologies to negate electro-optical, infrared, and laser threats to aerospace platforms.

The committee recommends an additional \$6.0 million in PE 63270F to increase the technology readiness levels to accelerate transition of this capability to system development and demonstration.

*Distributed mission interoperability toolkit*

The budget request contained \$300,000 in PE 64740F for integrated command and control applications, which includes the Distributed Mission Interoperability Toolkit (DMIT) program.

The committee notes that the DMIT is a suite of tools that enable an enterprise architecture for on-demand, trusted, interoperability among mission-oriented command, control, communications, computers, and intelligence (C4I) systems based on lessons learned from Operation Iraqi Freedom.

The committee notes that this program leverages best practices from the commercial sector to positively impact the Department of Defense's C4I programs through the use of open architectures, existing and emerging web standards, and state-of-the-art technologies. The committee believes DMIT will enable rapid and adaptive integration between legacy and new information systems.

Accordingly, the committee recommends \$6.3 million in PE 64740F, an increase of \$6.0 million.

*Enterprise availability and cost optimization system*

The budget request contained \$15.7 million in PE 65011F for development of products and services to improve the performance of aging aircraft systems but included no funds for the enterprise availability and cost optimization system (EACOS).

The committee understands that the program offices supporting aging aircraft systems are each generating their own criteria and processes for identifying enhancements and measuring success. The committee further understands that, as a result of this situation, common problems are being addressed and resolved multiple times in dissimilar manners, and believes that the EACOS, can standardize this process and result in the identification of common solutions.

Accordingly, the committee recommends an increase of \$2.0 million in PE 65011F.

*F-15C/D active electronically scanned array radar*

The budget request contained \$115.2 million in PE 27134F for F-15 development programs, but included no funds for the F-15C/D active electronically scanned array (AESA) radar.

The F-15C/D AESA radar, also known as the APG-63(V) 3 radar, would replace the current APG-63(V) 1 radar, and provide a five hundred percent improvement in reliability while reducing the APG-63(V)1's mobility requirements by eight hundred percent. The committee understands that the F-15C/D AESA radar would also provide significant operational improvements and notes that the Air Force Chief of Staff has included the F-15C/D AESA as his highest unfunded priority for fiscal year 2005.

Consequently, the committee recommends \$132.4 million in PE 27134F, an increase of \$17.2 million for F-15C/D AESA radar.

*Global Hawk United States Southern Command demonstration*

The budget request contained \$336.2 million in PE 35220F for the Air Force Global Hawk high altitude endurance, unmanned aerial vehicle (HAE/UAV) program.

The committee notes that section 221 of the National Defense Authorization Act of 2001 (Public Law 106-398) directed the Secretary of Defense to require and coordinate a concept demonstration of the Global Hawk HAE/UAV. The purpose of the demonstration was to demonstrate the capability of the Global Hawk to operate in an airborne surveillance mode, using available, non-developmental technology in a counter-drug surveillance scenario designed to replicate actual conditions typically encountered in the performance of the counter-drug surveillance mission of the U.S. Southern Command.

The committee believes the Department has not met the requirements of this congressionally directed action.

The committee has received the Air Force January 28, 2004, memorandum that states the directive will be met by utilizing the HAE/UAVs existing ground target moving indicator (GMTI) with surface search modes. The committee notes that the specific intent of section 221, is to provide an airborne air surveillance alternative for U.S. Southern Command through a concept demonstration performed under actual conditions of counter-drug airborne surveillance missions. Additionally, the committee notes that the authorized funds were to also pursue the initiation of concurrent development of an improved surveillance radar, such as an airborne moving target indicator (AMTI) capability, for this purpose.

The committee has determined that the Air Force's present plan does not meet the mandated objective contained in section 221. The

committee suspects the Air Force used the \$18.0 million set aside in 2001 for the counter-drug demonstration to meet other requirements of the Global Hawk development program. The committee concludes that \$18.0 million of Global Hawk requirements, as presented in the 2005 budget request, have been met through the use of the funds set aside for the counter-drug demonstration, and therefore has reduced funds for Global Hawk requirements accordingly.

The committee directs, once again, the Secretary of Defense to conduct a long endurance air-to-air radar surveillance mission concept demonstration of the Global Hawk HAE/UAV that meets the congressional intent of section 221 of Public Law 106-945.

The committee recommends \$318.2 million in PE 35220F, a reduction of \$18.0 million based on the failure of the Department to conduct a demonstration of the Global Hawk UAV for the Southern Command's airborne surveillance concept demonstration for the drug-interdiction mission.

#### *Global positioning system*

The budget request contained \$148.3 million in PE 35165F for the global positioning system, including \$40.6 million for the global positioning system block III (GPS III).

Lessons learned from recent operations have confirmed the value of precision guided munitions in warfare. The committee understands this success relies greatly on the support provided by GPS. Development of GPS III would enhance accuracy, availability and anti-jam capability, while reducing system life-cycle costs. The committee strongly supports this development effort, but is concerned that the first launch, scheduled for fiscal year 2012, is unnecessarily delayed. The committee recommends acceleration of block III satellites consistent with program priorities.

The committee recommends the budget request.

#### *High accuracy network determination system*

The budget request contained \$6.3 million in PE 63444F for the Maui space surveillance system, but included no money for the High Accuracy Network Determination System (HANDS).

The committee recognizes that HANDS would reduce the potential for collisions of space assets by reducing errors in the current space-object maintenance catalog.

The committee recommends \$16.3 million in PE 63444F, an increase of \$10.0 million for HANDS.

#### *Identification of time critical targets*

The budget request included \$28.5 million in PE 63789F for Command, Control, Communications and Intelligence (C3I), including \$5.4 million to develop and demonstrate advanced data and information fusion capabilities for identification of time critical targets (targets under trees).

The committee supports the need for enhanced fusion of intelligence data. Increased funding in fiscal year 2005 would permit the demonstration of fusion technologies for continuous tracking of time critical targets and track continuity to provide more accurate common operational pictures through the use of the Distributed Common Ground System.

Accordingly, the committee recommends an increase of \$5.0 million in PE 63789F for data fusion technologies enabling identification of time critical targets.

*Integrated cooling and power system magnetic bearing technology*

The budget request included \$92.7 million in PE 62203F for Aerospace Propulsion Systems, including \$2.2 million to continue development of advanced bearing concepts for turbine engine applications.

Advanced avionics, electronic warfare systems, and radars in new and upgraded tactical aircraft and unmanned aerial vehicles provide significantly increased capability, but demand advanced solutions to meet power and cooling requirements. One enabling technology to meet these requirements is a magnetic bearing turbo-generator.

Accordingly, the committee recommends an increase of \$4.0 million in PE 62203F for integrated cooling and power system magnetic bearing technology.

*Integrated control for autonomous space systems*

The budget request contained \$88.9 million in PE 62601F for space technology, but contained no funds for integrated control for autonomous space systems (ICASS).

The committee notes that ICASS is intended to provide advanced satellite control and measurement technologies. The committee realizes ICASS has the potential to greatly expand the Department of Defense capability to deploy and control super-compact structures.

The committee recommends an increase of \$4.0 million in PE 62601F for the development of ICASS.

*Intelligent free space optical satellite communication node*

The budget request contained \$60.1 million in PE 63401F for advanced spacecraft technology, but contained no funds for the intelligent free space optical satellite communication node.

The committee is concerned about the development risk of the transformational communications architecture and notes that any laser-based satellite communication system will also require a radio-frequency (RF) capability. The committee believes additional risk-mitigation development is warranted for RF and laser-capable routers and low-cost adaptive switching.

The committee recommends an increase of \$3.0 million in PE 63401F to develop an intelligent free space optical communications node.

*Joint surveillance target attack radar system blue force tracking and combat identification*

The procurement budget request contained \$45.3 million for various E-8C joint surveillance target attack radar system (JSTARS) modifications, but included no funds for the blue force tracking and combat identification (CID) upgrade. Additionally, the research, development, test and evaluation (RDT&E) budget request contained \$89.2 for JSTARS development, but also included no funds to develop the JSTARS blue force CID.

The committee understands that, as a result of Operation Iraqi Freedom, the Department of the Air Force has identified critical needs to prosecute mobile targets; provide a common operating picture of friendly and enemy forces to warfighting decision makers; and accurately distinguish between friendly and enemy forces. The committee also understands that the JSTARS blue force tracking and CID upgrades would network friendly forces in real time with the JSTARS E-8C aircraft in all weather conditions to address these critical needs.

Consequently, the committee recommends \$55.3 million for E-8C procurement modifications, an increase of \$10.0 million for the JSTARS blue force tracking and CID upgrade; and \$100.2 million in PE 27581F, an increase of \$11.0 million to develop the JSTARS blue force combat tracking and CID components.

*KC-10 global air traffic management development*

The budget request contained \$18.5 million in PE 41219F for the KC-10 global air traffic management (GATM) development program.

The KC-10 GATM program is an engineering and manufacturing development (EMD) program that would improve the navigation and communication systems used on KC-10 aircraft. Subsequent to submission of the budget request, the Department of the Air Force canceled the GATM development program due to cost increases. As a result of this decision, the Department informed the committee that it would prefer to transfer these funds into the procurement appropriation to acquire, among other systems, two flight training devices for \$7.8 million and a high-frequency data link for \$1.2 million. While the committee supports the procurement of flight training devices and communication systems, it believes that existing flight training devices are adequate to meet requirements and that the high-frequency data link can be deferred until fiscal year 2006.

Consequently, the committee recommends \$9.4 million in PE 41219F, a decrease of \$9.1 million, for the KC-10 GATM development program.

*Lightweight modular support jammer*

The budget request included \$28.3 million in PE 63270F for electronic combat technology, including \$12.4 million for electro-optical, infrared warning and countermeasures technology.

Countering the threat posed by infrared missiles remains a high priority for the military services. The lightweight modular support jammer (LMSJ) provides a scalable, open architecture, digital receiver and jammer capability for multiple electronic warfare programs and platforms. Additional funding would permit the integration of LMSJ with the Advanced Threat Alert and Response receiver and accelerated testing of the end-to-end system concept.

The committee recommends an increase of \$6.0 million in PE 63270F for LMSJ.

*Metals affordability*

The budget request included \$34.3 million in PE 63112F for advanced materials for weapon systems.

The committee supports the continued government-industry collaboration provided through the Metals Affordability Initiative, pro-

viding significant improvements in the manufacturing of specialty metals for aerospace applications for the private and government sectors of the aerospace industry.

The committee recommends an additional \$14.0 million in PE 63112F for the Metals Affordability Initiative.

#### *Next generation bomber program*

The budget request contained no funds in PE 64015F for the next generation bomber program.

In the committee report on H.R. 1588 (H. Rept. 108–106) for fiscal year 2004, the committee noted both the increasing age of the Department of the Air Force's B–52 bomber fleet and existing plans to begin a next generation bomber program between the years of 2012 to 2015. The committee concluded that Air Force deferral of a next generation bomber program to 2012 to 2015 would be too late to assure a sufficient bomber force structure to meet future requirements for long-range strike in light of the prospect that future basing for shorter range aircraft may not be assured. Consequently, the committee recommended an increase of \$100.0 million for this purpose and notes that \$45.0 million was appropriated. However, the committee is dismayed that budget justification documents accompanying the fiscal year 2005 budget request reveal that these funds would be used to develop, mature and study integration of next generation style technologies with the existing bomber fleet, rather than beginning a next generation bomber program that would develop, and eventually procure, new bomber aircraft to meet future long range strike requirements.

For fiscal year 2005, the committee notes that, despite its expectation that the Department of the Air Force would begin a program to develop and procure a next generation bomber beginning in fiscal year 2004, the Department does not include any funds for this purpose until fiscal year 2008, with additional funding planned for fiscal year 2009. While the committee recognizes that the Department of the Air Force has accelerated its next generation bomber plan from the 2012 to 2015 timeframe to fiscal year 2008, the committee remains steadfast in its prior year view that development of a next generation bomber aircraft needs to be initiated, since most of the Air Force's bomber fleet consists of 94 B–52 aircraft which are now approximately 42 years old.

Accordingly, the committee recommends \$100.0 million in PE 64015F for the next generation bomber program, and strongly urges the Department of the Air Force to budget for a next generation bomber program each year in its Future Years Defense Program.

#### *Operationally responsive launch*

The budget request contained \$35.4 million in PE 64855F for operationally responsive launch.

The committee strongly supports an operationally responsive launch capability and its objective of developing an affordable, reliable, time responsive launch system, including Scorpius. The committee believes integration of operationally responsive launches would greatly increase the speed of delivering critical space capabilities to the warfighter.

The committee recommends an increase of \$6.0 million in PE 64855F for development of an operationally responsive launch capability, including Scorpius.

*Satellite simulation toolkit*

The budget request contained \$60.1 million in PE 63401F for advanced spacecraft technology, but contained no funds for integrated control for a satellite simulation toolkit (SST).

SST provides value to the acquisition and development of space systems via coherent systems engineering and virtual prototyping. The committee is aware of the need to complete development and integration of new and legacy models for the full implementation of SST based effects.

The committee recommends an increase of \$5.0 million in PE 63401F for SST.

*Satellite tool kit technical integration concept of operations for tactical satellite*

The budget request contained \$88.9 million in PE 62601F for space technology, but contained no funds for satellite tool kit technical integration.

The committee notes that satellite tool kit technical integration would provide tactical data to the warfighter indicating when a satellite overflight will occur to allow single pass tasking and downlink of time-sensitive surveillance information. This program would benefit in-theater warfighters by enabling immediate access to tactical intelligence, surveillance and reconnaissance assets to enable the collection and delivery of timely surveillance information to enable battlefield superiority. Additionally, these assets provide surge capability to augment existing national assets or help reconstitute space capabilities lost due to enemy action.

The committee recommends an increase of \$4.0 million in PE 62601F for satellite tool kit technical integration.

*Space-based infrared system*

The budget request included \$508.4 million in PE 64441F for development of the space-based infrared system (SBIRS).

When finally deployed, SBIRS will provide improved early-warning capabilities and technical intelligence. The committee notes that the SBIRS program has had persistent cost, schedule and technical problems over the last three years of its development. Unexpected technical difficulties on the first SBIRS payload resulted in cost overruns and schedule delays. These problems and further technical difficulties have in turn resulted in a delay of at least one year for the first launch of a SBIRS satellite into geostationary orbit.

The committee notes that the Commander of United States Strategic Command testified to the Strategic Forces Subcommittee in February, 2004 that continuation of the SBIRS program is absolutely essential to his command. The committee remains supportive of the SBIRS program because of the critical nature of its mission. The committee notes the recent technical issues with the geosynchronous sensors and concurs with the recovery plan as presented by the Undersecretary of the Air Force.

The committee recommends an increase of \$35.0 million in PE 64441F to address the SBIRS budget shortfall, overcome development difficulties and minimize the schedule delay.

#### *Space-based radar*

The budget request contained \$327.7 million in PE 63858F for space-based radar (SBR).

The committee recognizes the benefits SBR will provide through a persistent, near real-time, high resolution surveillance capability deep into enemy territory and denied areas, benefiting both military and intelligence communities. The committee believes the country cannot afford separate SBR systems to address the needs of these two communities and, as such, it is imperative to develop this system with full support and involvement of the Department of Defense and the Intelligence Community (IC). The committee strongly urges the Department and the IC to work in a joint manner toward the development of a SBR capability.

The committee notes unfavorable schedule and cost performance of several space system acquisition programs. As a result of this trend, the committee recommends a legislative provision (sec. 216) affecting the progression to Milestone B for SBR.

The committee recommends the budget request.

#### *Space cadre*

The committee is committed to the development of highly skilled and knowledgeable professionals to address the acquisition, policy, and technology aspects of space necessary to ensure United States preeminence in tomorrow's space environment. The committee is aware of the ongoing effort by the Department of Defense to institute the space human capital resources strategy as described in the February 2004 report to the congressional defense committees titled, "Space Human Capital Resources Strategy."

The committee notes that this three-phased strategy will initiate the development of a professional space cadre. The committee supports this effort and encourages the Secretary of Defense to continue this effort. The committee recommends that the Department include in its strategy a thorough review of education, training, and the development of a robust, joint space curriculum.

#### *Space situational awareness initiative*

The budget request contained \$161.8 million in PE 35910F for Spacetrack, but included no funds for the space situational awareness initiative.

The committee notes the importance of this upgrade for the future of the counter space mission. Moreover, the committee understands the effort will require nearly eight years to achieve a full operational capability and believes it is prudent to initiate this effort immediately.

The committee recommends \$170.8 million in PE 35910F, an increase of \$9.0 million for the space situational awareness initiative.

#### *Streaker small launch vehicle*

The budget request contained \$60.1 million in PE 63401F for advanced spacecraft technology, but included no funds for the Streaker small launch vehicle (SLV).

The committee is aware that the Department of Defense desires to develop this capability to affordably launch small satellites to low earth orbits for a variety of purposes. The committee notes that the Streaker SLV has the potential to provide affordable responsive launch for small satellites.

The committee recommends an increase of \$6.0 million in PE 63401F for the Streaker SLV.

#### *Transformational satellite communications*

The budget request contained \$774.8 million in PE 63845F for the transformational communications satellite (TSAT) system.

The General Accounting Office expressed concerns in report GAO-04-71R about the immaturity of the TSAT technology and the significant engineering challenges facing a laser-based satellite communications system. The committee remains concerned that the TSAT system is still being driven by an aggressive schedule that does not adequately take into account the immaturity of several key enabling technologies and challenging integration issues.

While the committee supports the goal of TSAT and recognizes the modest steps the Air Force has taken to address the concerns raised in the committee report on H.R. 1588 (H. Rept. 108-106) last year, the committee believes a slower, more realistic schedule for this program is warranted.

The committee recommends \$674.8 million in PE 63845F, a decrease of \$100.0 million for the TSAT program.

#### *Ultra short pulse laser technology*

The budget request contained \$36.5 million in PE 62605F for directed energy technology, but included no funding for ultra short pulse laser technology.

The committee is aware that ultra short pulse laser technology has the potential to be a breakthrough in size, weight and effectiveness for many applications.

The committee recommends \$46.5 million in PE 62605F, an increase of \$10.0 million for ultra short pulse laser.

#### *Upper stage engine technology*

The budget request contained \$51.1 million in PE 63500F for multi-disciplinary space technology, but contained no funds for upper stage engine technology.

Upper stage engine technology supports the Air Force's goal to improve liquid oxygen/hydrogen simulation and forecasting tools. The committee recognizes this goal will reduce the risk associated with new technology transition into upper stage engines for reusable and expendable launch vehicles.

The committee recommends \$58.1 million in PE 63500F, an increase of \$7.0 million for upper stage engine technology.

#### *Wideband gapfiller system*

The budget request included \$73.5 million in PE 63854F and \$40.3 million in Missile Procurement, Air Force, for the wideband gapfiller satellite (WGS) communications system.

WGS will provide a significant increase in communications bandwidth for warfighters. The committee notes the Air Force's plan to acquire and launch three satellites over the course of fiscal years

2005 and 2007. The committee also notes plans during fiscal year 2005 to negotiate a contract to acquire two additional satellites that would be launched starting in fiscal year 2009. This plan could leave a three-year production gap between the third and fourth satellites, a gap that could increase program risk and cost resulting from parts obsolescence, personnel fluctuations, and the potential need to re-qualify subcontractors. The committee also notes that the Department of Defense supplements its satellite communications network by leasing commercial satellite communications capacity at a cost of about \$300.0 million per year. The committee believes that deferring additional military satellite communications acquisition may not be cost effective.

The committee believes that the Air Force decision to proceed with WGS acquisition is correct, but the acquisition strategy that results in this production gap is not well considered.

The committee recommends \$88.5 million in PE 63854F, an increase of \$15.0 million for additional WGS spare parts.

#### *Worldwide infrastructure security environment*

The budget request contained \$79.6 million in PE 33140F for information security systems programs, but included no funding for the worldwide infrastructure security environment (WISE).

The committee supports this initiative to provide protection and response to attacks that exploit our reliance on computers. This program will manage the complex interactions between physical access, network access, authentication, monitoring, and environmental controls to provide defense against sophisticated hackers. This program also addresses the cyber threat of the year 2010 and beyond with a unique approach to protect information on the Global Information Grid through transaction authentication.

Accordingly, the committee recommends \$87.6 million in PE 33140F, an increase of \$8.0 million for WISE.

### DEFENSE-WIDE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### Overview

The budget request contained \$20,739.8 million for Defense-wide research, development, test, and evaluation (RDT&E).

The committee recommends \$20,769.3 million, an increase of \$29.4 million to the budget request.

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005	
			Authorization Request	Committee Change	Committee Increase	Committee Decrease
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DEFENSEWIDE</b>						
<b>BASIC RESEARCH</b>						
0601101D8Z	1	In-House Laboratory Independent Research				148,729
0601101E	2	Defense Research Sciences	143,729	5,000	3,000	
0601101E		Optoelectronics and Optical Communications			2,000	
0601101E		Super Lattice Nanotechnology				
0601103D8Z	3	University Research Initiatives				
0601105D8Z	4	Force Health Protection				
0601108D8Z	5	High Energy Laser Research Initiatives				
0601111D8Z	6	Government/Industry Cosponsorship of University Research				
0601114D8Z	7	Defense Experimental Program to Stimulate Competitive Research	9,590			9,590
0601384BP	8	Chemical and Biological Defense Program	36,769	15,000	15,000	51,769
		<b>TOTAL, BASIC RESEARCH</b>	<b>190,088</b>	<b>20,000</b>	<b>20,000</b>	<b>210,088</b>
<b>APPLIED RESEARCH</b>						
0602227D8Z	9	Medical Free Electron Laser	9,668	10,000	10,000	19,668
0602228D8Z	10	Historically Black Colleges and Universities (HBCU) Science	14,192			14,192
0602234D8Z	11	Lincoln Laboratory Research Program	25,441			25,441
0602301E	12	Computing Systems and Communications Technology	342,614	(20,000)		322,614
0602301E		Program Reduction				(20,000)
0602302E	13	Embedded Software and Pervasive Computing	147,533	10,000		157,533
0602383E	14	Biological Warfare Defense			10,000	
0602383E		Asymmetric Protocols				
0602384BP	15	Chemical and Biological Defense Program see RDA-30/121	104,385	25,000		129,385
0602384BP		Applied Research Initiative			25,000	
0602702E	16	Tactical Technology	339,175	(39,000)		300,175
0602702E		Stimulated Isomer Energy Release				(4,000)
0602702E		Walrus Hybrid Airlift Vehicle				(10,000)
0602702E		High-speed/Hypersonic reusable demonstration				(15,000)

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
0602702E		Program Reduction				
0602712E	17	Materials and Electronics Technology	502,044	(10,000)		492,044
0602712E		Program Reduction				
0602716BR	18	WMD Defeat Technology	249,786	10,000		259,786
0602716BR		Nuclear Weapons Effects			10,000	
0602717BR	19	WMD Defense Technologies	116,113			116,113
0602787D8Z	20	Medical Technology	10,084			10,084
0602690D8Z	21	High Energy Laser Research	13,109	3,000		16,109
1160401BB	22	Special Operations Technology Development and Production			3,000	
1160407BB	23	SOF Medical Technology Development	2,162			2,162
		<b>TOTAL, APPLIED RESEARCH</b>	<b>1,876,306</b>	<b>(11,000)</b>	<b>58,000</b>	<b>1,865,306</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>				
0603002D8Z	24	Medical Advanced Technology	2,063	5,000		7,063
0603002D8Z	25	Anti-radiation Drug and Trials Program			5,000	
0603104D8Z	26	Explosives Demilitarization Technology	32,682			32,682
0603121D8Z	27	SO/LIC Advanced Development	46,719	27,500		74,219
0603122D8Z		Combating Terrorism Technology Support			2,500	
0603122D8Z		SVS Collaborative and Virtual Reality Training Pilot			25,000	
0603122D8Z		Advanced Combating Terrorism Technology				
0603160BR	28	Counterproliferation Advanced Development Technologies	74,456			74,456
0603175C	29	Ballistic Missile Defense Technology	204,320	4,000		208,320
0603225D8Z	30	Joint DoD-DoE Munitions Technology Development	23,319			23,319
0603232D8Z	31	Automatic Target Recognition				
0603285E	32	Advanced Aerospace Systems	361,067	(55,000)		306,067
0603285E		Program Reduction				(20,000)
0603285E		Walrus Hybrid Airlift Vehicle				(10,000)
0603285E		Transfer to 63122D8Z				(25,000)

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
			117,343	35,000	35,000	152,343
		Chemical and Biological Defense Program - Advanced Development	284,617			284,617
0603384BP	33	J-UCAS				
0603400D8Z	34	Special Technical Support				
0603704D8Z	35	Arms Control Technology				
0603711BR	36	Generic Logistics R&D Technology Demonstrations	27,542	2,000	2,000	29,542
0603712S	37	Connectory for Rapid ID of Tech Resources				
0603716D8Z	38	Strategic Environmental Research Program	56,936			56,936
0603727D8Z	39	Joint Warfighting Program	9,936			9,936
0603739E	40	Advanced Electronics Technologies	218,151	(5,000)		213,151
0603739E	40	Program Reduction				(5,000)
0603750D8Z	41	Advanced Concept Technology Demonstrations	213,901	6,000	6,000	219,901
0603755D8Z	42	High Performance Computing Modernization Program	186,666			186,666
0603755D8Z	42	SMDC Simulation Center				
0603760E	43	Command, Control and Communications Systems	225,784	(20,000)		205,784
0603760E	43	Program Reduction				(20,000)
0603762E	44	Sensor and Guidance Technology	337,117	(25,000)		312,117
0603762E	44	Program Reduction				(25,000)
0603763E	45	Marine Technology				
0603764E	46	Land Warfare Technology / FCS	63,121			63,121
0603765E	47	Classified DARPA Programs	238,131	(25,000)		213,131
0603765E	47	Program Reduction				(25,000)
0603766E	48	Network-Centric Warfare Technology	125,124	(15,000)		110,124
0603766E	48	Program Reduction				(15,000)
0603769DSE	49	Distributed Learning Advanced Technology Development	13,756			13,756
0603781D8Z	50	Software Engineering Institute	21,599			21,599
0603805S	51	Dual Use Application Programs				
0603826D8Z	52	Quick Reaction Special Projects/Challenge Program	64,389	105,000	30,000	169,389
0603826D8Z	52	IED Electronic Counter Measures and Jammers			25,000	25,000
0603826D8Z	52	Optical Surveillance Systems				

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005				FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	
0603826D8Z					50,000		46,017
0603832D8Z	53	Quick Reaction Counter Rocket and Mortar Capability	46,017				46,017
0603924D8Z	54	Joint Wargaming Simulation Management Office					
0603942D8Z	55	High Energy Laser Advanced Technology Program	1,934				1,934
0605160D8Z	56	Technology Link	1,958				1,958
1160402BB	57	Counterproliferation Support	48,803	16,000			64,803
1160402BB		Special Operations Advanced Technology Development			4,000		
1160402BB		Remote Sensor Power Source			3,000		
1160402BB		Advanced ID Capability for AC-130U			6,000		
1160402BB		ANGELFIRE Active Protection			3,000		
1160402BB		Surveillance Augmentation Vehicle - Insertable on Request					
		<b>TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>3,047,451</b>	<b>55,500</b>	<b>200,500</b>	<b>(145,000)</b>	<b>3,102,951</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
0603228D8Z	58	Physical Security Equipment					
0603709D8Z	59	Joint Robotics Program	11,771				11,771
0603714D8Z	60	Advanced Sensor Applications Program	17,581	18,000	10,000		35,581
0603714D8Z		Multi-Wavelength Surface Scanning Biologics Sensor			3,000		
0603714D8Z		Advanced Solid State Dye Laser			5,000		
0603736D8Z	61	CALS Initiative	32,546				32,546
0603851D8Z	62	Environmental Security Technical Certification Program					
0603869C	63	Meads Concepts	256,159	(50,000)			206,159
0603879C	64	Advanced Concepts, Evaluations And Systems					
0603880C	65	Ballistic Missile Defense System Segment	937,748	47,000	47,000		984,748
0603881C	66	Ballistic Missile Defense Terminal Defense Segment	4,384,775	30,000			4,414,775
0603882C	67	Ballistic Missile Defense Midcourse Defense Segment			30,000		
0603882C		Solid State S Band Radar					
0603883C	68	Ballistic Missile Defense Boost Defense Segment	492,614				492,614
0603884BP	69	Chemical and Biological Defense Program	104,195				104,195
0603884C	70	Ballistic Missile Defense Sensors	591,957	(51,000)			540,957

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005		FY 2005				
			Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization		
0603884C		Post Ramos Project							
0603886C	71	Ballistic Missile Defense System Interceptor	511,262	(67,000)	5,000	(75,000)	444,262		
0603886C		Boost Phase Hit-to-Kill			8,000				
0603888C	72	Ballistic Missile Defense Test & Targets	713,658				713,658		
0603889C	73	Ballistic Missile Defense Products	418,608	(60,000)		(60,000)	358,608		
0603890C	74	Ballistic Missile Defense Systems Core	479,764	(30,000)		(30,000)	449,764		
0603890C		Wide Bandwidth Technology		[4,000]			[4,000]		
0603910D8Z	75	Strategic Capability Modernization							
0603920D8Z	76	Humanitarian Demining	13,747				13,747		
0603923D8Z	77	Coalition Warfare	5,886				5,886		
0604000D8Z	78	J-UCAS	422,873				422,873		
0604722D8Z	79	Joint Service Education and Training Systems Development							
0605017D8Z	80	Reduction Of Total Ownership Cost	27,351				27,351		
0303191D8Z	81	Joint Electromagnetic Technology (JET) Program	6,879				6,879		
	81a	Joint Experimentation			167,626		167,626		
	81b	Joint Warfare Experiments			26		26		
	81c	Joint Warfare Transformation Programs			22,450		22,450		
		<b>TOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>9,429,174</b>	<b>27,102</b>	<b>298,102</b>	<b>(271,000)</b>	<b>9,456,276</b>		
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>							
0604384BP	82	Chemical and Biological Defense Program	152,379	13,000	5,000		165,379		
0604384BP		Joint Biological Point Detection System			8,000				
0604384BP		Joint Service Lightweight Standoff Chemical Agent Detector				(14,135)			
0604618D8Z	83	MANPADS Defense Program	14,135	(14,135)					
0604709D8Z	84	Joint Robotics Program	13,845				13,845		
0604764K	85	Advanced IT Services Joint Program Office (AITS-JPO)	18,183				18,183		
0604771D8Z	86	Joint Tactical Information Distribution System (JTIDS)	18,515				18,515		
0604861C	87	Theater High-Altitude Area Defense System - TMD							
0604865C	88	Patriot PAC-3 Theater Missile Defense Acquisition							

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
0605013BL	89	Information Technology Development	10,683			10,683
0605013D8Z	90	Prototype Accounting Systems	52,407			52,407
0605014SE	91	Information Technology Development	6,690			6,690
0605016BL	92	Information Technology Development-Standard Procurement System (SPS)	94,767	(49,000)		45,767
0605016D8Z	93	Financial Management System Improvements	6,623			6,623
0303129K	94	Defense Message System	2,493			2,493
0303140K	95	Information Systems Security Program	17,867			17,867
0303141K	96	Global Combat Support System	3,000			3,000
0303158K	97	Joint Command and Control Program (JC2)	3,466			3,466
0305840K	98	Electronic Commerce	2,345			2,345
0305840S	99	Electronic Commerce	7,472			7,472
0901200D8Z	100	BMMP Domain Management and Systems Integration	424,870	(50,135)	13,000	374,735
<b>TOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>						
<b>RDT&amp;E MANAGEMENT SUPPORT</b>						
0603704D8Z	101	Special Technical Support	19,274			19,274
0603757D8Z	102	Training Transformation (T2)	9,977			9,977
0603835D8Z	103	Transformation Initiatives Program				
0603858D8Z	104	Unexploded Ordnance Detection and Clearance	19,691			19,691
0604774D8Z	105	Defense Readiness Reporting System (DRRS)	4,989			4,989
0604875D8Z	106	Joint Systems Architecture Development	7,263			7,263
0604843D8Z	107	Thermal Vicar	30,818	1,000		31,818
0605104D8Z	108	Technical Studies, Support and Analysis			1,000	
0605110BR	109	NDU Technology Pilot Program	1,937			1,937
0605114D8Z	110	BLACK LIGHT	21,535			21,535
0605116D8Z	111	General Support to C3I				
0605117D8Z	112	Foreign Material Acquisition and Exploitation	35,572			35,572
0605123D8Z	113	Interagency Export License Automation	5,882			5,882

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
0605124D8Z	114	Defense Travel System	28,508			28,508
0605126J	115	Joint Theater Air and Missile Defense Organization	86,409			86,409
0605128D8Z	116	Classified Program USD(P)				
0605130D8Z	117	Foreign Comparative Testing	35,633	1,550		37,183
0605130D8Z		Weather SCOUT UAV			1,550	
0605170D8Z	118	Support to Networks and Information Integration	11,490			11,490
0605200D8Z	119	General Support to USD (Intelligence)	4,830			4,830
0605384BP	120	Chemical and Biological Defense Program	42,652			42,652
0605502BR	121	Small Business Innovative Research				
0605502C	122	Small Business Innovative Research - MDA				
0605502D8Z	123	Small Business Innovative Research				
0605502E	124	Small Business Innovative Research				
0605710D8Z	125	Classified Programs - C3I				
0605790D8Z	126	Small Business Innovation Research/Challenge Administration	1,999			1,999
0605798S	127	Defense Technology Analysis	7,279			7,279
0605799D8Z	128	Force Transformation	19,591	25,000		44,591
		Operationally Responsive Satellite				
0605801K	129	Defense Technical Information Services (DTIC)	45,203			45,203
0605803SE	130	R&D in Support of DoD Enlistment, Testing and Evaluation	10,598			10,598
0605804D8Z	131	Development Test and Evaluation	8,882			8,882
0605898E	132	Management Headquarters (Research and Development) DARPA	46,689			46,689
0303169D8Z	133	Information Technology Rapid Acquisition	19,958	(17,000)		2,958
		Rapid Acquisition Process				
0305193D8Z	134	Intelligence Support to Information Operations (IO)	12,878			12,878
0305193G	135	Intelligence Support to Information Operations (IO)				
0901585C	136	Pentagon Reservation	13,884			13,884
0901598C	137	Management Headquarters - MDA	141,923			141,923
0901598D8W	138	IT Software Dev Initiatives	1,700			1,700
0909999E	139	Financing for Cancelled Account Adjustments				

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
XXXXXX	989	Classified Programs	14,482	20,400	20,400		34,882
XXXXXX		Program Increase					
<b>TOTAL, RDT&amp;E MANAGEMENT SUPPORT</b>			<b>711,326</b>	<b>30,950</b>	<b>47,950</b>	<b>(17,000)</b>	<b>742,276</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
0604805D8Z	140	Commercial Operations and Support Savings Initiative					6,995
0605127T	141	Partnership for Peace (PiP) Information Management System					2,178
0607384BP	142	Chemical and Biological Defense					1,663
0208043J	143	Classified Programs					41,074
0208045K	144	C4I Interoperability					5,577
0208052J	145	Joint Analytical Model Improvement Program					
0300205R	146	Information Technology Systems					
0301011G	147	Cryptologic Activities					
0301301L	148	General Defense Intelligence Program					
0301318BB	149	HUMINT (Controlled)					
0301398L	150	Management Headquarters GDIP, DIA					
0301555BB	151	CLASSIFIED PROGRAMS					
0301556BB	152	SPECIAL PROGRAM					
0302016K	153	National Military Command System-Wide Support	1,240				1,240
0302019K	154	Defense Info Infrastructure Engineering and Integration	2,517				2,517
0303126K	155	Long Haul Communications (DCS)	11,401				11,401
0303127K	156	Support of the National Communications System					
0303131K	157	Minimum Essential Emergency Communications Network (MEECN)	7,261				7,261
0303140D8Z	158	Information Systems Security Program	11,135				11,135
0303140G	159	Information Systems Security Program	477,846				477,846
0303149J	160	C4I for the Warrior	4,177				4,177
0303149K	161	C4I for the Warrior	24,712				24,712
0303150K	162	Global Command and Control System	43,693				43,693
0303153K	163	Joint Spectrum Center	18,941				18,941

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005			FY 2005 Committee Authorization
			Authorization Request	Committee Change	Committee Increase	
0303165K	164	Defense Collaboration Tool Suite (DCTS)	8,503			8,503
0303170K	165	Net-Centric Enterprise Services (NCES)	52,059			52,059
0303810K	166	Teleport Program	10,272			10,272
0304210BB	167	Special Applications for Contingencies	20,758			20,758
0304345BQ	168	National Imagery and Mapping Program				
0305102BQ	169	Defense Imagery and Mapping Program		(200)		(200)
0305102BQ		TPED of SYERS-2			3,000	
0305102BQ		National Geospatial-Intelligence Agency				
0305125D8Z	170	Critical Infrastructure Protection (CIP)	28,021			28,021
0305127BZ	171	Foreign Counterintelligence Activities				
0305127V	172	Foreign Counterintelligence Activities				
0305146BZ	173	Defense Joint Counterintelligence Program (JMIP)				
0305146D8Z	174	Defense Joint Counterintelligence Program (JMIP)	32,939			32,939
0305183L	175	Defense Human Intelligence (HUMINT) Program (DHIP)				
0305190D8Z	176	C3I Intelligence Programs				
0305191D8Z	177	Technology Development				
0305193G	178	Intelligence Support to Information Operations (IO)				
0305193L	179	Intelligence Support to Information Operations (IO)				
0305199D8Z	180	Net Centricity	214,222	(70,000)		144,222
0305202G	181	Dragon U-2 (JMIP)				
0305206G	182	Airborne Reconnaissance Systems				
0305207G	183	Manned Reconnaissance Systems				
0305208BQ	184	Distributed Common Ground Systems				
0305208G	185	Distributed Common Ground Systems				
0305208L	186	Distributed Common Ground Systems				
0305883L	187	Hard and Deeply Buried Target (HDBT) Intel Support				
0305884L	188	Intelligence Planning and Review Activities		10,000		10,000
0305884L		Measures and Signatures Intelligence Consortium			10,000	
0305885G	189	Tactical Cryptologic Activities				

Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
0305889G	190	Counterdrug Intelligence Support					
0305917D8Z	191	National Security Space Architect (NSSA)					
0708011S	192	Industrial Preparedness Smart Machine Platform Initiative	11,005	12,200	12,200		23,205
0708012S	193	Logistics Support Activities	11,389				11,389
0902298J	194	Management Headquarters (JCS)	22,421				22,421
1001018D8Z	195	NATO Joint STARS	30,399				30,399
1160279BB	196	Small Business Innovative Research/Small Bus Tech Transfer Pilot Prog					
1160401BB	197	Special Operations Technology Development					
1160402BB	198	Special Operations Advanced Technology Development					
1160404BB	199	Special Operations Tactical Systems Development	311,966				311,966
1160405BB	200	Special Operations Intelligence Systems Development	25,015				25,015
1160407BB	201	SOF Medical Technology Development	57,643				57,643
1160408BB	202	SOF Operational Enhancements	3,563,600	5,000			3,568,600
XXXXXX	999	Classified Program Increase			5,000		
XXXXXX		TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	5,060,622	(43,000)	30,200	(73,200)	5,017,622
		TOTAL, RDT&E, DEFENSE WIDE	20,739,837	29,417	667,752	(638,335)	20,769,254

## Items of Special Interest

*Accelerating transition and fielding of advanced technologies for emerging critical operational needs*

The pace at which new technology moves from the laboratory to a fielded system has been an area of continuing concern to the Department of Defense and to Congress. Scaling technology up in size and integrating it with other technologies can present problems, not identified in the laboratory, that delay a program and/or greatly increase program costs. More emphasis and an increased share of the science and technology program have been directed toward the use of technology demonstrations and joint experiments to solve these problems before beginning an acquisition program and speeding the transition of new technology to operational capabilities the user faster and at less cost.

The transition of technology from discovery and demonstration to development and fielding is also difficult because the Department's planning and budgeting process frequently creates a funding gap. Revolutionary technologies that "change minds" and ways of doing things often occur faster than the present defense budget and the appropriations process can respond. Additionally, it is difficult to reallocate fiscal funding for a revolutionary technology within current year funding. The institutional process within the Department lacks the flexibility at all levels: service laboratory; research; development and engineering center; systems command; military departments, and the defense secretariat—to capitalize on new discoveries in academia or institute, service or national laboratory, large industry or small business, and to rapidly develop, demonstrate, and transition the new technology to the military user. There are a number of initiatives underway to address this problem: the Advanced Concept Technology Demonstration program, the Army's Rapid Fielding Initiative, the congressionally sponsored Technology Transition Initiative and the Defense Challenge program. Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) requires the Secretary of Defense to prescribe rapid acquisition and deployment procedures. Section 1443 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) provides special emergency procurement authority for use in support of contingency operations or in response to a nuclear, biological, chemical, or radiological attack. During the committee hearing on the Defense science and technology budget request for fiscal year 2005, the Director, Defense and Engineering testified about the establishment of the quick reaction special projects program, which he characterized as a flexible continuum of technology transition projects that moves products from the Department to the warfighter quickly.

Many of these initiatives are at an early stage and changes to acquisition and budgeting systems to provide the Department with greater flexibility to take advantage of rapidly developing technology are slow to be institutionalized. The committee is encouraged by many of the improvements in the rapid fielding of technology to support the war on terrorism, but also recognizes that there is much to be done. The committee directs the Secretary of Defense to report to the congressional defense committees by December 31, 2004, any additional recommendations for measures to

accelerate the more rapid transition and fielding of advanced technologies to meet emerging critical needs.

*Advanced metal casting technology*

The budget request contained \$27.5 million in PE 78011S, for manufacturing technology research and development, including \$2.3 million for procurement readiness optimization—advanced casting technology.

The committee notes the success of collaborative problem solving environments that have been prototyped in several of the military services' engineering support activities, each of which has been custom designed to reflect the needs of the weapons systems and processes used by the military services. The committee also notes the development of casting technology for cost reduction, including advances in steel casting, development of a foundry tooling database, use of casting software visualization tools to reduce trial and error, improvements in melting and molding processes, use of cheaper tooling materials for short run production, and other technologies for reducing production time. The committee considers these inter-related programs to be of great value to the Department of Defense and to the national industrial base as well.

The committee strongly encourages the Secretary of Defense and the secretaries of the military departments to allocate additional resources in future budgets for development of further improvements in collaborative problem solving and casting manufacturing technologies.

*Advanced sensor applications program*

The budget request contained \$17.6 million in PE 63714D8Z for the advanced sensor applications program. The committee is concerned that promising projects executed by the Navy's PMA 264 program office are appreciably underfunded for special programs under development.

Therefore, the committee recommends an increase of \$10.0 million in PE 63714D8Z for the advanced sensor applications program. Additional details are contained in the classified annex to this report.

*Advanced tactical laser program*

The committee supports the efforts across the Department's science and technology community to develop tactically useful directed energy weapons. The committee believes that the attributes of such weapons, such as stealth, precision, and minimal collateral damage, make high powered laser tactical weapons ideal in the fight against terrorism. The committee is concerned, however, that the research effort is not directed as precisely as the weapons themselves. For example, the committee understands that chemical laser systems are the most highly developed high powered lasers, but that several efforts are underway to develop more tactically feasible solid state high powered laser systems. Given the large size of chemical laser systems, the committee believes that the Special Operations Command's (SOCOM) Advanced Concept Technology Demonstration (ACTD) for the development of a chemical laser system for an AC-130 gunship may not lead to a militarily useful system before solid state systems mature.

Accordingly, the committee will continue to carefully monitor the SOCOM ACTD, and directs the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on Armed Services should the military utility assessment for the advanced tactical laser be delayed beyond fiscal year 2007.

*Anti-radiation drug and trials program*

The budget request contained \$2.1 million in PE 63002D8Z for medical advanced technology development, including \$120,000 for development of the 5-adrostendiol (5-AED) advanced radioprotectant (“anti-radiation”) drug.

The committee notes progress in the development of 5-AED, the Armed Forces Radiobiology Research Institute leading candidate for a whole body radioprotectant drug compound: pre-clinical safety and toxicity assessments, small and large animal trials, and extension of the work to pre-clinical trials in a large animal model have been initiated.

The committee recommends \$7.1 million in PE 63002D8Z, an increase of \$5.0 million to support final efficacy and human toxicity trials of the 5-AED radioprotectant drug.

*Asymmetric protocols for biological defense*

The budget request contained \$147.5 million in PE 62383E for biological warfare defense applied research.

A military or terrorist scenario in which aerosolized biological agents such as anthrax spores or smallpox virus are used would almost certainly result in mass casualties. Weaponized forms of the agents offer significant challenges to medical treatments that are not found in naturally occurring forms. While antibiotics are the only approved method for treating anthrax, the 2003 bioterrorist anthrax attack in Washington, D.C., showed that antibiotics are unfortunately not adequate to provide full treatment against inhalation anthrax. The committee also notes that there are a number of biological agents that could, with appropriate development and weaponization, be used in biological warfare or in a terrorist attack. Developing specific protection against all possible biological agents presents a significant challenge. As a result, the committee believes there is a need for therapeutics that would provide broad spectrum protection against a range of possible biological agents and also work in concert with other methods of treatment.

The committee notes research in therapeutics that shows good results from laboratory testing in mice against pox virus and against anthrax and appears to have the potential for providing broad spectrum protection. Other tests have involved therapeutics that may reinforce the innate immunity of the host. The committee believes that the results of the research to date are promising and the research should continue, but also believes that the research protocols and results to date should undergo an independent peer review. The committee directs the Director of Defense Research and Engineering to conduct such a review and report the results of the review to the congressional defense committees by December 31, 2004.

The committee recommends an increase of \$10.0 million in PE 62383E to continue research in asymmetric protocols that would provide broad spectrum protection for biological defense.

*Ballistic missile defense*

The budget request contained \$9,200.0 million for ballistic missile defense.

The committee notes that the budget request reflects an increase of \$1,500.0 million over the fiscal year 2004 budget request and recommends a reallocation of the fiscal year 2005 request to focus on near term missile defense capability development and testing.

The committee recommends \$9,023.0 million, a reduction of \$177.0 million.

*Advanced concepts*

The budget request contained \$256.2 million in PE 63879C for Advanced Concepts, Evaluations and Systems, an increase of \$106.0 million from the fiscal year 2005 projection in the fiscal year 2004 budget request.

The committee has reservations that such an increase is justified or that it can be effectively executed. The committee encourages the Department of Defense to focus their advanced concepts work on earlier block applications.

The committee recommends \$206.2 million in PE 63879C, a decrease of \$50.0 million.

*Boost defense segment*

The budget request contained \$492.6 million in PE 63883C for boost defense. The committee notes with approval the Department of Defense restructuring of the Airborne Laser (ABL) program in late 2003. The committee also recognizes that the future of the ABL program depends upon successful completion of the ground laser test and the flight test of the beam-control fire control system. These milestones must be completed in order for the committee to further support the program after fiscal year 2005. Therefore, the committee directs the Secretary of Defense to submit a report to the congressional defense committees by February 1, 2005, on the status of these two major component tests as well as a recommendation for the future of the program.

The committee recommends the budget request for boost defense.

*Core*

The budget request contained \$479.8 million in PE 63890C for system core activities.

The committee notes that funding for the systems engineering and integration effort has increased significantly from fiscal year 2004. The committee recommends \$449.8 million, a decrease of \$30.0 million. The committee encourages the Director of the Missile Defense Agency (MDA) to focus the national team on the near term block 2004 and 2006 efforts.

The committee also understands that development of wide bandwidth technology is critical for the MDA to transmit test data over extensive distances in support of the test and evaluation program. The committee is encouraged by the recent success of a feasibility demonstration of seamless collaboration utilizing mobile satellite communications from the Reagan Test Site to the Joint National Integration Center.

Within the funds available, the committee recommends \$4.0 million for the development of wide bandwidth technology in support of the MDA test program.

*Midcourse defense segment*

The budget request contained \$4,384.8 million in PE 63882C for the ballistic missile defense (BMD) midcourse defense segment.

The Navy has previously funded research and development efforts for an S-band radar prototype. Development of a Solid State S-Band Radar will support future Aegis BMD system capability.

The committee recommends \$4,414.8 million in PE 63882C, an increase of \$30.0 million for the development of a Solid State S-Band Radar to support Aegis BMD system radar capability.

*Post Ramos Project*

The committee notes that the Department of Defense announced its intention to terminate the Russian-American Observation Satellite (RAMOS) program earlier this year. The committee also understands that the Department desires to explore other opportunities for missile defense cooperative programs with the Russian Federation that build upon the experience gained in the RAMOS program.

The committee recommends an increase of \$5.0 million in PE 63884C to explore future opportunities for missile defense cooperation with the Russian Federation.

*Products*

The budget request contained \$418.6 million in PE 63889C for products.

The committee notes that the request represents a \$113.0 million increase from a fiscal year 2005 projection in the 2004 budget request. The committee also notes that the funding for Command and Control, Battle Management and Communications (C2BMC) has increased significantly from fiscal year 2004 with C2BMC efforts spread across blocks 2004, 2006 and 2008, even though block 2004 has not undergone full operational testing. While the committee supports in principle the concept of spiral development, it also notes that development of C2BMC software is complex and that successful spirals are grounded in successful testing of an initial baseline.

The committee recommends \$358.6 million in PE 63889C, a decrease of \$60.0 million and urges the Department of Defense to focus C2BMC efforts on near term block requirements.

*Sensors*

The budget request contained \$592.0 million in PE 63884C for sensors.

The committee notes that funding in PE 63884C for block 2006 ballistic missile defense radars has increased by \$156.0 million from the fiscal year 2004 budget request.

The committee is concerned with the projected costs of the Forward Deployable Radar (FDR) since the FDR program uses radar technology already developed for the Terminal High Altitude Area Defense system.

The committee recommends \$536.0 million in PE 63884C, a decrease of \$56.0 million for sensors.

*System interceptor*

The budget request contained \$511.3 million in PE 63886C for system interceptor. The committee notes that the request reflects a \$360.2 million increase from the fiscal year 2004 authorization.

The committee supports pursuing the land-based Kinetic Energy Interceptor (KEI) in block 2010 as an alternative to the Airborne Laser for boost phase defense. However, the committee also notes that the request contains funds for block 2012 even though the block 2010 effort just started in 2004. The block 2012 program includes options for a sea-based KEI. The block 2012 sea-based element is designed to integrate the block 2010 land-based KEI element into operational sea-based platforms.

The committee notes that block 2010 will serve as the foundation for the block 2012 program and that progress must first be achieved in the land-based KEI program prior to beginning work in earnest on future sea-based programs. The committee also notes that designation of a platform for the sea-based interceptor is dependent upon future decisions on future Navy force structure and ship design. At this stage of the KEI program, the committee views funding for a sea-based platform option as premature.

The committee recommends \$436.3 million, a decrease of \$75.0 million for system interceptor. The committee authorizes no funding for sea-based options in block 2012 until 30 days after the Department of Defense has submitted a report to the congressional defense committees that contains a Navy-approved plan for future force structure and existing ship and/or future ship design requirements to support operational deployment of the sea-based interceptors envisioned for block 2012.

The committee understands that the boost phase defense element is the least mature of the elements within the layered defense. Given the importance of intercepting a ballistic missile in the boost phase, the committee believes that the Department should be open to considering additional options for boost phase defense. The committee notes the speed with which United States and coalition forces have established air superiority in recent military operations. The committee is further encouraged by the successful operational demonstration of long duration unmanned aerial vehicles (UAVs) such as Global Hawk and the employment of the Predator UAV to remotely engage ground targets.

The committee observes that the Air Force has conducted some preliminary studies into the feasibility of using the advanced medium range air-to-air missile launched from tactical aircraft to intercept missiles in boost phase ascent. The committee believes that tactical aircraft or UAVs may offer an alternate launch platform for air intercept missiles for boost phase defense.

The committee recommends an increase of \$8.0 million in PE 63886C for assessments and demonstrations related to the use of tactical aircraft or UAVs as platforms from which to interdict threat ballistic missiles in their boost phase using "hit-to-kill" technologies. The committee directs the Secretary of the Air Force to provide all required test equipment and logistical support including aircraft and range support to facilitate this demonstration.

*Technology*

The budget request contained \$204.3 million in PE 63175C for ballistic missile defense technology.

The committee is aware of the requirement for missile defense command and control elements to transmit large amounts of data to interceptors. The committee recognizes that high density optical networks can provide this capability for defense satellite systems.

The committee recommends \$208.3 million in PE 63175C, an increase of \$4.0 million for research into massively parallel optical interconnects.

*Terminal defense segment*

The budget request contained \$937.7 million in PE 63881C for the ballistic missile defense terminal defense segment.

The committee notes that the Terminal High Altitude Area Defense (THAAD) program was negatively impacted by the boost motor propellant explosion in 2003. As a result of the explosion, a number of block 2004 program activities were deferred. The committee is particularly concerned with the deferral of risk reduction activities and schedule delays.

The committee recommends \$984.7 million in PE 63881C, an increase of \$47.0 million to reduce program risks and to prevent schedule delays in the THAAD program.

*Business management modernization program*

The budget request contained \$94.8 million in PE 65016D8Z for research, development, testing and evaluation for the business management modernization program (BMMP), a Department-wide initiative to transform business processes while standardizing and integrating information systems using common, network centric processes and portfolio management.

The committee supports such business transformation initiatives that would enable interoperability among financial, accounting, human resources, logistics, acquisition, information technology infrastructure, and strategic planning and budgeting systems. In addition, the committee believes the business enterprise architecture, once implemented and controlled, will be a good start towards achieving this goal. However, the committee has serious concerns that the final cost of this program will amount to almost \$1.0 billion by fiscal year 2009. Additionally, the committee is also concerned that the enterprise architecture is still incomplete at the present time. Furthermore, the Department has yet to devise a strategy to monitor the progress of this program or measure the program's development. It remains unclear whether this program will meet the Department's 2007 deadline for providing a clean financial audit opinion.

The committee notes that the Department's inability to control its business information technology investments has serious implications, including the continuous spending of billions of dollars on service-specific or non-interoperable system solutions that do not address longstanding business problems.

Additionally, the committee has serious concerns that this program lacks adequate accountability and management oversight to manage the Department's business system investments of roughly \$5.0 billion in the fiscal year 2005 budget request. The committee

believes it is critical that the Department gain more effective control and accountability over its business systems funding and insists on a clear direction and an overarching architecture before funding at the level suggested in the budget request is approved.

Accordingly, the committee recommends \$45.8 million for PE 65016D8Z for business management modernization, a decrease of \$49.0 million.

*Chemical/biological defense research, development, test and evaluation program*

The budget request contained a total of \$559.9 million for chemical/biological defense research, development, test, and evaluation, including \$36.8 million in PE 61384BP for basic research, \$104.4 million in PE 62384BP for applied research, \$117.3 million in PE 63384BP for advanced technology development, \$104.2 million in PE 63884BP for advanced component development and prototypes, \$152.4 million in PE 64384BP for system development and demonstration, \$42.7 million in PE 65384BP for RDT&E management support, and \$2.2 million in PE 67384BP for operational systems development. The budget request also contained \$147.5 million in PE 62383E for the Defense Advanced Research Projects Agency (DARPA) biological warfare defense research program.

The committee notes that the changing chemical and biological threat, both to U.S. armed forces on the world's battlefields and to U.S. homeland security, places more emphasis on the need for responsive technology options that could address the threat; the ability to quickly assess, develop, and demonstrate the technology; and then, the ability to rapidly insert or deploy the technology in fielded systems. The committee also continues to note the wealth of new concepts and technologies of varying levels of maturity that emerge annually from the nation's science and technology base. The committee recommends the continuation of two chemical and biological defense research and development initiatives established in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), one in the applied research category and one in the advanced technology development category, and the establishment of a third initiative in chemical and biological defense basic research, that would provide the opportunity for emerging technologies and concepts to compete for funding on the basis of technical merit and on the contribution that the technology could make to the chemical and biological defense capabilities of the armed forces and to homeland defense. During its review of the fiscal year 2005 budget request the committee received proposals for establishment of a number of projects that the committee recommends be considered for possible funding under the appropriate initiative.

*Accelerating the research, development, and acquisition of medical countermeasures against biological warfare agents*

In the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), Congress directed the Secretary of Defense to accelerate the Department's efforts to develop medical countermeasures (licensed by the Food and Drug Administration) against biological warfare agents. In addition, Congress directed the Sec-

retary to contract with the Institute of Medicine and the National Research Council (IOM/NRC) for a study of the review and approval process for new medical countermeasures in order to identify new approaches to accelerate that process and to identify methods for ensuring that new countermeasures would be safe and effective.

IOM/NRC report “Giving Full Measure to Countermeasures—Addressing Problems in the DOD Program to Develop Medical Countermeasures against Biological Warfare Agents—2004,” raises a number of issues concerning the current efforts of the Department of Defense chemical and biological defense program to produce medical biodefense countermeasures.

The committee directs the Secretary of Defense to review and evaluate the IOM/NRC report and to report the results of that review to the congressional defense committees by December 31, 2004. The Secretary’s report shall contain an analysis of the recommendations made in the IOM/NRC report and the actions planned by the Department with respect to each of the recommendations.

Elsewhere in this report the committee has directed the Secretary of Defense to report to the congressional defense committees on the actions taken to implement the authorities granted in Title XVI of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–186). The Act provides the authority for the Secretary to establish an enhanced biomedical countermeasures program within the Department to protect members of the Armed Forces from attack with chemical, biological, radiological, or nuclear (CBRN) agents. The committee has also recommended a provision (section 1005) that would remove funding restrictions on the development of medical countermeasures against biological warfare threats and enable the Department to respond more effectively to the increased threat that could be posed by rapid advances in biotechnology.

The committee directs the Secretary of Defense to provide to the congressional defense committees, with the submission of the fiscal year 2006 defense budget request, the Department’s strategic plan detailing its response to recommendations contained in the IOM/NRC report: the implementation of the additional authorities granted in Title XVI for accelerated research, development; the procurement of advanced biomedical countermeasures; and the repeal of funding restrictions on the development of countermeasures against biological warfare threats. This plan should provide the basis for the development by the Secretary of Defense of a strategic plan for the rapid development of biomedical countermeasures for protection of members of the Armed Forces against current and future biological agent threats.

*Chemical/biological defense basic research initiative*

The committee recommends that the technologies to be considered for funding under the basic research initiative include, but are not limited to the following:

- (1) Engineered pathogen identification and countermeasures (“Bug to Drug”);
- (2) Fluorescence activated sensing technology; and
- (3) Multi-purpose biodefense immunoarray.

The committee recommends \$51.8 million in PE 61384BP, an increase of \$15.0 million for the chemical/biological defense basic research initiative.

*Chemical/biological defense applied research initiative*

The committee recommends that the projects and technologies to be considered for funding under the applied research initiative include, but are not limited to the following:

- (1) Adaptive infrared imaging spectroradiometer-wide area-detector;
- (2) Air containment monitoring technology;
- (3) Automated system for liquid phase detectors of toxic compounds;
- (4) Genomic-based bioterrorism agent detection and countermeasures;
- (5) Heat shock protein vaccine creation process;
- (6) LHA-SAW biosensor prototype development;
- (7) Low cost chemical-biological protective shelters;
- (8) Membrane research for next generation chemical-biological protective suits;
- (9) Mustard gas antidote (STIMAL);
- (10) Rapid anti-body based biological countermeasures; and
- (11) Rapid decontamination system for nerve agents.

The committee recommends an increase of \$25.0 million in PE 62384BP for the chemical/biological defense applied research initiative.

*Chemical/biological defense advanced technology development initiative*

The committee recommends that the projects and technologies to be considered for funding under the advanced technology development initiative include, but not be limited the following:

- (1) Hand-held biological agent detection system;
- (2) Immuno biological/chemical threat agent detector;
- (3) Non-invasive vectored vaccine development; and
- (4) Recombinant protein vaccines.

The committee recommends \$152.3 million in PE 63384BP, an increase of \$35.0 million for the chemical/biological defense advanced technology development initiative.

*Joint biological point detection system*

The budget request contained \$152.4 million in PE 64384BP for chemical and biological defense system development and demonstration, including \$8.6 million for joint biological point detection system (JBPDS) system development and demonstration.

The committee recommends an increase of \$5.0 million in PE 64384BP for continued product improvement and enhancement of the JBPDS.

*Joint service lightweight standoff chemical agent detector*

The budget request contained \$152.4 million in PE 64384BP for chemical and biological defense system development and demonstration, including \$20.1 million for joint service lightweight standoff chemical agent detector (JSLSCAD) system development and demonstration.

The committee recommends an increase of \$8.0 million in PE 64384BP to continue development and evaluation of the JSLSCAD.

*Connectory for rapid identification of technology resources*

The budget request contained \$27.5 million in PE 63712S for generic logistics research and development technology demonstrations, but included no funding for the connectory of rapid identification of technology sources for the Department of Defense. The connectory pilot would provide the Department with instant access to the industrial technology base, permitting rapid identification of promising sources of new, creative technical solutions for current combat and anti-terrorism problems.

The committee recommends an increase of \$2.0 million in PE 63712S for connectory for rapid identification of technology resources.

*Counter-terrorism technology support*

The combating terrorism technology support program develops technology and prototype equipment that address needs and requirements with direct operational application in the national effort to combat terrorism. The program addresses defense, inter-agency, and international requirements for combating terrorism technology. Projects support antiterrorism, counter terrorism, intelligence and terrorism consequence management activities to: conduct tactical operations; protect military forces, civilian personnel, installations, infrastructure elements and the general population from terrorist attack; detect, neutralize, and mitigate the effect of conventional and unconventional devices; conduct surveillance and tracking of terrorists; conduct threat and incident assessments; and process and disseminate information.

The committee notes and highly commends the contributions made by the Technical Support Working Group (TSWG) in the development, demonstration, and fielding of advanced technologies for the fight against terrorism. The committee encourages the TSWG to coordinate with counterpart activities within the government of the United Kingdom and the government of Israel to take advantage of the experience of their activities in the development and fielding of advanced technologies for force protection and for combating terrorism.

In title XV of this report, the committee has recommended an increase of \$75.0 million for combating terrorism technology support. In addition, the committee directs that, of the funds provided in title II of this report for the Defense Advanced Research Projects Agency, up to \$25.0 million may be made available for the establishment of cooperative programs with the government of the United Kingdom and the government of Israel for the development of advanced technologies and prototype equipment for combating terrorism. The committee further directs the Secretary of Defense to give priority consideration to the experience of the government of Israel and the government of the United Kingdom in establishing such programs.

*Defense advanced research projects agency*

The Defense Advanced Research Projects Agency (DARPA) has been a leader and innovator in basic scientific research and defense

science and technology for decades. The committee has supported ever-increasing funding for DARPA as the only agency not tied to a military service mission and the demands of a service budget to produce quick results. The committee encourages DARPA to continue to examine the “far side,” and investigate concepts that may never come to fruition.

Nevertheless, DARPA remains a Defense Agency and must be closely attuned to real defense requirements. Furthermore, the pursuit of the more futuristic technologies on the “far side” must be tempered by the hard fact that we are a nation at war. Our commanders and troops in Iraq have immediate needs for innovative technical solutions across a variety of disciplines. The committee commends DARPA on its quick reaction support and fielding of advanced innovative technologies to meet emerging critical operational needs of our forces in Operation Iraqi Freedom and elsewhere in support of the global war on terrorism.

The committee believes, however, that DARPA should redirect some of its more futuristic efforts to the solution of today’s combat problems. Those immediate needs involving detection, sensing, protection, surveillance and a host of other issues may well be “DARPA hard” problems that the Agency should be examining, rather than some of the more futuristic efforts in the DARPA program.

The committee recognizes that DARPA receives input from the military departments, Joint Staff, combatant commanders, and other defense agencies, as the agency leadership builds a program to address national-level problems, operational dominance, and exploitation of high-risk, high-payoff technologies. The committee commends the director of DARPA for his outreach program and operational liaison initiatives. The committee believes, however, that increased emphasis needs to be placed on liaison with the combatant commanders and directs the director of DARPA to establish continuing contact with engaged combatant commanders to determine how DARPA may assist in solving today’s real world combat problems, while at the same time continuing promising research into long term creative technologies. In support of these liaison initiatives, the committee strongly recommends that additional military billets be assigned to DARPA and that military officers assigned to DARPA be given joint service credit at the completion of their tour of duty with the agency.

Although the committee is pleased with the overall progress in the defense science and technology program, the committee believes that increased priority must be given to the nearer-term requirements of the combatant commanders and U.S. armed forces in the field. Consequently, the committee makes a series of recommendations for general reductions in DARPA programs:

[In millions of dollars]	
62301E—Computing systems and communications technology .....	(20.0)
62702E—Tactical technology .....	(10.0)
62712E—Materials and electronics technology .....	(10.0)
63285E—Advanced aerospace systems .....	(20.0)
63739E—Advanced electronics technology .....	(5.0)

63760E—Command, control and communications systems .....	(20.0)
63762E—Sensor and guidance technology .....	(25.0)
63765E—Classified DARPA programs .....	(25.0)
63766E—Network-centric warfare technology .....	(15.0)

These recommendations are made without prejudice to the particular account identified.

*Defense science and technology funding*

The budget request contained \$10.6 billion for the Department of Defense (DOD) science and technology program, including all defense-wide and military service funding for basic research, applied research, and advanced technology development. The request included \$1.8 billion for the Army, \$1.7 billion for the Navy, \$1.9 billion for the Air Force, and \$5.1 billion for Defense Agency science and technology, including \$3.1 billion for the Defense Advanced Research Projects Agency (DARPA). The committee recommends \$11.1 billion for the Department of Defense science and technology program, an increase of \$874.0 million to the budget request. The committee's recommendation includes \$2.1 billion for the Army, an increase of \$304.8 million; \$1.8 billion for the Navy, an increase of \$201.7 million; \$2.0 billion for the Air Force, an increase of \$114.0 million; and \$5.2 billion for Defense agency science and technology, an increase of \$64.5 million (including \$2.9 billion for DARPA, a decrease of \$204.0 million). Elsewhere in this report the committee has recommended a provision (section 214) that would transfer funding for the joint experimentation program from the Navy to a Defense-wide account.

The committee regards defense science and technology investment as critical to maintaining U.S. military technological superiority in the face of growing and changing threats to U.S. national security interests around the world. Adjusted for inflation, the fiscal year 2005 request represents an increase of about \$200.0 million, but shows a decline from the fiscal year 2004 appropriation of \$12.2 billion. The committee notes that the budget request at a level of 2.6 percent of the total DOD budget, does not meet the goal of 3 percent established by the 2001 Quadrennial Defense Review. However, the committee received testimony from DOD witnesses during the committee hearing on the defense science and technology program that confirmed that the goal for science and technology funding remains 3 percent of the total DOD budget.

The committee notes that the military departments are responsible for approximately 51 percent of the defense science and technology budget (Army 17 percent, Navy 16 percent, and Air Force 18 percent) and Defense Agencies account for 49 percent, including 29 percent in DARPA. Defense agencies focus on science and technology specific to the particular agency or, in the case of DARPA, on national-level problems, operational dominance, and exploitation of high-risk, high-payoff technologies. The military departments' science and technology programs focus on the development and transition of more mature technologies into future weapons systems that are key to the ability of the individual military departments to achieve their transformation objectives.

The past year has provided numerous examples of successful technology development and deployment. The men and women of the U.S. armed forces are better equipped, trained, and protected because of revolutionary breakthroughs emerging from the technology base. The committee commends the Department for the response of the Defense science and technology base to the emerging critical operational needs in support of the global war on terrorism and Operation Iraqi Freedom. Elsewhere in this report the committee has recommended increased funding to further accelerate the transition of advanced technologies.

Despite the positive aspects of the Department's science and technology program, the committee is concerned about long-term projections for reductions in DOD science and technology as a percentage of total obligation authority and in short-term trends in the science and technology accounts of some of the military departments and defense agencies. The committee cannot emphasize too strongly the need for the Department to maintain a strong and robustly funded science and technology program that will provide the advanced technologies needed to assure technical dominance of our armed forces on any current or future battlefield.

*Expanding the role of small businesses in the defense acquisition process*

The committee subscribes to the view that small businesses are the nation's engine of technology innovation. The Department of Defense (DOD) spends significant sums annually on Phase I and Phase II Small Business Innovative Research (SBIR) technology development. In many cases, however, successful results of the department's investment have not been transitioned into the mainstream of system acquisition programs.

The committee believes that our soldiers, sailors, airmen, and marines deserve to have the best tools possible as they wage the global war on terrorism. The committee notes the recent Navy-Marine Corps quick-response SBIR solicitation seeking immediate innovative technology approaches for protecting Marines from improvised explosive devices, rocket-propelled grenades, mortars, rockets, and missiles during combat. Broader participation by the nation's small business community is needed now to meet emergent DOD requirements in support of the global war on terrorism, as well as to improve the capability and lower the cost of weapon systems through application of advanced technologies developed by small businesses.

The committee strongly endorses the President's Executive Order 13329, Encouraging Innovation in Manufacturing, directing that SBIR awards involving manufacturing and manufacturing technology be given priority. This is an essential step in broadening the defense industrial base and creating new manufacturing capacity in the United States. In recent years Congress has clarified SBIR Phase III contracting authority and data rights provisions in an attempt to clear the way for the military services to transition promising Phase I and Phase II SBIR technology development efforts to the mainstream of defense acquisition. The committee is encouraged by the small cadre of DOD program managers who have effectively transitioned SBIR technology into their programs through award of Phase III contracts. The committee believes that strong

leadership from the Office of the Secretary of Defense is necessary in order to ensure that all the benefits from the Department's significant annual SBIR technology development investment are realized.

The committee recognizes that an essential element of acquisition reform is the continuing evolution of the acquisition culture in the Department by program managers who possess the insight and commitment to take advantage of small innovative businesses through Phase III transition of SBIR technology. The committee directs that the Under Secretary of Defense for Acquisition, Technology and Logistics (USD (AT&L)) encourage DOD acquisition program managers and prime contractors to make significantly more SBIR Phase III contract awards than has been done in the past. The committee further directs the USD (AT&L) to provide a report to the congressional defense committees, by March 31, 2005, to (1) provide information on DOD SBIR Phase III awards during the past three years; (2) describe what action the Office of the Secretary of Defense has taken to encourage DOD acquisition program managers to award SBIR Phase III contracts at a higher rate and to make award of SBIR Phase III contracts a priority within the Defense Acquisition system; and (3) identify specific Phase III transitions that have been conducted or are planned in fiscal year 2005.

#### *High-speed/hypersonic reusable demonstration*

The budget request contained \$339.2 million in PE 62702E for tactical technology applied research, including \$15.0 million for the high-speed/hypersonic reusable demonstration.

The committee supports the objectives of the high-speed/hypersonic reusable demonstration. However, because there are higher priority, near-term requirements associated with the global war on terrorism, the committee believes that the DARPA high-speed, hypersonic reusable demonstration should be deferred.

The committee recommends a decrease of \$15.0 million in PE 62702E, and no funding for the high-speed/hypersonic reusable demonstration.

#### *Horizontal fusion*

The budget request contained \$214.2 million in PE 35199D8Z for Net Centricity, which includes the horizontal fusion program, and \$23.3 million for Washington Headquarters Services major equipment, which includes \$10.5 million for horizontal fusion. The committee is aware that horizontal fusion reflects a significant shift in the Department of Defense's (DOD) approach to intelligence data. Currently intelligence analysts process and analyze data before delivering it to the field for use. The Department realized the more efficient way to provide timely intelligence to the warfighter is to post data quickly, allowing analysts in the field to do unit specific analysis. This philosophical shift necessitates significant changes in the systems that hold the information and form the basis of the DOD network.

However, the committee is concerned that the scale of the Department's undertaking is unprecedented, even compared to the commercial sector's use of metadata, which tags data with descriptive information and lists it in a central registry, to manage its applications. The committee is concerned that the scope of this pro-

gram to exploit data on this level without a systems architecture to define data and terms to ensure that the information is consistent for all users could compromise intelligence and cause technological failures. The committee believes the Department must set the rules, standards, protocols, and other parameters to determine who or what entity is ultimately responsible for the data, before the funding at the level proposed in the budget request can be productively expended.

Accordingly, the committee recommends \$144.2 million in PE 35199D8Z for continued research, a reduction of \$70.0 million, and \$18.9 million for Washington Headquarters Services major equipment procurement, a reduction of \$4.4 million for horizontal fusion.

#### *Implementation of defense biomedical countermeasures*

Title XVI of the National Defense Authorization Act for 2004 (Public Law 108–186) provides authority for the Secretary of Defense to establish an enhanced biomedical countermeasures program within the Department of Defense to protect members of the Armed Forces from attack with chemical, biological, radiological, or nuclear (CBRN) agents. This title of Public Law 108–136 parallels H.R. 2122, the Project Bioshield Act of 2003, which was developed in response to the Bioshield initiative announced by the President in his State of the Union address to the Congress on January 20, 2004; passed in the House of Representatives; and introduced in the Senate. Title XVI addresses research and development, procurement, and emergency use of biomedical countermeasures.

Section 1601 requires the Secretary of Defense to establish a program to accelerate research and development of biological countermeasures to CBRN threats and provides authorities to speed research.

Section 1602 authorizes the Secretary of Defense to enter into an interagency agreement with the Secretaries of Homeland Security and Health and Human Services to provide for acquisition by the Secretary of Defense for use by the Armed Forces of biomedical countermeasures procured for the Strategic National Stockpile by the Secretary of Health and Human Services. Section 1602 also authorizes the Secretary of Defense to transfer those funds to the Secretary of Health and Human Services that are necessary to carry out such agreements and the Secretary of Health and Human Services to expend any such transferred funds to procure such countermeasures for use by the Armed Forces, or to replenish the stockpile.

Section 1603 establishes conditions under which the Secretary of Health and Human Services may authorize emergency use by the general public of certain drugs, devices, or biological products based on a determination by the Secretary of Defense that there is a military emergency involving a heightened risk to United States military forces of attack with specified CBRN agents. Section 1603 would also authorize the President to waive the right of service members to refuse the administration of such a biomedical countermeasure.

The committee directs the Secretary of Defense to report to the congressional defense committees by December 31, 2004, on the actions taken to implement the authorities granted in title XVI of the Act.

*Man portable air defense system defense program*

The budget request included \$14.1 million in PE 64618D8Z for systems development and demonstration (SDD) for a network-centric, portable, ground-based, counter-man portable air defense system (MANPADS).

SDD programs require validated requirements and technologies that have been demonstrated in at least a laboratory or test range environment. There are no validated requirements for this program, nor have any technologies been demonstrated. Further, the committee understands the concept for this program was considered by the Department of Homeland Security for its on-going program to protect civilian aircraft from the MANPADS threat and was rejected. Consequently, this program would be unique to the military services. Finally, the committee believes the Office of the Secretary of Defense (OSD) should not be managing programs that are inherently within the purview of the military services.

If OSD, in its oversight role, believes that there is sufficient merit in the concept engendered in this request, it should mandate incorporation of the concept within one of the several counter-MANPADS programs resident within the military services and defense agencies as part of their research and development programs.

The committee recommends no funds in PE 64618D8Z for fiscal year 2005, a decrease of \$14.1 million.

*Measures and signatures intelligence consortium*

The budget request contained no funds in PE 35884L for intelligence planning and review for the Measures and Signatures Intelligence (MASINT) Consortium.

The MASINT Consortium, led by the Defense Intelligence Agency, began in fiscal year 2003 by congressional directive to coordinate basic and applied science research as it relates to the Intelligence Community (IC) and the Department of Defense. The committee believes this is an IC requirement that encourages the advancement of basic and applied systems research within the MASINT discipline. Amplifying information on this issue may be found in the classified annex to this report.

The committee recommends an increase of \$10.0 million in PE 35884L for the MASINT Consortium.

*Medical free electron laser*

The budget request contained \$9.7 million in PE 62227D8Z for medical free electron laser applied research.

The committee notes that the medical free electron laser program seeks to develop advanced, laser-based applications for military medicine and related materials research. Because free electron lasers provide unique pulse features and tunable wavelength characteristics that are unavailable in other laser devices, their use broadens the experimental options for the development of new laser-based medical technologies. The program is a merit-based, peer-reviewed, competitively awarded research program, the majority of which is focused on developing advanced procedures for rapid diagnosis and treatment of battlefield related medical problems.

The committee recommends \$19.7 million in PE 62227D8Z, an increase of \$10.0 million to continue the merit-based, peer-re-

viewed, competitively awarded program in medical free electron laser applied research.

*Multi-wavelength surface scanning biologics sensor*

The budget request contained \$17.6 million in PE 63714D8Z for the advanced sensor applications program.

The committee notes on-going research in the use of multi-wavelength excitation spectral technology for the detection and identification of biologic agents that are not discernible with conventional sensors. The committee understands that successful demonstration of this technology for two dimensional fluorescence that spectrally resolve the target in both excitation and emission dimensions could provide the capability to detect and identify biological agents and a significant improvement in the scanning and screening of potentially contaminated locations. Congress appropriated \$2.0 million in fiscal year 2004 to continue previously funded work on the technology and support evaluation of a laboratory test bed system with a wide range of simulated and target bacteria and pathogens and environmental backgrounds. The committee understands that the success of these efforts has motivated further testing of the laboratory test bed prototype to support the design and development of a second generation or "beta" system with significantly expanded capabilities.

The committee recommends an increase of \$3.0 million in PE 63714D8Z to continue the program for development and demonstration of two-dimensional fluorescence spectral sensing instruments for the real-time detection and identification of pathogens.

*National Defense University technology pilot program*

The budget request contained \$30.6 million in PE 65104D8Z for the Office of the Secretary of Defense technical studies, support, and analysis.

The committee notes that the National Defense University (NDU), supported by funding provided by the Director of Defense Research and Engineering, has established a pilot research and analysis program focused on defense policy issues that have significant technology elements. The committee further notes that the objective of this program is to determine how the United States can maintain its competitive edge against other military adversaries at a time when commercial information technology (IT) is readily available on the global market. The committee is interested to learn the results of NDU's proposed pilot programs for fiscal year 2005 which include the use of IT for stabilization efforts and reconstruction operations in Iraq, and homeland security.

Accordingly, the committee recommends \$31.6 million for PE 65104D8Z, an increase of \$1.0 million for the NDU technology pilot program.

*Nuclear weapons effects applied research*

The budget request contained \$249.8 million in PE 62716BR for applied research in weapons of mass destruction defeat technology, including \$67.8 million for applied research in weapons effects technology.

The committee continues to note that the budget for nuclear weapons effects applied research has declined dramatically since

the early 1990s and the decline in the budget has been accompanied by a decline in the capability for and expertise in analysis of nuclear weapons effects. The current program uses a combination of computer analysis, simulation and protection technology to address key issues regarding the survivability of critical U.S. systems in a potential nuclear environment, including missile defense interceptors, satellite electronics, and warfighting command, control, communications and intelligence (C3I) systems and facilities. The committee believes that the U.S. nuclear weapons effects analysis capability needs to be revitalized to address emerging 21st Century threats, such as the potential for terrorist use of radiological dispersion devices (“dirty bombs”) or crude nuclear weapons in an urban environment; the potential effect of electromagnetic pulse generated by a nuclear weapon on C3I and other electronic systems; the potential use of small nuclear weapons for defeat of chemical or biological agents, or for defeat of hard and buried targets; and analysis of requirements for defense of critical assets.

The committee recommends \$259.8 million in PE 62716BR, an increase of \$10.0 million for nuclear weapons effects applied research.

*Operationally responsive satellite*

The budget request contained \$19.6 million in PE 65799D8Z for Force Transformation Directorate, but contained no funds for operationally responsive satellites.

With the advent of operationally responsive launches, the committee believes research and development should begin on the use of satellites that would fit this new family of launch vehicles and address near-term warfighter requirements. These new satellites should provide critical capabilities from space in an affordable, reliable, and timely manner. This new perspective on satellite acquisition represents a truly transformational strategy and, as such, should be managed by the Secretary of Defense’s new Office of Force Transformation.

The committee recommends \$44.6 million in PE 65799D8Z, an increase of \$25.0 million for the development of operationally responsive satellites.

*Smart machine platform initiative*

The budget request contained \$11.0 million in PE 78011S for Industrial Preparedness, of which no funds were requested for the Smart Machine Platform Initiative.

The committee has been encouraged by the efforts of the machine tool industry to develop breakthrough technology for defense manufacturing applications by which the next generation of machine technology will provide the capability to monitor and modify a work plan during the production process. This smart machine technology would substantially reduce both the cost and time to develop defense products.

The committee recommends \$23.2 million for PE 78011S, an increase of \$12.2 million for the Smart Machine Platform Initiative.

*Space and missile defense command simulation center*

The budget request contained \$186.7 million for the high performance computing modernization program, which includes the

Army Space and Missile Defense Command (SMDC) Simulation Center. The center is a mission critical computer facility established to provide supercomputer computational assets with high performance network and storage support for the development, testing, and integration of strategic defense technologies and simulations including computational physics and chemistry, weapons design, and force modeling for SMDC, the Missile Defense Agency (MDA), and the military services. The committee understands that the SMDC needs to upgrade its information technology systems to meet computational demands for simulation, testing, and evaluation of advanced interceptors and sensors. The committee believes the technology upgrades are important to the work the SMDC is presently conducting.

Accordingly, the committee recommends \$192.7 million in PE 63755D8Z, an increase of \$6.0 million for the SMDC.

*Special operations advanced technology development*

The budget request contained \$48.8 million in PE 116402BB for special operations advanced technology development, but contained no funding for development of long term battery-free power sources, the advanced target identification capability for AC-130U gunships, the ANGELFIRE active protection system, and the surveillance augmentation vehicle-insertable on request (SAVIOR) system.

The committee is aware of the need for power sources that may be used to supply power to remote monitoring and surveillance sensors for long periods of duration. Furthermore, the committee understands that promising technology exists that may meet that military requirement by converting ambient light to power.

The advanced target identification system is a significant enhancement to the gunship radar and will enable the crew to make accurate and near instantaneous identification of friendly and enemy vehicles on the battlefield. To complete the project, funding is needed to fully integrate identification software with a family of ground and airborne systems.

ANGELFIRE is a promising integrated sensor and countermeasure package with the potential to provide increased protection to lightly protected military aircraft and vehicles in hostile environments. Such systems are urgently needed in today's increasingly lethal operating environments.

The SAVIOR system also promises to increase force protection for troops operating in cluttered, urban environments. SAVIOR is a mobile, intelligent sensor suite that can alert ground forces to the presence of a threat with its intensive surveillance network.

The committee recommends \$64.8 million for PE 1160402BB special operations advanced technology development, increases of \$4.0 million to develop battery free power sources for sensors, \$3.0 million for the advanced identification capability for AC-130 gunships, \$6.0 million to develop the ANGELFIRE active protection system, and \$3.0 million for development of the SAVIOR system.

*Special operations technology development*

The budget request contained \$13.1 million in PE 116401BB for special operations technology development, but included no funding for shoulder fired smart round (SPIKE) urban warfare system de-

velopment. The SPIKE missile fills a critical need for a low-cost, light-weight fire and forget missile for ground troops to use against lightly armored and other material targets and has possible maritime application as well.

The committee recommends \$16.1 million in PE 116401BB, an increase of \$3.0 million for SPIKE missile development.

*Stimulated isomer energy release*

The budget request contained \$339.2 million in PE 62702E for tactical technology applied research, including \$4.0 million for stimulated isomer energy release.

The committee is aware that the Defense Advanced Research Project Agency (DARPA) is funding research to investigate the feasibility of stimulating the release of energy stored in nuclear isomers. The committee understands that the DARPA-sponsored research is investigating two of the most difficult technical challenges in this program and that the research is being conducted in the national laboratories, the Department of Energy, the military service laboratories, and other facilities. Given the significant policy issues associated with any eventual use of an isomer weapon and given the inability of distinguished scientists to replicate the reported successful triggering experiment of 1998, the committee believes that the Department of Defense should not be engaged in this research. The proper agency to investigate the feasibility of this technology is the National Nuclear Security Administration and its national laboratory complex. The committee questions the utility of this research in any circumstances and is particularly skeptical of research into nuclear isomer production before triggering is shown to be possible.

Accordingly, the committee directs the Secretary of Defense to terminate this program, and recommends no funding for the stimulated isomer energy release in PE 62702E, a reduction of \$4.0 million.

*Tasking, processing, exploitation, and dissemination of SYERS-2 data*

The budget request contained no funding in PE 35102BQ for defense imagery and mapping.

The committee is concerned that multi-spectral data from the SYERS-2 sensor is not being exploited by the National Geospatial Intelligence Agency (NGA).

The committee recommends \$3.0 million in PE 35102BQ, an increase of \$3.0 million to permit the NGA to fully process, exploit, and disseminate SYERS-2 data.

*Use of research and development funds to procure systems*

The committee has observed the increasing use of funds designated for research and development (R&D) purposes to acquire operational platforms. The fiscal 2005 budget proposal would take the practice to unprecedented levels, with three DD(X) and two LCS ships, three E-2C aircraft, and eleven VH-XX helicopters proposed for acquisition with R&D funds.

The use of R&D funds for prototypes and truly developmental items is both proper and prudent. This practice also makes sense when, following the completion of testing, a test asset still has use-

ful capability to bring to the operational fleet. However, it is difficult to believe that nearly half of the VH-XX fleet, for example, qualifies as prototypes or dedicated test assets. The fact that the platforms may occasionally be used for some testing purposes does not, in the committee's view, qualify them as research craft. Indeed, the committee would be surprised were the department actually proposing to regularly carry the President on prototype aircraft.

While the committee recognizes the increased flexibility of R&D funds in acquiring platforms, there is concern that placing acquisition programs in the R&D budget, particularly at their early, least stable stage, threatens other programs, particularly in science and technology. The R&D budget is a very small pool from which to fund acquisitions of large items like ships, and as procurements are must-pay bills, typical procurement cost-growth would put the rest of the R&D budget at risk.

The committee's action with regard to particular programs funded in R&D should therefore be seen not only as a reflection of the merits of those items, but also as an expression of concern over the rapidly expanding portion of the R&D budget being used for purposes other than R&D.

#### *Walrus*

The budget request contained \$339.2 million in PE 62702E for tactical technology applied research, including \$10.0 million for the Walrus program, and \$361.0 million in PE 63285E for advanced aerospace systems advanced technology development, including \$10.0 million for the Walrus program.

The committee notes that the Defense Advanced Research Projects Agency (DARPA) Walrus program would combine technologies for high-strength and low structural weight airframes, high efficiency propulsion systems; and heavy-lift cargo transport investigated in earlier DARPA programs. The Walrus program would develop and evaluate a very large "hybrid" airlift vehicle concept that is designed to fly through a combination of aerodynamics and gas buoyancy. The first phase of the program would include system studies and development of a notional objective vehicle and would be followed by a competitive second phase that would lead to the development, design, build, and initial flight test of an advanced technology demonstration air vehicle with air lift capability comparable to a C-130 aircraft. As envisioned, an objective vehicle would be capable of lifting over 500 tons across inter-continental distances.

The committee acknowledges the Department of Defense's objective of being able to deploy quickly to overseas theaters from the continental United States. Nevertheless, the committee is also aware of previous programs in the late 1980s and early 1990s that envisioned very large, long-endurance airship concepts for inter-theater lift, which after some initial enthusiasm were not pursued because of the large costs associated with the development and production of such systems. The committee has also received no estimates of the potential development and production costs for the Walrus concept. Because there are higher priority, near-term requirements associated with the global war on terrorism, the com-

mittee believes that the work on the DARPA Walrus program should be deferred.

Accordingly, the committee recommends no funding for the Walrus program, a reduction of \$10.0 million in PE 62702E and a reduction of \$10.0 million in PE 63285E.

#### OPERATIONAL TEST AND EVALUATION, DEFENSE

##### Overview

The budget request contained \$305.1 million for Operational Test and Evaluation, Defense.

The committee recommends \$305.1 million, no change to the budget request.

**Title II - RESEARCH, DEVELOPMENT, TEST AND EVALUATION**  
(Dollars in Thousands)

PE Name	Line	PROGRAM TITLE	FY 2005	Committee		FY 2005
			Authorization Request	Change	Increase	Decrease
		<b>OPERATIONAL TEST &amp; EVALUATION, DEFENSE</b>				
0603941D8Z	1	Test & Evaluation Science & Technology	16,295			16,295
0604940D8Z	2	Central Test and Evaluation Investment Development (CTEIP)	123,562			123,562
0605118D8Z	3	Operational Test and Evaluation	42,390			42,390
0605131D8Z	4	Live Fire Testing	10,209			10,209
0605804D8Z	5	Development Test and Evaluation	112,679			112,679
		<b>TOTAL, OPERATIONAL TEST &amp; EVALUATION, DEFENSE</b>	<b>305,135</b>			<b>305,135</b>

## LEGISLATIVE PROVISIONS

## SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

## Section 201—Authorization of Appropriations

This section would establish research, development, test and evaluation authorization levels for the Department of Defense for fiscal year 2005.

## Section 202—Amount for Defense Science and Technology

This section would establish defense science and technology authorization levels for the Department of Defense for fiscal year 2005.

## SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

## Section 211—Future Combat Systems Program Strategy

This section would limit authorization of appropriations for Future Combat Systems (FCS) in fiscal year 2005 to \$2.2 billion until the following is submitted to Congress prior to the Milestone B update:

- (1) An independent program cost estimate;
- (2) A report on the maturity levels of critical technologies;
- (3) A report on the status of the network and command, control, communications, computers, intelligence, surveillance and reconnaissance components; and
- (4) The key performance parameters.

This section would also require the Secretary of the Army to certify that the following requirements are applied to the Future Combat Systems program:

- (1) At the design readiness review, 90 percent of engineering drawings will be releasable to manufacturing;
- (2) Before production facilitization and long lead items are contracted for, the performance of the information network is demonstrated to be acceptable, including the contributions of complementary programs such as the Joint Tactical Radio System and the Warfighter Information Network-Tactical;
- (3) Before the initial production decision, prototypes of each system demonstrate their collective ability to meet system of system requirements when integrated with the network.

FCS is a revolutionary system of systems that the Army is developing to equip its future forces. FCS consists of an information network that links a suite of 18 new smaller and lighter manned and unmanned ground vehicles, air vehicles, sensors, and munitions. The success of FCS depends on the ability of the network to collect, process, and deliver vast amounts of information such as imagery and communications and the performance of the individual systems themselves.

The committee supports the Army's transformation goals and the desired capabilities that the FCS program promises. However, the committee is greatly concerned about the Army's ability to deliver these capabilities within cost and schedule estimates. The Army has never managed any program of the size and complexity of FCS:

18 systems, 32 critical technology areas, 34 million lines of code, 129 trade studies, and 157 other necessary systems outside of the FCS program structure.

In its March 2004 report, the General Accounting Office indicated the FCS program has many of the same risk markers that have led to problems on other programs. These include:

- (1) An extremely challenging and unforgiving requirement to outperform the current heavy force at a fraction of the weight and logistics footprint;
- (2) Reliance on numerous advanced yet immature technologies to meet the requirement; and;
- (3) A schedule that proceeds to production in an unprecedented 5½ years.

The committee is aware of the fiscal realities that make it difficult to fund simultaneously the development of transformational future military systems and the maintenance and sustainment of current military systems. FCS will field 15, brigade like, Units of Action by 2025. This will constitute about one-third of the active component of the Army. The Army does not have a plan and has not budgeted funds to sustain the current force through 2025. The committee believes that the current force must be provided with a sufficient sustainment and modernization budget such that this force remains capable, reliable, interoperable, and relevant until FCS can assume the majority of the responsibility for the Army's mission.

#### Section 212—Collaborative Program for Research and Development of Vacuum Electronics Technologies

This provision would require the Secretary of Defense to establish a program for research and development in advanced vacuum electronics technology to meet Department of Defense (DOD) requirements for radio frequency electromagnetic systems. The program would be carried out collaboratively by the Director of Defense Research and Engineering, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Army, and other appropriate elements of the Department of Defense. The provision would also increase the fiscal year 2005 budget request for vacuum technology research and development by a total of \$15.0 million, an increase of \$10.0 million in PE 62771N for vacuum electronics applied research and an increase of \$5.0 million in PE 63771N for vacuum electronics advanced technology development.

The committee has long recognized the unique needs of the Department of Defense for high power vacuum electronics for radar and other electromagnetic systems, and has advocated increased funding for research and development in advanced vacuum electronics technology. The committee reports on H.R. 1402 (H. Rept. 106–162) and on H.R. 4546 (H. Rept. 107–436) noted the committee's support for a robust vacuum electronics research and development program in the Department of Defense and other federal agencies. The committee has reviewed the results of the Secretary of the Navy's report to Congress on the DOD vacuum electronics program and the Department's April 2001 Technology Area Review and Assessment (TARA) on creating a balanced tri-service investment strategy for RF vacuum electronics and solid-state power electronics technologies. In the committee report on H.R. 4546, the

committee endorsed the TARA views on the criticality of support for both vacuum electronics and solid-state power electronics technologies. The committee notes the TARA review's recommendations for increased funding in the tri-service vacuum electronics program and for establishment of a combined tri-service initiative to rapidly advance wide band gap semiconductor device technology to enable advanced military radar and other systems requiring power electronics in the mid-to-long term.

Section 212 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) required the Secretary of Defense to establish a collaborative program for development of advanced radar systems, which has focused on developing the technology for high frequency and high power wide band gap semiconductors recommended in the TARA review. Section 212 of this Act would implement the TARA recommendation for the tri-service vacuum electronics program.

The committee expects the Under Secretary of Defense (Acquisition, Technology, and Logistics), acting through the Director of Defense Research and Engineering, to ensure a balanced investment strategy for vacuum electronics and solid state power technologies that will meet DOD requirements for current and future systems that use radio frequency power electronics.

#### Section 213—Annual Comptroller General Report on Joint Strike Fighter Program

This section would establish an annual review of the Joint Strike Fighter system development and demonstration (SDD) program by the Comptroller General to be submitted to Congress by March 15, of each year. The report would include the extent to which such SDD program is meeting established performance, cost, and schedule goals; the plan for such SDD for the next fiscal year; and a conclusion whether such SDD program is likely to be completed at a cost not in excess of the most recent Selected Acquisition Report. The final report required by this section would be submitted on March 15, 2009.

#### Section 214—Amounts for United States Joint Forces Command to be Derived Only from Defense-wide Amounts

This section would transfer funding for the joint warfare experimentation program and related Joint Forces Command programs from Research, Development, Test and Evaluation, Navy to a Defense-wide account.

In 1998, the Secretary of Defense chartered the combatant commander, U.S. Joint Forces Command, as the executive agent for conducting joint warfighting concept development and experimentation within the Department of Defense. The committee believes that, as the Department's executive agent for joint warfighting concept development and experimentation, the command's budget for joint warfare experimentation and related programs should be independent of, and separate from the budgets of the military departments. The committee also notes that the precedent that has been established by the Department in maintaining the budgets for the Joint Staff and defense agencies separate from the budgets of the military departments. The committee also observes that main-

taining the budget for the joint warfare experimentation and transformation programs as a part of budget request for the Navy's science and technology program tends to create a false impression of funding levels for the latter.

The committee directs the transfer of funding for the Joint Forces Command joint experimentation, joint warfare experiments and joint warfare transformation programs from Research, Development, Test, and Evaluation, Navy to Research, Development, Test, and Evaluation, Defense-wide, as follows:

- (1) \$167.7 million for Joint Experimentation from Navy PE 32727N to Defense-wide PE 63xx1;
- (2) \$26,000 for Joint Warfare Experiments from Navy PE 63757N to Defense-wide PE 63xx2, and;
- (3) \$22.5 million for Joint Warfare Transformation Programs from Navy PE 64787N to Defense-wide PE 63xx3.

#### Section 215—Authority of Director of Defense Research and Engineering to Award Prizes for Advanced Technology Achievements

This section would amend the process by which the Secretary of Defense carries out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the military missions of the Department of Defense. The amendment would provide that the program would be carried out by the Secretary of Defense, acting through the Director of Defense Research and Engineering, rather than through the Director, Defense Advanced Research Projects Agency.

#### Section 216—Space Based Radar

This section would prohibit the Space Based Radar program from proceeding to Department of Defense acquisition milestone B. The program may not proceed until 30 days after meeting the requirement to notify the congressional defense committees and the intelligence committees of the completion of an independent cost estimate, a technology maturity and readiness assessment, and the system design concept.

#### Section 217—Mark-54 Torpedo Product Improvement Program

This section would provide \$2.0 million of funds authorized in Navy, Research and Development for the Mark-54 Product Improvement Program.

### SUBTITLE C—BALLISTIC MISSILE DEFENSE

#### Section 221—Fielding of Ballistic Missile Defense Capabilities

This section would allow the Department of Defense to use research, development, test and evaluation funding to develop and field ballistic missile defense capabilities with funds appropriated in fiscal years 2005 and 2006.

The committee is concerned with the Department's plans to transition program elements of the ballistic missile defense program from the Missile Defense Agency to the military services. The committee notes that section 223(a) of the National Defense Authoriza-

tion Act for Fiscal Year 2004 (Public Law 108–136) requires the Secretary of Defense to submit with the annual budget request the potential date of availability of individual ballistic missile defense program elements for fielding, and the estimated date for the transfer of individual ballistic missile defense system elements from the Director of the Missile Defense Agency to the secretary of a military department. The committee expects that the fielding and acquisition strategy provided by the Department will assist the committee in considering future requests by the Department to use research, development, test and evaluation funds for the development and fielding of ballistic missile capabilities.

### TITLE III—OPERATION AND MAINTENANCE

#### OVERVIEW

The budget request contained \$140.6 billion for operation and maintenance funds throughout the Department of Defense (DOD). The committee reviewed this request to evaluate whether readiness accounts are properly funded and managed for a peacetime environment. The committee conducted a focused review on joint training, logistics transformation, prepositioned assets, as well as the overall readiness of military units.

The committee believes the Secretary of Defense and DOD leadership recognize the importance of joint training and are taking appropriate action to implement the Joint National Training Capabilities program. DOD leadership also appears committed to improving logistics and providing total asset visibility of supplies and personnel to the combatant commanders. The committee will continue in its oversight role to evaluate whether various training exercises and logistics systems migrate toward a joint environment or whether military-unique training and stove-piped logistics systems continue to be the norm. The committee believes any program identified as joint, total, or global will face some level of resistance. The burden will be on the Secretary of Defense and the secretaries of the military departments to adopt and endorse programs that benefit the Department as a whole, rather than merely benefiting a particular service or agency.

The committee also believes the Secretary of Defense and the secretaries of the military departments have a unique opportunity to replenish their prepositioned materials and equipment in a manner most beneficial to global security. Many lessons were learned as to the value of prepositioned equipment and how to manage such assets. The committee hopes DOD leadership takes advantage of these lessons and adjusts its prepositioning program accordingly.

Finally, the committee notes the challenge of evaluating a peacetime budget when the nation is at war. The budget request contained no additional funds to support the operating tempo for units deployed for Operation Iraqi Freedom and Operation Enduring Freedom. Title XV of this bill accordingly addresses this issue and the need for additional operational and maintenance funds.

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005			FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
<b>APPROPRIATION SUMMARY</b>						
<b>Department of the Army</b>						
	OPERATION AND MAINTENANCE, ARMY	26,133,411	(294,800)	24,000	(318,800)	25,838,611
	OPERATION AND MAINTENANCE, ARMY RESERVE	2,008,128	(4,400)	6,600	(11,000)	2,003,728
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	4,440,686	(15,000)	31,500	(46,500)	4,425,686
	<b>Total Department of the Army</b>	<b>32,582,225</b>	<b>(314,200)</b>	<b>62,100</b>	<b>(376,300)</b>	<b>32,268,025</b>
<b>Department of the Navy</b>						
	OPERATION AND MAINTENANCE, NAVY	29,789,190	(265,700)	9,500	(275,200)	29,523,490
	OPERATION AND MAINTENANCE, MARINE CORPS	3,632,115	5,500	5,500		3,637,615
	OPERATION AND MAINTENANCE, NAVY RESERVE	1,240,038				1,240,038
	PAYMENT TO KAHOLAWE ISLAND	188,696				188,696
	<b>Total Department of the Navy</b>	<b>34,850,039</b>	<b>(260,200)</b>	<b>15,000</b>	<b>(275,200)</b>	<b>34,589,839</b>
<b>Department of the Air Force</b>						
	OPERATION AND MAINTENANCE, AIR FORCE	28,471,260	(1,327,694)	164,300	(1,491,994)	27,143,566
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE	2,239,790	(13,000)		(13,000)	2,226,790
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	4,422,838	26,100	78,800	(52,700)	4,448,938
	<b>Total Department of the Air Force</b>	<b>35,133,888</b>	<b>(1,314,594)</b>	<b>243,100</b>	<b>(1,557,694)</b>	<b>33,819,294</b>
<b>Defense-Wide</b>						
	OPERATION AND MAINTENANCE, DEFENSE-WIDE	17,494,076	(176,670)	118,330	(295,000)	17,317,406
<b>Transfer Accounts, Miscellaneous, and Other</b>						
	TRANSFER ACCOUNTS	1,305,336				1,305,336
	MISCELLANEOUS	509,025	25,000	50,000	(25,000)	534,025
	<b>Total Miscellaneous</b>	<b>1,814,361</b>	<b>25,000</b>	<b>50,000</b>	<b>(25,000)</b>	<b>1,839,361</b>
	<b>TOTAL OPERATION AND MAINTENANCE TITLE:</b>	<b>121,874,589</b>	<b>(2,040,664)</b>	<b>488,530</b>	<b>(2,529,194)</b>	<b>119,833,925</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Account	FY 2005		FY 2005		Committee Decrease	Committee Increase	FY 2005 Committee Authorization
	Authorization Request	Committee Change	Committee Change	Committee Increase			
<b>OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>							
<b>DEFENSE HEALTH PROGRAM</b>							
OPERATIONS AND MAINTENANCE	17,203,369	171,175	171,175	334,675	(163,500)		17,374,544
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	72,407						72,407
PROCUREMENT	364,635						364,635
<b>TOTAL, DEFENSE HEALTH PROGRAM</b>	<b>17,640,411</b>	<b>171,175</b>	<b>171,175</b>	<b>334,675</b>	<b>(163,500)</b>		<b>17,811,586</b>
<b>CHEMICAL AGENTS AND MUNITIONS PROGRAM</b>							
OPERATIONS AND MAINTENANCE		1,138,801	1,138,801	1,138,801			1,138,801
RESEARCH, DEVELOPMENT, TEST AND EVALUATION		154,209	154,209	154,209			154,209
PROCUREMENT		78,980	78,980	78,980			78,980
<b>TOTAL, CHEMICAL AGENTS AND MUNITIONS PROGRAM</b>		<b>1,371,990</b>	<b>1,371,990</b>	<b>1,371,990</b>			<b>1,371,990</b>
<b>DRUG INTERDICTION AND COUNTER-DRUG PROGRAMS</b>							
	852,697						852,697
<b>OFFICE OF THE INSPECTOR GENERAL</b>							
OPERATIONS AND MAINTENANCE	242,362	(51,000)	(51,000)				191,362
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	2,100						2,100
PROCUREMENT	100						100
<b>TOTAL, OFFICE OF THE INSPECTOR GENERAL</b>	<b>244,562</b>	<b>(51,000)</b>	<b>(51,000)</b>				<b>193,562</b>
<b>TOTAL OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>							
	18,737,670	1,492,165	1,492,165	1,706,665	(163,500)		20,229,835
<b>REVOLVING AND MANAGEMENT FUNDS</b>							
Defense Working Capital Funds	510,886	(138,000)	(138,000)		(138,000)		372,886
Defense Working Capital Funds - DeCA	1,175,000						1,175,000
National Defense Sealift Fund	1,269,252	(50,000)	(50,000)		(50,000)		1,219,252
National Defense Stockpile Transaction Fund							
Armed Forces Retirement Home	61,195						61,195
<b>TOTAL, REVOLVING AND MANAGEMENT FUNDS</b>	<b>3,016,333</b>	<b>(188,000)</b>	<b>(188,000)</b>		<b>(188,000)</b>		<b>2,828,333</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Authorization Request	Committee Change	Committee Increase	Committee Decrease
	<b>Operation and Maintenance, Army</b>				
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>				
	<b>LAND FORCES</b>	<b>4,152,294</b>	<b>(29,000)</b>		<b>(29,000)</b>
010	DIVISIONS	1,520,706			1,520,706
020	CORPS COMBAT FORCES	472,692			472,692
030	CORPS SUPPORT FORCES	445,344			445,344
040	ECHOLON ABOVE CORPS SUPPORT FORCES	515,730	(19,000)		496,730
	Unjustified growth in contract logistics support and sustainment				(10,000)
	Network Enterprise Technology Command				(9,000)
050	LAND FORCES OPERATIONS SUPPORT	1,197,822	(10,000)		1,187,822
	Unjustified growth in combat training centers				(10,000)
	<b>LAND FORCES READINESS</b>	<b>3,355,819</b>	<b>2,500</b>	<b>6,500</b>	<b>(4,000)</b>
060	FORCE READINESS OPERATIONS SUPPORT	1,787,147	6,500		1,793,647
	Hydration on the move			3,000	
	Vehicle batteries			2,500	
	Military Skills Engagement			1,000	
070	LAND FORCES SYSTEMS READINESS	537,567	(4,000)		533,567
	Tactical exploitation system				(4,000)
080	LAND FORCES DEPOT MAINTENANCE	1,031,105			1,031,105
	<b>LAND FORCES READINESS SUPPORT</b>	<b>8,970,368</b>	<b>(25,200)</b>		<b>(25,200)</b>
090	BASE OPERATIONS SUPPORT	5,609,973	(25,200)		5,584,773
	Visual Information Support				(13,000)
	Installation Management Activity				(10,000)
	DCSIM and DOIM Staff Operations				(2,200)

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005		Committee Increase	Committee Decrease	Committee Authorization
		Request	Change	Request	Change			
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,956,128		1,956,128				1,956,128
110	MANAGEMENT & OPERATIONAL HEADQUARTERS	251,474		251,474				251,474
120	UNIFIED COMMANDS	94,850		94,850				94,850
130	MISCELLANEOUS ACTIVITIES	1,057,943		1,057,943				1,057,943
	<b>TOTAL, BUDGET ACTIVITY 01</b>	<b>16,478,481</b>	<b>(51,700)</b>	<b>16,478,481</b>	<b>6,500</b>	<b>(58,200)</b>		<b>16,426,781</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b>							
	<b>MOBILITY OPERATIONS</b>							
140	STRATEGIC MOBILIZATION	461,999		461,999				461,999
150	ARMY PREPOSITIONED STOCKS	327,345		327,345				327,345
160	INDUSTRIAL PREPAREDNESS	126,163		126,163				126,163
		8,491		8,491				8,491
	<b>TOTAL, BUDGET ACTIVITY 02</b>	<b>461,999</b>		<b>461,999</b>				<b>461,999</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>							
	<b>ACCESSION TRAINING</b>							
180	OFFICER ACQUISITION	404,589		404,589				404,589
190	RECRUIT TRAINING	107,554		107,554				107,554
200	ONE STATION UNIT TRAINING	20,766		20,766				20,766
210	SENIOR RESERVE OFFICERS' TRAINING CORPS	41,961		41,961				41,961
		234,308		234,308				234,308
	<b>BASIC SKILL/ADVANCE TRAINING</b>							
240	SPECIALIZED SKILL TRAINING	1,803,314	(12,000)	1,803,314	3,000	(15,000)		1,791,314
	Satellite communications for learning (SCOLA)	506,557	3,000	506,557				509,557
250	FLIGHT TRAINING	575,406		575,406				575,406
260	PROFESSIONAL DEVELOPMENT EDUCATION	102,832		102,832				102,832

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease
270	TRAINING SUPPORT Unjustified growth in training support	618,519	(15,000)		
					603,519
300	RECRUITING/OTHER TRAINING	<u>1,137,008</u>	<u>(14,000)</u>		<u>1,123,008</u>
	RECRUITING AND ADVERTISING	461,157	(14,000)		447,157
	Recruiting Information Support System				
	MEPCOM Management Information Reporting System				
310	EXAMINING	131,206			131,206
320	OFF-DUTY AND VOLUNTARY EDUCATION	296,311			296,311
330	CIVILIAN EDUCATION AND TRAINING	111,003			111,003
340	JUNIOR RESERVE OFFICERS' TRAINING CORPS	137,331			137,331
	<b>TOTAL, BUDGET ACTIVITY 03</b>	<b>3,344,911</b>	<b>(26,000)</b>	<b>3,000</b>	<b>(29,000)</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>				
360	SECURITY PROGRAMS	883,510			883,510
	SECURITY PROGRAMS	883,510			883,510
370	LOGISTICS OPERATIONS	<u>1,857,257</u>			<u>1,857,257</u>
	SERVICEWIDE TRANSPORTATION	570,923			570,923
380	CENTRAL SUPPLY ACTIVITIES	490,261			490,261
390	LOGISTICS SUPPORT ACTIVITIES	439,466			439,466
400	AMMUNITION MANAGEMENT	356,607			356,607
	<b>SERVICEWIDE SUPPORT</b>	<u>2,797,113</u>	<u>(82,800)</u>	<u>14,500</u>	<u>2,714,313</u>
410	ADMINISTRATION	702,719	(19,500)		683,219
	Unjustified growth in headquarters management				(19,500)
420	SERVICEWIDE COMMUNICATIONS	610,866	(63,300)		547,566

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005			FY 2005		
		Request	Change	Increase	Decrease	Committee Authorization	
	Personnel Transformation				(13,000)		
	Army Knowledge Enterprise Architecture				(4,000)		
	Management Headquarters Information Management				(13,000)		
	Defense Civilian Personnel Data System - sustainment				(2,200)		
	Logistics Modernization Program				(2,700)		
	Logistic Post Production Software Support				(3,500)		
	Army Personnel Electronic Records Management System				(7,000)		
	Army Human Resources Command Core Automation Support				(20,000)		
	Information Technology Agency				(12,400)		
	Training Instrumentation for Air and Missile Defense Units			5,000			
	National Guard's Enterprise Resource Planning Program			3,500			
	National Guard's Nationwide Dedicated Fiber Optic Network			6,000			
430	MANPOWER MANAGEMENT	267,365					267,365
	Excessive growth in civilian personnel operations						
440	OTHER PERSONNEL SUPPORT	191,686					191,686
450	OTHER SERVICE SUPPORT	848,391					848,391
460	ARMY CLAIMS	115,453					115,453
470	REAL ESTATE MANAGEMENT	60,633					60,633
	<b>SUPPORT OF OTHER NATIONS</b>	<b>310,140</b>					<b>310,140</b>
500	SUPPORT OF NATO OPERATIONS	250,026					250,026
510	MISC. SUPPORT OF OTHER NATIONS	60,114					60,114
	<b>TOTAL, BUDGET ACTIVITY 04</b>	<b>5,848,020</b>	<b>(82,800)</b>	<b>14,500</b>	<b>(97,300)</b>		<b>5,765,220</b>
	<b>UNDISTRIBUTED</b>						
	Excessive unobligated balances		(52,300)		(52,300)		(52,300)
	Civilian pay overstatement		(82,000)		(82,000)		(82,000)
	<b>Total Operation and Maintenance, Army</b>	<b>26,133,411</b>	<b>(294,800)</b>	<b>24,000</b>	<b>(318,800)</b>		<b>25,838,611</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

<u>Line</u>	<u>Account / Budget Activity / Sub-activity Group</u>	<u>FY 2005</u>	<u>Committee</u>	<u>Committee</u>	<u>Committee</u>	<u>FY 2005</u>
		<u>Authorization</u>	<u>Change</u>	<u>Increase</u>	<u>Decrease</u>	<u>Committee</u>
		<u>Request</u>	<u>Change</u>	<u>Increase</u>	<u>Decrease</u>	<u>Authorization</u>



**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget, Activity / Sub-activity Group	FY 2005			FY 2005		
		Request	Change	Committee Increase	Committee Decrease	Committee Authorization	Committee Authorization
150	WARFARE TACTICS	266,032					266,032
160	OPERATIONAL METEOROLOGY & OCEANOGRAPHY	256,003					256,003
170	COMBAT SUPPORT FORCES Unjustified growth for JFCOM and PACOM	1,322,179	(40,000)			(40,000)	1,322,179
180	EQUIPMENT MAINTENANCE	186,658					186,658
190	DEPOT OPERATIONS SUPPORT	3,214					3,214
	<b>WEAPONS SUPPORT</b>	<b>1,484,494</b>	<b>2,000</b>	<b>2,000</b>			<b>1,486,494</b>
200	CRUISE MISSILE	155,731					155,731
210	FLEET BALLISTIC MISSILE	830,393					830,393
220	IN-SERVICE WEAPONS SYSTEMS SUPPORT	51,043					51,043
230	WEAPONS MAINTENANCE NULKA - electronic decoy maintenance	447,327	2,000	2,000			449,327
	<b>BASE SUPPORT</b>	<b>4,525,713</b>	<b>(27,000)</b>			<b>(27,000)</b>	<b>4,498,713</b>
250	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,330,363					1,330,363
260	BASE OPERATIONS SUPPORT Navy / USMC Base Level Communications	3,195,350	(27,000)			(27,000)	3,168,350
	<b>TOTAL, BUDGET ACTIVITY 01</b>	<b>22,677,846</b>	<b>(131,500)</b>	<b>6,000</b>		<b>(137,500)</b>	<b>22,546,346</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b>						
	<b>READY RESERVE AND PREPOSITIONING FORCES</b>	<b>548,199</b>					<b>548,199</b>
270	SHIP PREPOSITIONING AND SURGE	548,199					548,199
	<b>ACTIVATIONS/INACTIVATIONS</b>	<b>220,012</b>					<b>220,012</b>
280	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,619					7,619
290	SHIP ACTIVATIONS/INACTIVATIONS	212,393					212,393

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease
		Authorization	Committee	Committee	Committee
			Request	Change	Authorization
	<b><u>MOBILIZATION PREPAREDNESS</u></b>		<u>44,827</u>		<u>44,827</u>
300	FLEET HOSPITAL PROGRAM	26,119			26,119
310	INDUSTRIAL READINESS	1,523			1,523
320	COAST GUARD SUPPORT	17,185			17,185
	<b>TOTAL, BUDGET ACTIVITY 02</b>	<b>813,038</b>			<b>813,038</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>				
	<b><u>ACCESSION TRAINING</u></b>		<u>230,887</u>		<u>230,887</u>
330	OFFICER ACQUISITION	120,835			120,835
340	RECRUIT TRAINING	7,716			7,716
350	RESERVE OFFICERS TRAINING CORPS	102,336			102,336
	<b><u>BASIC SKILLS AND ADVANCED TRAINING</u></b>		<u>1,210,219</u>		<u>1,210,219</u>
360	SPECIALIZED SKILL TRAINING	434,374			434,374
370	FLIGHT TRAINING	420,829			420,829
380	PROFESSIONAL DEVELOPMENT EDUCATION	116,770			116,770
390	TRAINING SUPPORT	238,246			238,246
	<b><u>RECRUITING AND OTHER TRAINING AND EDUCATION</u></b>		<u>536,490</u>	<u>(10,000)</u>	<u>526,490</u>
400	RECRUITING AND ADVERTISING	282,526			282,526
	Naval Sea Cadets			2,000	
	Other Navy Military Personnel and Readiness				(12,000)
410	OFF-DUTY AND VOLUNTARY EDUCATION	146,508			146,508
420	CIVILIAN EDUCATION AND TRAINING	67,556			67,556
430	JUNIOR ROTC	39,900			39,900

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Authorization Request	Committee Change	Committee Increase	Committee Authorization
<b>TOTAL, BUDGET ACTIVITY 03</b>		<u>1,977,596</u>	<u>(10,000)</u>	<u>2,000</u>	<u>1,967,596</u>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>					
<b>SERVICEWIDE SUPPORT</b>					
460	ADMINISTRATION	2,009,611	(16,000)		1,993,611
470	EXTERNAL RELATIONS	773,940			773,940
480	CIVILIAN MANPOWER & PERSONNEL MGT	3,893			3,893
490	MILITARY MANPOWER & PERSONNEL MGT	110,614			110,614
500	OTHER PERSONNEL SUPPORT	198,465			198,465
510	SERVICEWIDE COMMUNICATIONS	317,284			317,284
520	Other Navy Military Personnel and Readiness MEDICAL ACTIVITIES	605,415	(16,000)		589,415
<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>					
530	SERVICEWIDE TRANSPORTATION	1,750,848	1,500	1,500	1,752,348
540	ENVIRONMENTAL PROGRAMS	189,634			189,634
550	PLANNING, ENGINEERING & DESIGN	252,972			252,972
560	ACQUISITION AND PROGRAM MANAGEMENT	840,666			840,666
570	AIR SYSTEMS SUPPORT				
580	HULL, MECHANICAL & ELECTRICAL SUPPORT	55,505			55,505
590	COMBAT/WEAPONS SYSTEMS	51,683			51,683
600	SPACE & ELECTRONIC WARFARE SYSTEMS	70,166			70,166
610	NAVAL CRIMINAL INVESTIGATIVE SERVICE Office of Naval Intelligence - small ship registry	290,222	1,500	1,500	291,722
<b>SECURITY PROGRAMS</b>					
620	SECURITY PROGRAMS	549,648			549,648

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005			FY 2005		
		Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization	Committee Authorization
630	<b>SUPPORT OF OTHER NATIONS</b> INTERNATIONAL HEADQUARTERS & AGENCIES	10,603 10,603				10,603 10,603	
	<b>TOTAL, BUDGET ACTIVITY 04</b>	4,320,710	(14,500)	1,500	(16,000)	4,306,210	
	<b>UNDISTRIBUTED</b>						
	Excessive unobligated balances		(97,700)		(97,700)	(97,700)	
	Civilian pay overstatement		(12,000)		(12,000)	(12,000)	
	<b>Total Operation and Maintenance, Navy</b>	29,789,190	(265,700)	9,500	(275,200)	29,523,490	
	<b>Operation and Maintenance, Marine Corps</b>						
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
010	<b>EXPEDITIONARY FORCES</b> OPERATIONAL FORCES	1,103,292 633,914	5,500 5,500	5,500		1,108,792 639,414	
	Hydration on the move			1,000			
	Vehicle batteries			2,500			
	Tent lighting system			2,000			
020	FIELD LOGISTICS	367,293				367,293	
030	DEPOT MAINTENANCE	102,085				102,085	
040	<b>USMC PREPOSITIONING</b>	79,891				79,891	
050	MARITIME PREPOSITIONING	72,128				72,128	
	NORWAY PREPOSITIONING	7,763				7,763	
060	<b>BASE SUPPORT</b> BASE OPERATIONS SUPPORT	1,477,807 451,012				1,477,807 451,012	

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Authorization Request	Committee Change	Committee Increase	Committee Decrease
070	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,026,795			
	<b>TOTAL, BUDGET ACTIVITY 01</b>	2,660,990	5,500	5,500	1,188,683

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Authorization	Committee Change	Committee Authorization
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>					
	<b>ACCESSION TRAINING</b>	<u>10,890</u>	<u>10,890</u>		<u>10,890</u>
080	RECRUIT TRAINING	10,539	10,539		10,539
090	OFFICER ACQUISITION	351	351		351
	<b>BASIC SKILLS AND ADVANCED TRAINING</b>	<u>188,542</u>	<u>188,542</u>		<u>188,542</u>
100	SPECIALIZED SKILLS TRAINING	45,155	45,155		45,155
110	FLIGHT TRAINING	174	174		174
120	PROFESSIONAL DEVELOPMENT EDUCATION	8,972	8,972		8,972
130	TRAINING SUPPORT	134,241	134,241		134,241
	<b>RECRUITING AND OTHER TRAINING EDUCATION</b>	<u>161,594</u>	<u>161,594</u>		<u>161,594</u>
140	RECRUITING AND ADVERTISING	113,988	113,988		113,988
150	OFF-DUTY AND VOLUNTARY EDUCATION	34,336	34,336		34,336
160	JUNIOR ROTC	13,270	13,270		13,270
	<b>BASE SUPPORT</b>	<u>231,132</u>	<u>231,132</u>		<u>231,132</u>
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	68,553	68,553		68,553
180	BASE OPERATIONS SUPPORT	162,579	162,579		162,579
	<b>TOTAL, BUDGET ACTIVITY 03</b>	<b>592,158</b>			<b>592,158</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>				
	<b>SERVICEWIDE SUPPORT</b>	<u>357,079</u>	<u>357,079</u>		<u>357,079</u>
190	SPECIAL SUPPORT	274,508	274,508		274,508
200	SERVICEWIDE TRANSPORTATION	37,300	37,300		37,300
210	ADMINISTRATION	45,271	45,271		45,271

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Authorization Request	Committee Change	Committee Increase	Committee Decrease
	<b>BASE SUPPORT</b>	<b>21,888</b>			
230	BASE OPERATIONS SUPPORT	3,191			
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	18,697			
	<b>TOTAL, BUDGET ACTIVITY 04</b>	<b>378,967</b>			
	<b>Total Operation and Maintenance, Marine Corps</b>	<b>3,632,115</b>	<b>5,500</b>	<b>5,500</b>	<b>3,637,615</b>
	<b>Operation and Maintenance, Air Force</b>				
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>				
	<b>AIR OPERATIONS</b>	<b>11,644,303</b>	<b>47,616</b>	<b>164,300</b>	<b>11,691,919</b>
010	PRIMARY COMBAT FORCES	3,275,334	155,300	157,400	3,430,634
	B-1A Lancer Bomber support			3,500	
	KC-767 Tanker support			2,000	
	Hydration on the move			1,400	
	Joint crew protection masks				(9,000)
	Combat Air Systems Activities, 480th Intel Squadron				
020	PRIMARY COMBAT WEAPONS	331,333			331,333
030	COMBAT ENHANCEMENT FORCES	346,322			346,322
040	AIR OPERATIONS TRAINING	1,274,599			1,274,599
060	COMBAT COMMUNICATIONS	1,318,159			1,318,159
050	DEPOT MAINTENANCE	2,085,761	(39,300)		2,046,461
	Depot maintenance program realignment to Air National Guard				(39,300)
080	FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	1,017,301			1,017,301
070	BASE SUPPORT	1,995,494	(68,384)		1,927,110
	Unjustified growth for foreign national indirect hires				(10,484)

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005			FY 2005 Committee Authorization
		Request	Committee Change	Committee Increase	
	Base Level Communications Infrastructure, Air Combat Command				(8,000)
	Base Level Communications Infrastructure, Pacific				(9,000)
	Base Level Communications Infrastructure, Europe				(10,000)
	Engineering & Installation, Air Combat Command				(5,600)
	Engineering & Installation, Space Command				(4,000)
	Engineering & Installation, Air Mobility Command				(6,300)
	Engineering & Installation, Pacific				(5,000)
	Engineering & Installation, Europe				(10,000)
	<b>COMBAT RELATED OPERATIONS</b>	<b>2,587,468</b>	<b>(30,212)</b>		<b>2,557,256</b>
090	GLOBAL C3I & EARLY WARNING	1,147,163			1,147,163
100	NAVIGATION/WEATHER SUPPORT	204,543			204,543
110	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS Unjustified growth for service support to NORTHCOM Combatant Commanders Intelligence Capabilities	622,524	(30,212)		592,312
120	JCS EXERCISES	32,756			32,756
130	MANAGEMENT/OPERATIONAL HEADQUARTERS	240,380			240,380
140	TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	340,102			340,102
	<b>SPACE OPERATIONS</b>	<b>1,708,527</b>			<b>1,708,527</b>
150	LAUNCH FACILITIES	343,565			343,565
160	LAUNCH VEHICLES	100,135			100,135
170	SPACE CONTROL SYSTEMS	237,995			237,995
180	SATELLITE SYSTEMS	68,655			68,655
190	OTHER SPACE OPERATIONS	258,376			258,376
210	FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	171,469			171,469
200	BASE SUPPORT	528,332			528,332
	<b>TOTAL, BUDGET ACTIVITY 01</b>	<b>15,940,298</b>	<b>17,404</b>	<b>164,300</b>	<b>(146,896)</b>
					<b>15,957,702</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>					
<b>MOBILITY OPERATIONS</b>					
220	AIRLIFT OPERATIONS	3,291,759	(39,500)		3,252,259
230	AIRLIFT OPERATIONS C3I	1,919,987			1,919,987
240	MOBILIZATION PREPAREDNESS	51,824			51,824
260	PAYMENTS TO TRANSPORTATION BUSINESS AREA	170,623			170,623
250	DEPOT MAINTENANCE	410,679	(39,500)		371,179
	Depot maintenance program realignment to Air National Guard			(39,500)	
280	FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	200,928			200,928
270	BASE SUPPORT	537,718			537,718
	<b>TOTAL, BUDGET ACTIVITY 02</b>	<b>3,291,759</b>	<b>(39,500)</b>		<b>3,252,259</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>					
<b>ACCESSION TRAINING</b>					
290	OFFICER ACQUISITION	321,872			321,872
300	RECRUIT TRAINING	73,788			73,788
310	RESERVE OFFICER TRAINING CORPS (ROTC)	6,034			6,034
330	FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION (AC, BASE SUPPORT (ACADEMIES ONLY)	84,381			84,381
		85,892			85,892
		71,777			71,777
	<b>TOTAL, BUDGET ACTIVITY 03</b>	<b>542,867</b>			<b>542,867</b>
<b>BASIC SKILLS AND ADVANCED TRAINING</b>					
340	SPECIALIZED SKILL TRAINING	2,168,417			2,168,417
350	FLIGHT TRAINING	336,818			336,818
360	PROFESSIONAL DEVELOPMENT EDUCATION	775,819			775,819
370	TRAINING SUPPORT	158,967			158,967
		108,450			108,450

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Authorization	Committee Change	Committee Authorization
380	DEPOT MAINTENANCE	12,914	12,914		12,914
390	FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION	190,592	190,592		190,592
100	BASE SUPPORT (OTHER TRAINING)	584,857	584,857		584,857
	<b>RECRUITING, AND OTHER TRAINING AND EDUCATION</b>	<b>514,625</b>	<b>514,625</b>		<b>514,625</b>
410	RECRUITING AND ADVERTISING	143,369	143,369		143,369
420	EXAMINING	3,281	3,281		3,281
430	OFF DUTY AND VOLUNTARY EDUCATION	159,129	159,129		159,129
440	CIVILIAN EDUCATION AND TRAINING	158,738	158,738		158,738
450	JUNIOR ROTC	50,108	50,108		50,108
	<b>TOTAL, BUDGET ACTIVITY 03</b>	<b>3,004,914</b>	<b>3,004,914</b>		<b>3,004,914</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>				
	<b>LOGISTICS OPERATIONS</b>	<b>2,925,282</b>	<b>2,925,282</b>		<b>2,925,282</b>
460	LOGISTICS OPERATIONS	883,478	883,478		883,478
470	TECHNICAL SUPPORT ACTIVITIES	432,323	432,323		432,323
480	SERVICEWIDE TRANSPORTATION	171,501	171,501		171,501
490	DEPOT MAINTENANCE	105,158	105,158		105,158
500	FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	260,580	260,580		260,580
510	BASE SUPPORT	1,072,242	1,072,242		1,072,242
	<b>SERVICEWIDE ACTIVITIES</b>	<b>2,258,693</b>	<b>2,258,693</b>	<b>(68,700)</b>	<b>2,189,993</b>
520	ADMINISTRATION	299,617	299,617		299,617
530	SERVICEWIDE COMMUNICATIONS	377,574	377,574	(28,800)	348,774
	Combat Information Transport System			(6,400)	
	Military Personnel Data Systems			(2,400)	
	Pentagon Communications Agency			(20,000)	

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease
540	PERSONNEL PROGRAMS	262,281	(9,500)		252,781
	Central civilian career permanent change station program			(9,500)	
550	RESCUE AND RECOVERY SERVICES	129,437			129,437
560	ARMS CONTROL	41,645			41,645
570	OTHER SERVICEWIDE ACTIVITIES	728,942			728,942
580	OTHER PERSONNEL SUPPORT	39,457			39,457
590	CIVIL AIR PATROL CORPORATION	21,722			21,722
610	FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	12,848			12,848
600	BASE SUPPORT	345,170	(30,400)		314,770
	Unjustified growth			(30,400)	
	<b>SECURITY PROGRAMS</b>	<b>1,024,129</b>			<b>1,024,129</b>
630	SECURITY PROGRAMS	1,024,129			1,024,129
	<b>SUPPORT TO OTHER NATIONS</b>	<b>26,185</b>			<b>26,185</b>
640	INTERNATIONAL SUPPORT	26,185			26,185
	<b>TOTAL, BUDGET ACTIVITY 04</b>	<b>6,234,289</b>	<b>(68,700)</b>	<b>(68,700)</b>	<b>6,165,589</b>
	<b>UNDISTRIBUTED</b>				
	Civilian separation incentives		(40,798)		(40,798)
	Working Capital Fund, Transportation		(967,200)		(967,200)
	Working Capital Fund, Supply Management		(150,000)		(150,000)
	Excessive unobligated balances		(49,400)		(49,400)
	Civilian pay overstatement		(29,500)		(29,500)
	<b>Total Operation and Maintenance, Air Force</b>	<b>28,471,260</b>	<b>(1,327,694)</b>	<b>164,300</b>	<b>(1,491,994)</b>
					<b>27,143,566</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease
<b>Operation and Maintenance, Defense-wide</b>					
<b>BUDGET ACTIVITY 1: OPERATING FORCES</b>					
010	JOINT CHIEFS OF STAFF	243,062	(38,900)		204,162
	Unjustified growth for military air and sea lift cargo			(27,100)	
	Unjustified growth for joint exercises			(11,800)	
020	SPECIAL OPERATIONS COMMAND	1,992,613	1,000	1,000	1,993,613
	Hydration on the move				
<b>TOTAL, BUDGET ACTIVITY 1:</b>		<b>2,235,675</b>	<b>(37,900)</b>	<b>1,000</b>	<b>(38,900)</b>
<b>BUDGET ACTIVITY 2: MOBILIZATION</b>					
030	DEFENSE LOGISTICS AGENCY	40,599			40,599
<b>TOTAL, BUDGET ACTIVITY 2:</b>		<b>40,599</b>			<b>40,599</b>
<b>BUDGET ACTIVITY 3: TRAINING AND RECRUITING</b>					
040	AMERICAN FORCES INFORMATION SERVICE	14,050			14,050
050	OTHER PROGRAMS				
060	DEFENSE ACQUISITION UNIVERSITY	103,532			103,532
070	DEFENSE CONTRACT AUDIT AGENCY	5,296			5,296
080	DEFENSE THREAT REDUCTION AGENCY	5,968			5,968
090	DEFENSE HUMAN RESOURCES ACTIVITY	56,067	10,000		66,067
	Joint Advertising and Market Research			10,000	
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	7,343			7,343
110	DEFENSE SECURITY SERVICE	90,263	4,600		94,863
120	NATIONAL DEFENSE UNIVERSITY				
	Continuing Education			2,000	
	Joint Forces Staff College Infrastructure			2,600	

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
130	SPECIAL OPERATIONS COMMAND	96,244				96,244
	<b>TOTAL, BUDGET ACTIVITY 03:</b>	<b>378,763</b>	<b>14,600</b>	<b>14,600</b>		<b>393,363</b>
	<b><u>BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</u></b>					
140	AMERICAN FORCES INFORMATION SERVICE	110,528				110,528
150	CIVIL MILITARY PROGRAMS	101,389				101,389
160	DEFENSE CONTRACT AUDIT AGENCY	368,119				368,119
200	DEFENSE LEGAL SERVICES AGENCY	25,484				25,484
210	DEFENSE LOGISTICS AGENCY	265,379	19,000			284,379
	Commercial technologies for maintenance activities			15,000		
	Rapid frequency identification technology			4,000		
220	DEFENSE POW / MISSING PERSONS OFFICE	15,964				15,964
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	20,456	1,000			21,456
	Program increase			1,000		
240	DEFENSE THREAT REDUCTION AGENCY	319,483	1,500			320,983
	Program increase			1,500		
250	DEPARTMENT OF DEFENSE EDUCATION AGENCY	1,761,852	57,200			1,819,052
	DOD Supplemental Impact Aid			50,000		
	Joint Counterintelligence Training Academy			7,200		
260	DEFENSE HUMAN RESOURCES ACTIVITY	318,940				318,940
270	DEFENSE CONTRACT MANAGEMENT AGENCY	1,029,592				1,029,592
280	DEFENSE FINANCE AND ACCOUNTING SERVICE	4,310				4,310
290	DEFENSE INFORMATION SYSTEMS AGENCY	1,090,558				1,090,558
300	DEFENSE SECURITY COOPERATION AGENCY	83,922				83,922
310	DEFENSE SECURITY SERVICE	277,100	(50,000)		(50,000)	227,100
	Program reduction to prevent transition to working capital fund				(50,000)	
320	JOINT CHIEFS OF STAFF	278,884				278,884
340	OFFICE OF ECONOMIC ADJUSTMENT	44,756				44,756

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
350	OFFICE OF THE SECRETARY OF DEFENSE	805,813	(112,570)	10,000		693,243
	FEHB premiums for mobilized federal employees					
	USD(I)				(20,000)	
	Capitol cost sharing				(27,300)	
	Environment readiness				(10,000)	
	Public affairs				(11,500)	
	Secretary's analytical agenda				(7,000)	
	Unjustified growth				(20,000)	
	Persistent Stratospheric Vehicles	4,230				
	DJCC - Research Technology Protection	4,800				
	Counterintelligence Law Enforcement Watch Center	4,000				
	Paralyzed Veterans Association	1,000				
	Chief Information Officer Programs				(12,000)	
	Comptroller Business Management Modernization Program				(25,400)	
	Horizontal Fusion				(3,400)	
360	SPECIAL OPERATIONS COMMAND	142,457				142,457
370	WASHINGTON HEADQUARTERS SERVICES	447,166	(10,000)			437,166
	BRAC Commission				(10,000)	
380	OTHER PROGRAMS	7,326,887				7,326,887
	<b>TOTAL, BUDGET ACTIVITY 04:</b>	<b>14,839,039</b>	<b>(93,870)</b>	<b>102,730</b>	<b>(196,600)</b>	<b>14,745,169</b>
	<b>UNDISTRIBUTED</b>					
	Excessive unobligated balances		(59,500)		(59,500)	(59,500)
	<b>Total Operation and Maintenance, Defense-Wide</b>	<b>17,494,076</b>	<b>(176,670)</b>	<b>118,330</b>	<b>(295,000)</b>	<b>17,317,406</b>

Title III - OPERATIONS AND MAINTENANCE  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group Operation and Maintenance, Army Reserve	FY 2005		Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
		Authorization Request	Committee Authorization				
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>							
<b>LAND FORCES</b>							
010	DIVISION FORCES	970,213	970,213				970,213
020	CORPS COMBAT FORCES	7,640	7,640				7,640
030	CORPS SUPPORT FORCES	34,607	34,607				34,607
040	ECHELON ABOVE CORPS FORCES	318,411	318,411				318,411
050	LAND FORCES OPERATIONS SUPPORT	150,421	150,421				150,421
		459,134	459,134				459,134
<b>LAND FORCES READINESS</b>							
060	FORCES READINESS OPERATIONS SUPPORT	290,225	290,225				290,225
070	LAND FORCES SYSTEM READINESS	153,475	153,475				153,475
080	DEPOT MAINTENANCE	65,202	65,202				65,202
		71,548	71,548				71,548
<b>LAND FORCES READINESS SUPPORT</b>							
090	BASE OPERATIONS SUPPORT	587,880	587,880	6,600	6,600		594,480
	Family Support Programs	379,112	379,112	5,600	5,600		384,712
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	201,141	201,141				201,141
110	ADDITIONAL ACTIVITIES	7,627	7,627				7,627
<b>UNDISTRIBUTED</b>							
	Tuition Assistance			1,000	1,000		1,000
<b>TOTAL, BUDGET ACTIVITY 01:</b>		<b>1,848,318</b>	<b>1,848,318</b>	<b>6,600</b>	<b>6,600</b>		<b>1,854,918</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>							

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>	<u>159,810</u>			<u>159,810</u>
120	ADMINISTRATION	52,180			52,180
130	SERVICEWIDE COMMUNICATIONS	9,116			9,116
140	PERSONNEL/FINANCIAL ADMINISTRATION	8,201			8,201
150	RECRUITING AND ADVERTISING	90,313			90,313
	<b>TOTAL, BUDGET ACTIVITY 04:</b>	<b>159,810</b>			<b>159,810</b>
	<b>UNDISTRIBUTED</b>				
	Military Technician Mobilization Underexecution		(11,000)		(11,000)
	<b>Total Operation and Maintenance, Army Reserve</b>	<b>2,008,128</b>	<b>(4,400)</b>	<b>6,600</b>	<b>2,003,728</b>
	<b>Operation and Maintenance, Navy Reserve</b>				
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>				
	<b>RESERVE AIR OPERATIONS</b>	<b>633,603</b>			<b>633,603</b>
010	MISSION AND OTHER FLIGHT OPERATIONS	483,526			483,526
030	INTERMEDIATE MAINTENANCE	16,494			16,494
040	AIR OPERATIONS AND SAFETY SUPPORT	1,592			1,592
050	AIRCRAFT DEPOT MAINTENANCE	131,607			131,607
060	AIRCRAFT DEPOT OPERATIONS SUPPORT	384			384
	<b>RESERVE SHIP OPERATIONS</b>	<b>156,041</b>			<b>156,041</b>
070	MISSION AND OTHER SHIP OPERATIONS	59,127			59,127
080	SHIP OPERATIONAL SUPPORT AND TRAINING	531			531
090	INTERMEDIATE MAINTENANCE				
100	SHIP DEPOT MAINTENANCE	92,787			92,787

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Authorization Request	Committee Change	Committee Increase	Committee Decrease
110	SHIP DEPOT OPERATIONS SUPPORT	3,596			
	<u>RESERVE COMBAT OPERATIONS SUPPORT</u>	<u>224,589</u>			
110	COMBAT COMMUNICATIONS	6,732			
120	COMBAT SUPPORT FORCES	224,589			
	<u>RESERVE WEAPONS SUPPORT</u>	<u>5,548</u>			
130	WEAPONS MAINTENANCE	5,548			
	<u>BASE SUPPORT</u>	<u>182,273</u>			
140	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	73,410			
150	BASE OPERATIONS SUPPORT	108,863			
	<b>TOTAL, BUDGET ACTIVITY 01:</b>	<b>1,208,786</b>			
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>				
	<u>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</u>	<u>31,252</u>			
160	ADMINISTRATION	6,930			
170	CIVILIAN MANPOWER & PERSONNEL MGT				
180	MILITARY MANPOWER & PERSONNEL MGT	8,797			
190	SERVICEWIDE COMMUNICATIONS	3,347			
200	COMBAT/WEAPONS SYSTEMS	5,667			
210	OTHER SERVICEWIDE SUPPORT	6,511			
	<u>CANCELLED ACCOUNTS</u>				
220	CANCELLED ACCOUNTS				
	<b>TOTAL, BUDGET ACTIVITY 04:</b>	<b>31,252</b>			
	<b>FY 2005 Committee Authorization</b>				
					<b>3,596</b>
					<b>224,589</b>
					<b>6,732</b>
					<b>224,589</b>
					<b>5,548</b>
					<b>5,548</b>
					<b>182,273</b>
					<b>73,410</b>
					<b>108,863</b>
					<b>1,208,786</b>
					<b>31,252</b>
					<b>6,930</b>
					<b>8,797</b>
					<b>3,347</b>
					<b>5,667</b>
					<b>6,511</b>
					<b>31,252</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005 Authorization Request	Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
	<b>Total Operation and Maintenance, Navy Reserve</b>	1,240,038				1,240,038
	<b>Operation and Maintenance, Marine Corps Reserve</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>MISSION FORCES</b>					
010	OPERATING FORCES	156,112				156,112
020	DEPOT MAINTENANCE	72,940				72,940
030	BASE OPERATIONS SUPPORT	12,132				12,132
040	TRAINING SUPPORT	25,544				25,544
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION					

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005	
		Request	Committee Change	Committee Increase	Committee Decrease
	<b>BASE SUPPORT</b>	<b>45,496</b>			
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	12,126			12,126
070	BASE OPERATIONS SUPPORT	33,370			33,370
	<b>TOTAL, BUDGET ACTIVITY 01:</b>	<b>156,112</b>			<b>156,112</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>				
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>	<b>32,584</b>			<b>32,584</b>
080	SPECIAL SUPPORT	8,948			8,948
090	SERVICEWIDE TRANSPORTATION	580			580
100	ADMINISTRATION	10,407			10,407
110	BASE OPERATIONS SUPPORT				
120	RECRUITING AND ADVERTISING	8,013			8,013
	<b>BASE SUPPORT</b>	<b>4,636</b>			<b>4,636</b>
130	BASE OPERATIONS SUPPORT	4,636			4,636
	<b>TOTAL, BUDGET ACTIVITY 04:</b>	<b>32,584</b>			<b>32,584</b>
	<b>Total Operation and Maintenance, Marine Corps Reserve</b>	<b>188,696</b>			<b>188,696</b>
	<b>Operation and Maintenance, Air Force Reserve</b>				
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>				
	<b>AIR OPERATIONS</b>	<b>2,132,168</b>			<b>2,132,168</b>
010	PRIMARY COMBAT FORCES	1,329,717			1,329,717
020	MISSION SUPPORT OPERATIONS	74,077			74,077

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005			Committee Increase	Committee Decrease	FY 2005 Committee Authorization
		Request	Committee Change	Committee Authorization			
030	DEPOT MAINTENANCE	410,893				410,893	
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	53,056				53,056	
040	BASE OPERATIONS SUPPORT	284,425				284,425	
	<b>TOTAL, BUDGET ACTIVITY 01:</b>	<b>2,132,168</b>				<b>2,132,168</b>	
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
	<u>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</u>	<u>107,622</u>				<u>107,622</u>	
060	ADMINISTRATION	60,270				60,270	
080	RECRUITING AND ADVERTISING	14,516				14,516	
070	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	25,485				25,485	
090	OTHER PERSONNEL SUPPORT	6,707				6,707	
100	AUDIOVISUAL	644				644	
	<b>TOTAL, BUDGET ACTIVITY 04:</b>	<b>107,622</b>				<b>107,622</b>	
	<b>UNDISTRIBUTED</b>						
	Military Technician Mobilization Underexecution		(13,000)		(13,000)	(13,000)	
	<b>Total Operation and Maintenance, Air Force Reserve</b>	<b>2,239,790</b>				<b>2,226,790</b>	
	Operation and Maintenance, Army National Guard		(13,000)		(13,000)		
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
	<u>LAND FORCES</u>	<u>2,157,247</u>				<u>2,157,247</u>	
010	DIVISIONS	558,168				558,168	
020	CORPS COMBAT FORCES	629,062				629,062	

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005			FY 2005		
		Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization	
030	CORPS SUPPORT FORCES	333,393				333,393	
040	ECHOLON ABOVE CORPS FORCES	615,838				615,838	
050	LAND FORCES OPERATIONS SUPPORT	20,786				20,786	
	<b>LAND FORCES READINESS</b>	<b>553,644</b>	<b>1,000</b>	<b>1,000</b>		<b>554,644</b>	
060	FORCE READINESS OPERATIONS SUPPORT	180,163	1,000			181,163	
	Hydration on the move			1,000			
070	LAND FORCES SYSTEMS READINESS	142,914				142,914	
080	LAND FORCES DEPOT MAINTENANCE	230,567				230,567	
	<b>LAND FORCES READINESS SUPPORT</b>	<b>1,471,595</b>	<b>30,000</b>	<b>30,000</b>		<b>1,501,595</b>	
090	BASE OPERATIONS SUPPORT	577,028	30,000	30,000		607,028	
	Family Assistance Centers			30,000			
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	384,044				384,044	
110	MANAGEMENT & OPERATIONAL HEADQUARTERS	451,167				451,167	
120	MISCELLANEOUS ACTIVITIES	59,356				59,356	
	<b>TOTAL, BUDGET ACTIVITY 01:</b>	<b>4,182,486</b>	<b>31,000</b>	<b>31,000</b>		<b>4,213,486</b>	
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
	<b>SERVICEWIDE SUPPORT</b>	<b>258,200</b>				<b>258,200</b>	
130	ADMINISTRATION	110,669				110,669	
140	SERVICEWIDE COMMUNICATIONS	26,341				26,341	
150	MANPOWER MANAGEMENT	35,376				35,376	
160	RECRUITING AND ADVERTISING	85,814				85,814	
	<b>TOTAL, BUDGET ACTIVITY 04:</b>	<b>258,200</b>				<b>258,200</b>	

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**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005			FY 2005	
		Authorization Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
<b>UNDISTRIBUTED</b>						
	Tuition Assistance		500	500		500
	Excessive unobligated balances		(14,500)		(14,500)	(14,500)
	Military Technician Mobilization Underexecution		(32,000)		(32,000)	(32,000)
	<b>Total Operation and Maintenance, Army National Guard</b>	<b>4,440,686</b>	<b>(15,000)</b>	<b>31,500</b>	<b>(46,500)</b>	<b>4,425,686</b>
	<b>Operation and Maintenance, Air National Guard</b>					
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
<b>AIR OPERATIONS</b>						
010	AIRCRAFT OPERATIONS	4,385,950	78,800	78,800		4,464,750
020	MISSION SUPPORT OPERATIONS	2,685,471				2,685,471
030	DEPOT MAINTENANCE	362,114				362,114
	Depot maintenance program realignment from Air Force	676,647	78,800	78,800		755,447
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	230,642				230,642
050	BASE OPERATIONS SUPPORT	431,076				431,076
	<b>TOTAL, BUDGET ACTIVITY 01:</b>	<b>4,385,950</b>	<b>78,800</b>	<b>78,800</b>		<b>4,464,750</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
<b>SERVICEWIDE ACTIVITIES</b>						
060	ADMINISTRATION	36,888				36,888
070	RECRUITING AND ADVERTISING	27,490				27,490
		9,398				9,398
	<b>TOTAL, BUDGET ACTIVITY 04:</b>	<b>36,888</b>				<b>36,888</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Line	Account / Budget Activity / Sub-activity Group	FY 2005		FY 2005			
		Request	Committee Change	Committee Increase	Committee Decrease	Authorization	Committee Authorization
<b>UNDISTRIBUTED</b>							
	Military Technician Mobilization Underexecution		(19,000)		(19,000)		(19,000)
	Excessive unobligated balances		(33,700)		(33,700)		(33,700)
	<b>Total Operation and Maintenance, Air National Guard</b>	<b>4,422,838</b>	<b>26,100</b>	<b>78,800</b>	<b>(52,700)</b>		<b>4,448,938</b>
<b>TRANSFER ACCOUNTS</b>							
010	ENVIRONMENTAL RESTORATION, ARMY	400,948					400,948
020	ENVIRONMENTAL RESTORATION, NAVY	266,820					266,820
030	ENVIRONMENTAL RESTORATION, AIR FORCE	397,368					397,368
040	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	23,684					23,684
050	ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	216,516					216,516
	<b>TOTAL, O&amp;M, TRANSFER ACCOUNTS</b>	<b>1,305,336</b>					<b>1,305,336</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>							
060	U.S. COURT OF APPEALS FOR THE ARMED FORCES	10,825					10,825
070	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS						
080	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	30,000	(25,000)		(25,000)		5,000
190	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AFFAIRS	59,000					59,000
200	PAYMENT TO KAHOO'IAWE ISLAND						
	Defense Industrial Base Capabilities Fund	409,200	50,000	50,000			50,000
220	FORMER SOVIET UNION THREAT REDUCTION						409,200
	<b>TOTAL, MISCELLANEOUS</b>	<b>509,025</b>	<b>25,000</b>	<b>50,000</b>	<b>(25,000)</b>		<b>534,025</b>
	<b>TOTAL OPERATION AND MAINTENANCE TITLE:</b>	<b>121,874,589</b>	<b>(2,040,664)</b>	<b>488,530</b>	<b>(2,529,194)</b>		<b>119,833,925</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Account	FY 2005		Committee Change	Committee Increase	Committee Decrease	FY 2005 Committee Authorization
	Request	Committee Authorization				
<b>OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>						
<b>DEFENSE HEALTH PROGRAM</b>						
OPERATIONS AND MAINTENANCE	17,203,369		171,175	334,675	(163,500)	17,374,544
Information Technology Reduction				113,000	(50,000)	
Earlier TRICARE Eligibility for RC Families and Members				2,000		
Waiver of TRICARE Deductibles for RC Families				500		
Protection against Balance Billing for Mobilized Reservists				500		
Enrollment of Certain Young Children in Dental Plan				170,000		
Improved Transition Assistance Program				30,000		
TRICARE Coverage of Certain Ready Reservists				1,000		
Additional TRICARE Prime Remote Beneficiaries				175		
Cooperative Education for Sexual Health Decision Making				500		
Sub-Acute Care Transition Program				2,000		
Marshall Islands Diabetes Program				10,000		
Landstuhl Medical Center				5,000		
DOD Cooperative Health Care Program					(113,500)	
GAO Estimate Annual DHP Unobligated Funds	72,407					72,407
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	364,635					364,635
PROCUREMENT						
<b>TOTAL, DEFENSE HEALTH PROGRAM</b>	<b>17,640,411</b>		<b>171,175</b>	<b>334,675</b>	<b>(163,500)</b>	<b>17,811,586</b>
<b>CHEMICAL AGENTS AND MUNITIONS PROGRAM</b>						
OPERATIONS AND MAINTENANCE			1,138,801	1,138,801		1,138,801
RESEARCH, DEVELOPMENT, TEST AND EVALUATION			154,209	154,209		154,209
PROCUREMENT			78,980	78,980		78,980
<b>TOTAL, CHEMICAL AGENTS AND MUNITIONS PROGRAM</b>			<b>1,371,990</b>	<b>1,371,990</b>		<b>1,371,990</b>

**Title III - OPERATIONS AND MAINTENANCE**  
(Dollars in Thousands)

Account	FY 2005		FY 2005		FY 2005
	Authorization Request	Committee Change	Committee Increase	Committee Decrease	
<b>DRUG INTERDICTION AND COUNTER-DRUG PROGRAMS</b>	<b>852,697</b>				<b>852,697</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OPERATIONS AND MAINTENANCE	242,362	(51,000)		(51,000)	191,362
Mid Range Financial Improvement Program					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION	2,100				2,100
PROCUREMENT	100				100
<b>TOTAL, OFFICE OF THE INSPECTOR GENERAL</b>	<b>244,562</b>	<b>(51,000)</b>		<b>(51,000)</b>	<b>193,562</b>
<b>TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>	<b>18,737,670</b>	<b>1,492,165</b>	<b>1,706,665</b>	<b>(214,500)</b>	<b>20,229,835</b>
<b><u>REVOLVING AND MANAGEMENT FUNDS</u></b>					
Defense Working Capital Funds	510,886	(138,000)		(138,000)	372,886
ARMY	184,260	(67,000)		(67,000)	117,260
Industrial mobilization capacity					
NAVY	65,326	(59,000)		(59,000)	6,326
Aviation spare engine procurement					
AIR FORCE	81,300	(12,000)		(59,000)	69,300
Perishable medical and dental readiness material					
DEFENSE-WIDE	180,000			(12,000)	180,000
Defense Working Capital Funds - DeCA	1,175,000				1,175,000
National Defense Sealift Fund	1,269,252	(50,000)		(50,000)	1,219,252
National Defense Stockpile Transaction Fund					
Armed Forces Retirement Home	61,195				61,195
<b>TOTAL, REVOLVING AND MANAGEMENT FUNDS</b>	<b>3,016,333</b>	<b>(188,000)</b>		<b>(188,000)</b>	<b>2,828,333</b>

## ITEMS OF SPECIAL INTEREST

## BUDGET REQUEST ADJUSTMENTS—READINESS

The committee recommends the following adjustments to the fiscal year 2005 budget request:

[In millions of dollars]

Department of the Army Adjustments:	
BA-1 Hydration on the Move	+3.0
BA-1 Military Skills Engagement Training Simulator (Laser Shot Software)	+1.0
BA-1 Vehicle Batteries .....	+2.5
BA-1 Tactical Exploitation System .....	(4.0)
BA-1 Contractor Logistic Support—unjustified growth .....	(10.0)
BA-1 Combat Training Centers—unjustified growth .....	(10.0)
BA-3 Satellite Communications for Learning Project (SCOLA) .....	+3.0
BA-3 Training Support—unjustified growth .....	(15.0)
BA-4 Administration—unjustified growth .....	(19.5)
Unobligated Balances .....	(52.3)
Civilian Pay Overstatement ..	(82.0)
Army Reserve—Family Assistance Centers .....	+5.6
Army National Guard—Hydration on the Move .....	+1.0
Army National Guard—Family Support Programs .....	+30.0
Army National Guard—Unobligated Balances .....	(14.5)
Department of the Navy Adjustments:	
BA-1 Stainless Steel Sanitary Spaces .....	+4.0
BA-1 NULKA Electronic Decoy Cartridge .....	+2.0
BA-1 Technical Publications	(25.0)
BA-1 Fleet Response Plan Efficiencies .....	(15.0)
BA-1 Combatant Commanders Program—unjustified growth .....	(40.0)
BA-4 Small Ship Registry ...	+1.5
Unobligated Balances .....	(97.7)
Civilian Pay Overstatement ..	(12.0)
United States Marine Corps Adjustments:	
BA-1 Hydration on the Move	+1.0
BA-1 Vehicle Batteries .....	+2.5
BA-1 Tent Lighting System	+2.0
Department of the Air Force Adjustments:	
BA-1 B-1A Lancer Bombers	+157.4
BA-1 Hydration on the Move	+2.0
BA-1 Joint Crew Protection Mask .....	+1.4
BA-1 KC-767 Tankers .....	+3.5
BA-1 Combat Air Systems Activities .....	(9.0)
BA-1 Foreign Nat'l Indirect Hires—unjustified growth ...	(10.5)

BA-1 NORTHCOM—unjustified growth .....	(26.2)
BA-1 Combatant Commander Intel Capabilities ...	(4.0)
BA-4 Personnel Programs ....	(9.5)
BA-4 Base Support—unjustified growth .....	(30.4)
Civilian Separation Incentives .....	(40.8)
Unobligated Balances .....	(49.4)
Civilian Pay Overstatement ..	(29.5)
Depot Maintenance Realignment to ANG .....	(78.8)
Air National Guard Depot Maintenance Realignment ..	+78.8
Air National Guard Unobligated Balances .....	(33.7)
Defense-wide Activities Adjustments:	
Joint Chiefs of Staff—unjustified growth .....	(38.9)
Commercial Technologies for Maintenance Activities .....	+15.0
Rapid Frequency Identification Technology .....	+4.0
Hydration on the Move .....	+1.0
Defense Technology Security Administration .....	+1.0
Defense Threat Reduction Agency .....	+8.7
Washington Headquarters Services—BRAC Commission .....	(10.0)
Office of Secretary of Defense—FEHB .....	+10.0
Office of Secretary of Defense—Persistent Stratospheric Vehicles .....	+4.2
Office of Secretary of Defense—Research Technology Protection .....	+4.8
Office of Secretary of Defense—Counterintelligence Law Enforcement Watch Center .....	+4.0
Office of Secretary of Defense—Paralyzed Veterans Association .....	+1.0
Office of Secretary of Defense—unjustified growth ...	(95.8)
Defense Security Service .....	(50.0)
Unobligated Balances .....	(59.5)

#### Commercial Technologies for Maintenance Activities

The committee continues to support the Commercial Technologies for Maintenance Activities (CTMA) program. The Department of Defense (DOD) created the CTMA program in 1998 as the only program designed to bring the most modern and advanced manufacturing processes used by commercial industries to the DOD maintenance depots and organic maintenance activities. It is the committee's understanding that depot commanders support the economic efficiencies this program can provide.

Therefore, the committee recommends the addition of \$15.0 million for the Defense Logistics Agency to continue the CTMA program. The committee believes the addition of these funds will allow depot-level activities to continue the successful participation in

manufacturing technology demonstration projects in collaboration with more than 150 of the leading U.S. manufacturers.

#### Mid-Range Financial Improvement Plan

The budget request contained \$51.0 million for the Department of Defense, Office of Inspector General, to implement the Mid-Range Improvement Plan. The committee understands the goal of this plan is for the Department of Defense to obtain clean and auditable financial statements in fiscal year 2007. To date, the committee has not received any information estimating the cost of this plan in future fiscal years. As addressed elsewhere in this report, the committee cannot support the plan until additional information is provided, and thus recommends a decrease of \$51.0 million to the Department of Defense, Office of Inspector General.

#### Paralyzed Veterans of America

The committee supports programs sponsored by the Paralyzed Veterans of America (PVA) designated for servicemen and women returning from Operation Iraqi Freedom and Operation Enduring Freedom. Programs such as the PVA Outdoor Sports Heritage Fund encourage and assist soldiers to get out of the hospitals and engage in outdoor activities. Accordingly, the committee recommends \$1.0 million for the Secretary of Defense to provide to the PVA Outdoor Sports Heritage Fund to continue this worthwhile effort.

#### Spare Engines

The budget request contained no funds to purchase Navy spare aviation engines. Instead, the Secretary of the Navy intends to purchase these engines with obligation authority within the Department of Defense working capital fund. In the past, engines were purchased with appropriated aviation procurement funds. The committee believes it is inappropriate to fund spare aviation engines within the working capital fund. The proposed mechanism would delay using appropriated funds to purchase these engines. The committee notes that section 8041 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87) states, “[T]he fiscal year 2005 budget request shall be . . . submitted to the Congress on the basis that any equipment which was classified as an end item and funded in the procurement appropriation account in this act shall be budgeted for the proposed fiscal year 2005 procurement appropriation and not in the . . . Department of Defense Working Capital Funds.” Therefore, the committee recommends a transfer of \$59.0 million from the defense working capital fund to the Department of the Navy’s aviation procurement account.

#### Working Capital Funds

Working capital funds serve a vital role in providing financial transaction flexibility for working capital fund activities and its customers. When working capital activities achieve a surplus in the annual operating result, consideration should be given to adjusting customer rates. Working capital activities that do not adjust rates are not appropriately returning surplus funds to customers. In ad-

dition, the committee is aware that many working capital fund activities have cash in excess of the Department of Defense rules. The committee, therefore, recommends the following reductions.

[In millions of dollars]

Air Force Working Capital Fund, Supply Management .....	(150.0)
Air Force Working Capital Fund, Transportation .....	(917.2)

## INFORMATION TECHNOLOGY ISSUES

### Overview

The committee strongly believes information technology (IT) is a critical enabler for the Department of Defense (DOD) to meet and defeat both conventional and asymmetric threats in 21st Century warfare. The committee supports the Department's goal to have joint, network-centric, distributed forces to provide rapid reaction for any situation. However, the Department is far from achieving that objective.

While the Department has implemented and expanded the Global Information Grid's (GIG) potential capabilities, which will be an enormous enhancement in supporting our military forces, the committee remains concerned that warfighters may not be able to utilize these capabilities if individual service architectures, investments, and service specific systems limit interoperability. The crux of the issue is DOD execution, enforcement and evolution of its systems architecture to allow warfighters to capitalize on IT investments that use command, control, communications, computers, intelligence, reconnaissance, surveillance systems (C4ISR) which are enabled through the GIG.

The committee supports the Department's design and implementation of an enterprise architecture to build and support a fully functioning network that every serviceman or woman can access and exploit. Such a network is intended to resolve the interoperability issues that currently plague the military services.

The committee is concerned that the Department has not maintained adequate oversight and scrutiny over its business systems investments to ensure funds are spent on joint solutions that would provide the best value. While the Department is presently taking several actions to improve the situation, the committee is concerned that it has not put into place the organizational structure and process controls to properly align business systems investments with the business enterprise architecture. Therefore, the various military services and defense agencies have continued to make their own investment decisions, each following different criteria by designing and procuring its own business IT systems. This lack of an institutionalized investment strategy has contributed to the Department's current complex, error-prone, non-integrated IT systems environment.

The committee proposes legislation that would increase the level of scrutiny and responsibility exercised by the business domain owners, and recommends a series of reductions in apparently redundant or legacy IT programs and those that lack proper justification to explain growth from last year's budget request.

## Information Technology Specific Reductions

The Department of the Defense budget request for information technology (IT) includes both IT and national security systems (NSS). While the committee supports network centric operations and warfare initiatives that support military missions, as well as operational and organizational changes that have the net effect of supporting our warfighters, the committee remains concerned about the Department's lack of control and management oversight of the development and investments in business IT systems. The committee is also concerned that the Department has created joint IT systems whose program offices lack authority to devise, implement, and enforce systems architectures; control expenditures; or execute programs according to schedule and performance standards. The committee believes the Department needs to better manage and oversee many of the IT and NSS systems to prevent the proliferation of service-centric systems that do not interoperate with one another. Therefore, the committee recommends adjustments in the following programs:

[In millions of dollars]

Department of the Army Adjustments:	
Training Instrumentation for Air and Missile defense (AMD Units .....	+5.0
Army National Guard Enterprise Resource Planning (ERP) Program .....	+3.5
Army National Guard Nationwide Dedicated Fiber Optic Network (NDFON) .....	+6.0
Deputy Chief of Staff for Information Management and Director of Information Management (DCSIM/DOIM) Staff Operations .....	(2.2)
Installation Management Activity .....	(10.0)
Network Enterprise Technology Command (EAC Support) .....	(9.0)
Visual Information Support ..	(13.0)
MEPCOM Management Information Reporting System ..	(10.0)
Recruiting Information Support System .....	(4.0)
Army Human Resources Command Core Automation Support .....	(20.0)
Army Knowledge Enterprise Architecture .....	(4.0)
Army Personnel Electronic Records Management System .....	(7.0)
Defense Civilian Personnel Data System-Sustainment Information Technology Agency .....	(12.4)
Logistics Modernization Program .....	(2.7)
Logistic Post Production Software Support .....	(3.5)
Management Headquarters Information Management ...	(13.0)

Personnel Transformation .....	(13.0)
Department of the Navy Adjustments:	
Navy Air Logistics Data Analysis .....	(15.0)
Navy Converged Enterprise Resource Planning (ERP) Program .....	(15.5)
Navy/USMC Base Level Communications .....	(27.0)
Other Navy Military Personnel and Readiness (Training and Recruiting) ..	(12.0)
Other Navy Military Personnel and Readiness (Admin and Servicewide Activities) .....	(16.0)
Department of the Air Force Adjustments:	
Air Force Base Level Communications Infrastructure, Air Combat Command .....	(8.0)
Air Force Base Level Communications Infrastructure, Pacific .....	(9.0)
Air Force Base Level Communications Infrastructure, Europe .....	(10.0)
Air Force Engineering and Installations, Air Combat Command .....	(5.6)
Air Force Engineering and Installations, Space Command .....	(4.0)
Air Force Engineering and Installations, Air Mobility Command .....	(6.3)
Air Force Engineering and Installations, Pacific .....	(5.0)
Air Force Engineering and Installations, Europe .....	(10.0)
Air Force Combat Information Transport System .....	(6.4)
Air Force Military Personnel Data System .....	(2.4)
Air Force Pentagon Communications Agency .....	(20.0)
Defense-wide Activities Adjustments:	
Chief Information Officer Programs, OSD .....	(12.0)
Comptroller Business Management Modernization Program .....	(25.4)
Health Program .....	(50.0)
Horizontal Fusion .....	(3.4)

*Enterprise Resource Planning Program—Army National Guard*

The budget contained no funding for the Army National Guard enterprise resource planning program (ERP) which would identify the business processes in the Army National Guard and compare them to the Army ERP programs.

The committee believes this may be a valuable study and could benefit the Army National Guard to determine how it may leverage existing Army and other Department of Defense's initiatives, to include the Business Management Modernization Program (BMMP). Such ERP would also allow the Army National Guard to do collabo-

rative planning between national headquarters and the various state guard bureaus.

Accordingly, the committee recommends \$3.5 million for the Army National Guard enterprise resource planning program, and directs the Chief, Army National Guard to use the BMMP and the defense business enterprise architecture as the baseline and standards for this program's development and integration.

#### *Nationwide Dedicated Fiber Optic Network*

The budget request contained no funding for the Nationwide Dedicated Fiber Optic Network (NDFON) for the Army National Guard.

This program will provide a dedicated high-speed, high-bandwidth fiber optic network backbone to service National Guard communications operations. NDFON will be a secure, reliable, and survivable network capable of supporting current and projected communications requirements. The committee notes that this program has the capability to provide the National Guard armories with a robust communications backbone to provide rapid, coordinated response to potential incidents. The committee understands that NDFON will comply with the Global Information Grid's architecture to maximize communications, networking, and collaboration between the armories and the Department of Defense.

Accordingly, the committee recommends an increase of \$8.0 million in operation and maintenance for the Army National Guard to complete engineering studies for the NDFON program.

#### *Navy Marine Corps Intranet*

The budget request contained \$1.6 billion for the Navy Marine Corps Intranet (NMCI). The committee notes that over 300,000 users are now supported by this program. The program is providing support and connectivity to hundreds of deployed troops in the Iraqi war zone.

The committee notes that the focus of NMCI has changed from deploying systems to achieving efficient steady-state operations, as shown by the Department of the Navy and its contractor conducting negotiations to improve the execution of the \$7.0 billion NMCI contract for all users. The contract presently supports a larger number of legacy systems for longer periods of time than envisioned when first awarded. The committee is aware the Navy may have underestimated the number of software applications in its inventory, initially estimating that it had only 5,000 applications, when the real number may be as high as 67,000. Additionally, the committee notes that the Navy has not practiced due diligence to identify and turn off these legacy applications and their associated computer networks. The committee is concerned because to date, only two legacy networks whose functionality is intended to migrate to the NMCI have been terminated. The committee understands the Navy operates other information technology systems that were never intended to operate in the NMCI environment.

Accordingly, the committee directs the Secretary of the Navy to complete the migration or terminate all legacy networks and applications whose functionality is intended to migrate to the NMCI environment by September 30, 2005. If this transition is not completed by such date, the Secretary of the Navy will provide a report

as to how the Department of the Navy plans to fund these legacy systems beyond September 30, 2005. The committee believes the contractor should not be held responsible to support those legacy networks and applications the Secretary of Navy does not migrate to the NMCI environment by this date.

#### OTHER MATTERS

##### Core Logistics Capability

Under section 2464 of title 10, United States Code, the Department of Defense must maintain a core logistics capability. The committee understands that until recently, the Department of the Navy considered the maintenance and repair of subsystems to aviation mission essential weapon systems as a core logistics capability and thus performed at a public depot. The committee is concerned that the practice referred to above has been cancelled, yet a new policy is not in place. Thus, the committee directs the Secretary of Navy to continue with the older practice used to identify core logistics capability, until the Secretary notifies the Senate Armed Services Committee and the House Armed Services Committee of the new policy.

##### Fire Emergency and Services Program

The Department of Defense, Inspector General, cited in its report, "DoD Fire and Emergency Services Program," D-2003-121, that staffing and apparatus shortfalls could adversely impact firefighter safety and installation missions. The committee is concerned that fire houses, personnel, and other fire suppression resources at military bases may be below minimal safety standards. The committee believes it is imperative that military base commanders operate fire departments at or above National Fire Protection Association standards as they apply to staffing, equipment and other readiness capabilities, and fulfill all of the Inspector General's recommendations.

##### Jinapsan Beach Properties in Guam

The committee is concerned with a long-standing, unresolved issue regarding public access to Jinapsan Beach, Guam. This area of land is privately owned and accessible only through Department of Air Force or U.S. Fish and Wildlife Service owned land. In response to the terrorist attacks of September 11, 2001, the Air Force closed the public road through Andersen Air Base to Jinapsan Beach. The Department then initiated an environmental impact statement (EIS) to evaluate three alternative access routes. The EIS is still not complete. The Department and the U.S. Fish and Wildlife Service are in disagreement over the timing and circumstances of the EIS. The committee urges the parties to resolve this dispute and encourages the Secretary of the Air Force to employ the services of an outside organization conversant with these issues in order to expedite completion of the EIS and determine a permanent alternative route of access to privately-owned properties at Jinapsan Beach.

### Moving Household Goods—Families First

The Department of Defense spends more than \$1,700.0 million annually on moving military families. The committee believes that the Department has long experienced problems with moving household goods. In November 2002, the Secretary of Defense submitted to various congressional committees three initiatives to improve the moving household goods program, which would add an additional 13 percent over current program costs. The Comptroller General reviewed this report and concluded that all three initiatives offer solutions to several long standing problems and should be implemented (U.S. General Accounting Office, "Monitoring Costs and Benefits Needed While Implementing a New Program for Moving Household Goods," April 2003). The Comptroller General raised a concern, however, on whether the three initiatives could be implemented within the proposed 13 percent cost increase. The committee, therefore, directs the Secretary to reevaluate its cost estimate, to quantify the risk or likelihood of achieving its goals within 13 percent cost projection, and to develop the range of possible cost increases associated with the risk, by December 1, 2004. The committee also directs the Comptroller General to review and report to the Senate Committee on Armed Services and the House Committee on Armed Services, by February 2, 2005, whether the Secretary has adequately performed the committee's directed task.

### New Mexico Training Range Initiative

The Committee is pleased with the Department of Air Force's progress towards the establishment of the New Mexico Training Range Initiative (NMTRI), including Melrose Range, Sumner Air Traffic Control Assigned Airspace and the Pecos and Taiban Military Operations Areas. It is the committee's understanding that the Air Force is projected to complete an environmental impact statement (EIS) by September 2005. The Committee encourages the Air Force and all other parties involved to continue to pursue September 2005 as the final deadline for the completed EIS with regards to the NMTRI at Melrose Range.

### Tents

There are 36 major types of tents used in the military services. The Director, Defense Logistics Agency, is responsible for purchasing these tents, primarily from small businesses. There is, however, no regular or consistent requirement for additional or new tents. Thus, the small businesses that make up a significant portion of this industrial base have difficulty meeting surge requirements. The committee directs the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on Armed Services by February 1, 2005, on what actions the Secretary can take to promote a more consistent requirement for tents or to assist the small business industrial base in meeting surge requirements.

## LEGISLATIVE PROVISIONS

## SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

## Section 301—Operation and Maintenance Funding

This section would authorize \$119.8 billion in operation and maintenance funding for the military departments and defense-wide activities.

## Section 302—Working Capital Funds

This section would authorize \$2.8 billion for working capital funds of the Department of Defense and the National Defense Sealift Fund.

## Section 303—Other Department of Defense Programs

This section would authorize \$20.2 billion for other Department of Defense Programs for (1) the Defense Health Program; (2) Chemical Agents and Munitions Destruction; (3) Drug Interdiction and Counter-Drug Activities, Defense-Wide; and (4) the Defense Inspector General.

## Section 304—Reimbursement of Members of the Armed Forces Who Purchased Protective Body Armor during Shortage of Defense Stocks of Body Armor

This section would authorize the Secretary of Defense to reimburse soldiers who purchased protective body armor for use while deployed in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom, if the soldier did not receive the protective body armor before engaging in such operations where such body armor might be necessary. Reimbursement would be available to soldiers who purchased the body armor between September 1, 2001, and December 31, 2003.

## SUBTITLE B—ENVIRONMENTAL PROVISIONS

## Section 311—Report Regarding Encroachment Issues Affecting Utah Test and Training Range, Utah

This section would require the Secretary of the Air Force to provide a report to the Senate Committee on Armed Services and the House Committee on Armed Services, within one year of enactment of this Act, on the current and anticipated encroachments on the use and utility of the special use airspace of the Utah Test and Training Range (UTTR), including encroachments initiated by other executive agencies. The report would include recommendations the Secretary considers appropriate, including legislation that would address encroachment-related concerns.

## SUBTITLE C—WORKPLACE AND DEPOT ISSUES

## Section 321—Simplification of Annual Reporting Requirements Concerning Funds Expended for Depot Maintenance and Repair Workloads

This section would amend section 2466(d) of title 10, United States Code, to require the Secretary of Defense to submit to Congress a report on the percentage of funds expended or expected to be expended for depot maintenance and repair workloads in the public and private sectors. This report would cover prior, current, and budget years in which data is more reliable. The Comptroller General recommended such a change in its September 15, 2003, audit report, “Depot Maintenance: DOD’s 50–50 Reporting Should be Streamlined,” (GAO–03–1023).

## Section 322—Repeal of Annual Reporting Requirement Concerning Management of Depot Employees

This section would repeal section 2472(b) of title 10, United States Code, which currently requires the Secretary of Defense to report annually to the Senate Committee on Armed Services and the House Committee on Armed Services the number of Department of Defense employees employed and expected to be employed during that fiscal year to perform depot level maintenance and repair of materiel. The committee agrees to repeal this annual report and understands that the Secretary shall readily provide such data upon request.

## Section 323—Public-Private Competition for Work Performed by Civilian Employees of Department of Defense

This section would amend section 2461(b) of title 10, United States Code, to ensure the Secretary of Defense formally compares the cost of civilian employee performance with the costs of contractor performance before converting a function performed by 10 or more civilians. This section would also require the Secretary to conduct a formal comparison before modifying, reorganizing, dividing, or changing any function within the Department of Defense. Finally, this section would authorize the Secretary to waive the requirement of a formal comparison when there is a written determination that national security interests are so compelling as to preclude a comparison. The waiver would be required to be published within the Federal Register.

## Section 324—Public-Private Competition Pilot Program

This section would require the Secretary of Defense to conduct a two-year pilot program under which 10 percent of all functions that are considered new are competed pursuant to Office of Management and Budget Circular A–76 (A–76). In those instances where the winning party is a small business or a contractor whose employees are represented by a private labor union, the Department of Defense shall not receive credit towards compliance with the 10 percent requirement. This section would also require the Secretary to conduct A–76 competitions to determine whether work currently performed by a contractor should be performed by government em-

ployees. The Secretary shall conduct such studies so that the number of contractor employee studies are approximately 10 percent of the number of government employees studied. The Secretary does have authority to waive these requirements when national security interests are so compelling as to preclude compliance. This waiver would be required to be published in the Federal Register. This section would also require the Department of Defense, Inspector General, to report to Congress on the result of the pilot program.

#### Section 325—Sense of Congress on Equitable Legal Standing for Civilian Employees

This section would express the sense of Congress that Department of Defense civilian employees should receive legal standing to challenge a public-private competition before the General Accounting Office or the United States Court of Federal Claims.

#### Section 326—Competitive Sourcing Reporting Requirement

This section would require the Department of Defense, Inspector General, to submit a report to Congress addressing whether the Department of Defense employs a sufficient workforce to conduct public-private competitions and whether the Secretary of Defense has implemented a tracking system to assess the cost and quality of service contractors. The system shall be made available to the public and updated quarterly. The tracking system shall include the cost to conduct a study under Office and Management and Budget Circular A-76; the cost of employee performance before the study began; the cost of the most efficient organization; the anticipated cost of contractor performance; the cost for the performance of the function by the contractor; a description of the quality control process used to monitor contract performance with an assessment whether contractor achieved, exceeded, or failed to achieve the quality control standards.

### SUBTITLE D—INFORMATION TECHNOLOGY

#### Section 331—Preparation of Department of Defense Plan for Transition to Internet Protocol Version 6

This section would require the Secretary of Defense to prepare a transition plan to evaluate how the Department of Defense's (DOD) information technology (IT) systems may be impacted by the Department's decision to transition from the current protocols to Internet Protocol version 6 (IPv6). The committee is well aware that this decision affects every piece of network equipment that is used by DOD's Global Information Grid (GIG). While the committee is not a proponent of any particular protocol, the committee seeks to ensure that IPv6 will provide, at a minimum, the same capabilities that are available today. Therefore, the committee has raised concerns about the possible implications of the Department's decision to move to this protocol, including quality of service issues and the use of best commercial practices to adopt this protocol. This section would also direct the Secretary to use the Naval Research Lab, in conjunction with the United States Strategic Command, to conduct and manage the tests required in this section.

Section 332—Defense Business Enterprise Architecture, System Accountability, and Conditions for Obligation of Funds for Defense Business System Modernization

This section would repeal section 1004 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314), that requires the development and implementation of a defense business enterprise architecture, and requires obligations over \$1.0 million for defense business system modernization initiatives to be certified as consistent with that enterprise architecture. This section would, instead, establish accountability for defense business systems by assigning defense domains, or designated Department of Defense (DOD) officials, the authority and responsibility for their business systems, including the establishment of domain-specific investment review processes. In addition, this section would improve transparency in defense business systems investments by requiring the Secretary of Defense to submit an annual budget that identifies such systems, the funds devoted to them, and the officials responsible for such systems. This section would also charge the domain owners for implementing and evolving their portion of the single DOD business enterprise architecture. The committee is concerned that the Department continues to invest billions of dollars in systems that fail to provide integrated business systems, timely and reliable information, and other important financial and business information for the daily operations. The committee believes the explicit assignment of management for the business enterprise architecture and definitive domain accountability, authority, and control is necessary to effectively achieve integrated business operations and systems to support the warfighter.

Section 333—Establishment of Joint Program Office to Improve Interoperability of Battlefield Management Command and Control Systems

This section would establish a joint program office to manage the Department of Defense's myriad of battlefield management command and control systems to provide a common operational picture of the battlefield for all users. The committee understands that the Department has struggled for many years to develop and field command, control, communications, computers, and intelligence, surveillance, and reconnaissance (C4ISR) systems that interoperate effectively across all of the military services. A primary reason for this struggle is that the military services and other defense agencies plan and acquire systems to meet their own operational requirements, and not necessarily joint warfighting concepts.

The committee notes that the Department recently drafted a Joint Battle Management Command and Control Roadmap that is intended to lead to a more integrated, interoperable set of command and control and battlespace awareness capabilities for joint force commanders to use in military operations. The committee understands that initially the United States Joint Forces Command (JFCOM) was given oversight and directive authority for the Family of Interoperable Operational Pictures (FIOP), which will eventually integrate air, ground, maritime, and possibly space into one common operational picture.

Unfortunately, JFCOM estimates that it will take up to two years to develop a joint architecture, by which time, several hundred million dollars will have been spent on the single integrated air picture program, while the other supporting systems that the FIOP is intended to integrate will also be in various stages of development under the funding and direction of the military services.

Furthermore, while JFCOM has authority to direct the FIOP development efforts, the actual program implementation will be done by the military services under separate program offices. The committee is deeply troubled by the lack of joint responsibility over program implementation that may jeopardize the possibility of achieving standardization and integration among these systems, and is concerned that funding for the various programs is the responsibility of the military services.

#### SUBTITLE E—READINESS REPORTING REQUIREMENTS

##### Section 341—Annual Report on Department of Defense Operation and Financial Support for Military Museums

This section would require the Secretary of Defense to include in the annual budget justification materials a complete inventory of military museums operated with funds appropriated to the Department of Defense (DOD) or the military services. For each museum, this section would require the Secretary to provide:

- (1) A description of the museum facility;
- (2) Funds requested to operate, maintain, and repair the museum facility;
- (3) The number of DOD civilian personnel and uniformed service members employed or assigned to the museum;
- (4) A list of non-museum functions performed at the facility;
- (5) Justification for continued DOD funding; and
- (6) Funds received from organizations other than the Department to operate, maintain, and repair the museum.

The committee recognizes that museums provide and preserve important records, perspectives, and relics of military history. Due to the large number of museums supported with appropriated funds, however, the committee believes it is important for Congress to have greater visibility over the cost and mission of these museums. The committee notes that the Army, Army Reserve, and Army National Guard operate 122 museums; and the Army has requested \$25.0 million to operate its museums in fiscal year 2005.

##### Section 342—Report on Department of Defense Programs for Positioning of Material and Equipment

This section would require the Secretary of Defense to evaluate and report to the congressional defense committees by October 1, 2005, the Department of Defense's strategic objectives for the military department's preposition programs. In recent operations, the United States dictated the time of the engagement and the tempo of operations, which allowed proper planning and measured decisions on how to deliver combat equipment, combat support and sustainment equipment. The committee believes if the timing of a future engagement is not within the control of U.S. forces, the

value of an effective prepositioned strategy could be the difference in dictating the initial stages of a conflict.

Presently, a majority of the prepositioned stocks are in use. The committee does not believe that restocking the existing preposition configuration will meet the Secretary's stated goal of deploying to a distant theatre in ten days, defeating an enemy within thirty days, and being ready for an additional conflict within another thirty days. The current strategy also fails to incorporate concepts of joint doctrine. The Department has a unique opportunity to reassess and reconfigure these programs in the context of the new deployment goals.

#### SUBTITLE F—OTHER MATTERS

##### Section 351—Extension of the Arsenal Support Program Initiative

This section would amend Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) to authorize the Secretary of the Army to extend the Arsenal Support Initiative Program through fiscal year 2008. This section would also require the Secretary to report to the Senate Committee on Armed Services and the House Committee on Armed Services by March 1, 2007, the benefits of the program, the extent to which the program met its goals, and whether the program should be made permanent.

##### Section 352—Limitation on Preparation or Implementation of Mid-Range Financial Improvement Plan

This section would prohibit the Secretary of Defense from obligating operation and maintenance funds to implement the Mid-Range Financial Improvement Plan until the Secretary provides information to the Senate Committee on Armed Services and the House Committee on Armed Services an explanation of how the operation and maintenance funds are to be utilized in fiscal year 2005 and the estimated cost for this plan in future fiscal years.

##### Section 353—Procurement of Follow-On Contracts for the Operation of Five Champion-Class T-5 Tank Vessels

This section would require the Secretary of Navy to limit the next competition for the operation and maintenance of the five champion class T-5 fuel tankers to a United States corporation, partnership, or association, as defined in section 2 of the Shipping Act, 1916 (42 App. U.S.C. 802). The committee strongly supports the Secretary of the Navy's intent to receive the best value using negotiated competitions.

##### Section 354—Sense of Congress on America's National World War I Museum

This section would express the sense of Congress that the Liberty Memorial Museum in Kansas City, Missouri, is recognized as "America's National World War I Museum."

TITLE IV—MILITARY PERSONNEL  
AUTHORIZATIONS

ITEM OF SPECIAL INTEREST

Study of High Demand Low Density Military Units and Personnel

Both the active and reserve components are undergoing various transformation initiatives in order to provide lighter, more lethal forces to meet the national security challenges of the 21st century. The global war on terrorism has compelled the services to begin efforts to divest structure and forces from the Cold War era and to develop and establish forces that are more responsive to current requirements. In this new environment, the armed forces have found certain units and personnel are experiencing extraordinary levels of deployment and utilization. These so called high demand-low density units and personnel include, for example, military police, civil affairs, intelligence, psychological operations, and linguists. The committee directs the Comptroller General to determine the extent of the reliance on these active and reserve component high demand low density units and personnel to meet new national security requirements, and to identify the effectiveness of the efforts by the armed forces to reduce or eliminate reliance on high-demand-low density units and specialties. Furthermore, the Comptroller General will assess whether additional units and resources beyond current levels are necessary to meet current and future demands. The Comptroller General should report the findings and recommendations of the assessment to the Senate Committee on Armed Services and the House Committee on Armed Services by March 31, 2005.

LEGISLATIVE PROVISIONS

SUBTITLE A—ACTIVE FORCES

Section 401—End Strengths for Active Forces

This section would authorize the following end strengths for active duty personnel of the armed forces as of September 30, 2005.

Service	FY 2004 authorized and floor	FY 2005		Change from	
		Request	Committee recommendation	FY 2005 request	FY 2004 authorized
Army .....	482,400	482,400	482,400	0	0
Navy .....	373,800	365,900	365,900	0	-7,900
USMC .....	175,000	175,000	175,000	0	0
Air Force .....	359,300	359,700	359,700	0	400
DOD .....	1,390,500	1,383,000	1,383,000	0	-7,500

In addition to the fiscal year 2005 end strengths authorized by this section for the Army and the Marine Corps, sections 1531 and 1532 increase Army and Marine Corps end strengths by 10,000 and 3,000 respectively.

Section 402—Revision in Permanent Active Duty End Strength Minimum Levels

This section would establish new minimum active duty end strengths for the Navy and the Air Force as of September 30, 2005. These changes in minimum strengths reflect the committee recommendations shown in section 401.

Section 403—Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support

This section would authorize, as required by section 115(b) of title 10, United States Code, the maximum number of reserve component personnel who may be on active duty or full-time national guard duty during fiscal year 2005 to provide operational support. The personnel authorized here do not count against the end strengths authorized by sections 401 or 412.

Service	FY 2005 committee recommendation
Army National Guard .....	10,300
Army Reserve .....	5,000
Naval Reserve .....	6,200
Marine Corps Reserve .....	2,500
Air National Guard .....	10,100
Air Force Reserve .....	3,600
DOD Total .....	37,700

Section 404—Accounting and Management of Reserve Component Personnel Performing Active Duty or Full-Time National Guard Duty for Operational Support

This section would establish the requirement for an annual congressional authorization of the maximum number of reserve component personnel to be on active duty or full-time national guard duty providing operational support. The committee makes this recommendation to provide a new, comprehensive approach for managing and accounting for reserve component members on active duty in support of operational missions. The section would eliminate the current 180-day strength accounting metric that requires all reservists on active duty beyond that limit to count against active component end strengths. In its place, the section would authorize reserve component members who are voluntarily on active duty to serve for up to three years, or a cumulative three years over a four-year period, before counting against active end strengths. The section would also exempt reserve component personnel authorized by this section from certain officer and enlisted grade limits. The committee believes that such flexibility will encourage the use of volunteers both during normal peacetime operations, as well as during times of national emergency. The section would also require the Secretary of Defense to evaluate programs whose reserve component personnel are exempt from counting against any statutory manpower authorizations and report to the Senate Committee on Armed Services and the House Committee on Armed Services by June 1, 2005, the Secretary's recommendations

for including these personnel within such statutory manpower authorizations.

#### SUBTITLE B—RESERVE FORCES

##### Section 411—End Strengths for Selected Reserve

This section would authorize the following end strengths for selected reserve personnel, including the end strength for reserves on active duty in support of the reserves, as of September 30, 2005:

Service	FY 2004 authorized	FY 2005		Change from	
		Request	Committee recommendation	FY 2005 request	FY 2004 authorized
Army National Guard .....	350,000	350,000	350,000	0	0
Army Reserve .....	205,000	205,000	205,000	0	0
Naval Reserve .....	85,900	83,400	83,400	0	-2,500
Marine Corps Reserve .....	39,600	39,600	39,600	0	0
Air National Guard .....	107,030	106,800	106,800	0	-230
Air Force Reserve .....	75,800	76,100	76,100	0	300
DOD Total .....	863,330	860,900	860,900	0	-2,430
Coast Guard Reserve .....	10,000	10,000	10,000	0	0

##### Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves

This section would authorize the following end strengths for reserves on active duty in support of the reserves as of September 30, 2005:

Service	FY 2004 authorized	FY 2005		Change from	
		Request	Committee recommendation	FY 2005 request	FY 2004 authorized
Army National Guard .....	25,599	26,476	26,476	0	877
Army Reserve .....	14,374	14,970	14,970	0	596
Naval Reserve .....	14,384	14,152	14,152	0	-232
Marine Corps Reserve .....	2,261	2,261	2,261	0	0
Air National Guard .....	12,191	12,225	12,225	0	34
Air Force Reserve .....	1,660	1,900	1,900	0	240
DOD Total .....	70,469	71,984	71,984	0	1,515

The committee's recommendation would provide for a 2.1 percent growth in the strength of these full-time reservists above the levels authorized in fiscal year 2004.

##### Section 413—End Strengths for Military Technicians (Dual Status)

This section would authorize the following end strengths for military technicians (dual status) as of September 30, 2005:

Service	FY 2004 authorized (floor)	FY 2005		Change from	
		Request	Committee recommendation (floor)	FY 2005 request	FY 2004 authorized
Army National Guard .....	24,589	25,076	25,076	0	487
Army Reserve .....	6,949	7,299	7,299	0	350
Air National Guard .....	22,806	22,956	22,956	0	150

Service	FY 2004 au- thorized (floor)	FY 2005		Change from	
		Request	Committee recommenda- tion (floor)	FY 2005 re- quest	FY 2004 au- thorized
Air Force Reserve .....	9,991	9,954	9,954	0	- 37
DOD Total .....	64,335	65,285	65,285	0	950

The committee's recommendation would provide for a 1.5 percent growth in the strength of military technicians above the levels authorized in fiscal year 2004.

#### Section 414—Fiscal Year 2005 Limitation on Number of Non-Dual Status Technicians

This section would establish the maximum end strengths for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2005.

### SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

#### Section 421—Military Personnel

This section would authorize \$1,046.5 million to be appropriated for military personnel. This authorization of appropriations reflects both reductions and increases to the budget request for military personnel that are itemized below.

Military personnel	Amount (in dollars)
617: Reform Critical Skills Retention Bonuses .....	5,000,000
615: Reform Enlistment and Reenlistment Bonuses .....	15,000,000
616: Revised Foreign Language Proficiency Pay .....	2,000,000
619: Authorize Lateral Skills Training Bonus for Reserves .....	3,000,000
618: Authorize Officer Accession Bonus for Reserves .....	5,000,000
605: Reserve Income Replacement Plan .....	60,000,000
620: Hazardous Duty Incentive Pay Military Firefighters .....	9,630,000
631: Expansion of Travel for Survivors to Attend Burials .....	2,000,000
632: Enhanced Family Member Travel to Visit Wounded .....	3,000,000
551: College First Delayed Enlistment Program .....	5,000,000
526: Continue Loan Repayments Following Commissioning .....	1,000,000
525: Educational Assistance for Officers Commissioned from Military Junior Colleges .....	1,500,000
GAO estimate FY 2005 Active Component unexpended funds .....	- 230,000,000
GAO Army Guard Underexecution due to Mobilization .....	- 20,000,000
GAO Naval Reserve Underexecution due to Mobilization .....	- 15,000,000
Army Rotational Travel .....	- 1,500,000
Air Force General Officer Personal Money Allowance .....	- 9,630,000

#### Section 422—Armed Forces Retirement Home

This section would authorize \$61,195.00 million to be appropriated for the operation of the Armed Forces Retirement Home during fiscal year 2005.

## TITLE V—MILITARY PERSONNEL POLICY

### OVERVIEW

The committee recommends changes in this title to address not only matters of long-term military personnel policy reform, but also present near-term policy and process solutions to issues highlighted as a result of the global war on terrorism. For example, that war

has required the mobilization of hundreds of thousands of reserve component members using an inefficient Cold War-era system that imposed undue stress on reserve component personnel and their families. The committee's recommendations would take substantial steps toward reforming that mobilization process. The committee is also recommending a series of reforms in the management of general and flag officers to permit these highly qualified officers increased opportunity for service in critical positions. To better recognize the service by military personnel in Afghanistan and Iraq, the committee would recommend the establishment of separate service medals. To facilitate recruiting and participation in the Senior Reserve Officer Training Corps, the committee recommends several measures to improve access to college and university campuses.

The committee recommendations also include reforms for both joint officer management and joint professional military education. The committee's Report of the Panel on Military Education of the One Hundredth Congress, dated April 21, 1989, laid the foundation for joint officer development. That report, commonly known as the Skelton Report after the panel chairman, Rep. Ike Skelton, was the product of extensive study, and provided the analytical and philosophical foundation upon which to base both joint officer management policies and joint professional military education requirements. Since that time, the results of that study have enabled the Department of Defense to progress from operations in which the effort was to simply deconflict the services in the execution of their separate missions to the point today where recent combat experience demonstrates that the services have generally achieved integration in the execution of joint operations.

Much of what the Skelton Report identified as requirements for joint officer management and joint professional military education clearly remains relevant today. However, the committee also understands that as the nature of warfare evolves so that future operations become more complex and joint at lower levels than before, the framework for developing persons skilled in joint matters must also evolve. Thus, while the committee's recommendations contained in this title are first steps in the construction of that evolving framework, much more analysis is required before any additional changes are enacted.

#### ITEMS OF SPECIAL INTEREST

##### Civilianization or Contracting Out of Military Chaplain Positions

The committee is disturbed to learn that the military services are considering replacing military chaplains with civilian or contractor personnel. The committee believes that the implementation of such conversions would significantly undermine the ability of the military services to provide not only for the religious needs of uniformed personnel, but also for their families at home and overseas. The work of military chaplains is multifaceted. Regardless of the uniform they wear, chaplains share a common bond with their fellow soldiers, sailors, airmen, Marines and coast guardsman in the field. Regardless of their religion, they are brothers in arms. Military chaplains provide more than spiritual guidance. They are counselors and confidants to those who have witnessed first hand the horrors of war. Beyond this, military chaplains provide credible

support and guidance to the families enduring the stress of deployments, and they comfort those who mourn the loss of loved ones. For these reasons, the committee does not believe that civilian or contract chaplains could adequately or effectively replace military chaplains. Therefore, the committee urges each of the secretaries of the military services to abstain from implementing any recommendations to civilianize or contract out military chaplain positions.

#### Curricula for Post-conflict Resolution

The committee recognizes the important work that Department of Defense educational institutions have done in promoting inter-agency training for post-conflict operations. The committee recommends that curricula for joint training of military and civilian personnel continue to be developed and that the Department explore the utility of establishing a center for post-conflict reconstruction operations to pursue the following mission: (1) train key inter-agency personnel in assessment, strategy development, planning and coordination for post-conflict reconstruction; (2) develop and certify a cadre of post-conflict reconstruction experts who could be called to participate in future operations at both the headquarters and field levels; (3) provide pre-deployment training to inter-agency personnel tapped for specific operations; (4) develop a cadre of rapidly deployable training packages for use in the field; and, (5) conduct after-action reviews of real-world operations to capture lessons learned, best practices and tools and designing mechanisms to feed them back into training and education programs.

#### Federal Voting Assistance Program

The committee is very concerned that the Department of Defense (DOD) is not fully committed to securing the right to vote for the men and women in uniform serving our nation around the globe. Following the many absentee voting problems experienced by military members during the national election in 2000, Congress included a provision in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) that expanded and improved the policies and procedures supporting the DOD-administered Federal Voting Assistance Program (FVAP) and DOD mail systems that carry voting materials between state and local voting officials and the service members.

Reports from the United States General Accounting Office (GAO)(GAO-04-484) and the Inspector General of the Department of Defense (DOD IG)(D-2004-065, March 31, 2005) clearly demonstrate that the Department is not allocating the resources and management attention necessary to make the mail systems and the FVAP operate effectively. The GAO found that many of the problems from the Persian Gulf War of 1991 were repeated during Operation Iraqi Freedom because the United States Central Command's plan for postal service contained flawed assumptions, was not adequately resourced, and was not fully implemented. The DOD IG found that of the voting assistance programs at 10 installations visited, 3 were partially effective and 7 were ineffective. Additionally, 58 percent of the respondents to a questionnaire did not know who their unit voting officer was.

The committee believes that immediate command emphasis is required at all levels to ensure that mail systems are improved and the FVAP is fully implemented in time to protect the voting rights of service members during the national election in November 2004. Accordingly, the Secretary of Defense shall submit reports to the Senate Committee on Armed Services and the House Committee on Armed Services on August 1, 2004 and October 1, 2004 on his actions to ensure that DOD mail systems and the FVAP are operating effectively in support of absentee voting for service members and his perspective regarding the status of military voting on that date.

In addition to improving the military postal system for the purposes of supporting military absentee voters, the committee sees another, equally important, purpose in supporting the morale of our deployed troops and their families. Mail destined for deployed members of the armed forces that is delayed for long periods of time, or not delivered at all, negatively affects the morale of our deployed forces and their families at home. The Department of Defense should improve the military mail systems so that they comply with the Department's own wartime standards for 1st class mail delivery.

#### Joint Advertising and Market Research

The committee believes that the Department of Defense has an important corporate-level role to play in complementing the recruiting and advertising programs of the individual services. In that light, the committee believes that the Department's joint advertising and market research reinvention effort can have a direct, positive long-term impact on the ability of the Department and the military services to recruit quality personnel. The committee believes that such a capability is especially critical at a time when the recruiting efforts of the military services could soon be challenged by a range of factors. For that reason, the committee recommends an increase of \$10.0 million to the budget request for the Department's joint advertising and market research effort.

#### Meeting Department of Defense Requirements for Personnel with Foreign Language and Regional Expertise

The committee notes that recent operational requirements with Operation Iraqi Freedom and Operation Enduring Freedom, as well as the global war on terrorism, place more emphasis on the need for foreign language and regional expertise among military personnel. The committee is concerned that the education and training provided to officers both before commissioning and throughout their careers may not adequately prepare military leaders with the skills needed for these and similar future operations. The committee is also interested in the degree to which officers with regional expertise and language ability are promoted and utilized within the force. The committee directs the Secretary of Defense to conduct a study of these matters, including current practices for education and training in language and regional studies, numbers who are so trained, types of languages and areas studied, and comparative promotion rates. The study should also provide recommendations for the enhancement of language and regional stud-

ies within the officer population. The committee directs the Secretary to submit this report by March 31, 2005 to the Senate Committee on Armed Services and the House Committee on Armed Services.

The committee is also aware of the Department's efforts to transform its overall capability in foreign language and regional expertise. However, given the variety of required languages and extensive number of locations where DOD military and civilian personnel are operating and may operate, as well as the importance of these language and regional capabilities to overall defense strategy, this transformation will require a robust and sustained effort. The committee therefore directs the Secretary to establish a Defense Language Office within the Office of the Under Secretary of Defense for Personnel and Readiness to ensure a strategic focus on meeting present and future requirements for language and regional expertise among military personnel and civilian employees of the Department. This office should establish and oversee policy regarding the development, management, and utilization of civilian employees as well as members of the armed forces; monitor the promotion, accession and retention of individuals with these critical skills; explore innovative concepts to expand capabilities; and establish policies to identify, track, and maximize the use to meet requirements for language and regional expertise.

#### National Program for Citizen Soldier Support

The committee believes that the increasing reliance on the National Guard and reserves that has occurred during the global war on terrorism requires the Secretary of Defense to take extraordinary measures to ensure that there is an effective support structure for reserve component personnel, their families and employers. The committee commends the Secretary for the broad efforts already underway to provide such support. The committee believes that the effectiveness of these support efforts could be enhanced and refined by incorporating the capabilities of university and community based organizations. The committee understands that the North Carolina based National Program for Citizen-Soldier Support is developing a comprehensive program that could prove useful to the Department of Defense in extending the reach and effectiveness of existing military-sponsored support agencies. The committee directs the Secretary to closely examine the National Program for Citizen-Soldier Support and others like it to determine how they might be integrated into the Department's ongoing efforts.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—GENERAL AND FLAG OFFICER MATTERS

##### Section 501—Length of Service for Service Chiefs

This section would authorize the President to extend the term of an officer serving as the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps for a period of up to two-years beyond the initial four-year appointment. In time of war or national emergency, the President would be able to extend the term of office for such additional periods as the President determines necessary.

However, the section would limit the total period of an officer's term as a service chief to eight years under any circumstance. Under current law, the chief of a military service is appointed for a four-year term and may only be reappointed during wartime or national emergency for up to four additional years.

**Section 502—Repeal of Requirement that Deputy Chiefs and Assistant Chiefs of Naval Operations Be Selected from Officers in the Line of the Navy**

This section would require that candidates for selection as deputy chiefs and assistant chiefs of naval operations be chosen from the officers of the Navy on active duty. Current law specifies that candidates for deputy chiefs and assistant chiefs of naval operations be chosen only from among officers in the line of the Navy on active duty.

**Section 503—Increase in Age Limit for Deferral of Mandatory Retirement for Up to 10 Senior General and Flag Officers**

This section would increase from 64 to 66 the mandatory retirement age for senior general and flag officers whom the President had previously retained on active duty beyond the statutory limits on either time in grade or age. Under current law, not more than ten deferments of the mandatory retirement of three- and four-star general and flag officers may be in effect at any one time.

**Section 504—Increased Flexibility for Voluntary Retirement for Military Officers**

This section would authorize the Secretary of Defense and the secretaries of the military departments greater flexibility in determining the grade in which active duty and reserve officers may be retired. Specifically, the section would:

- (1) Require officers serving in grades above colonel, or captain in the Navy, to serve a minimum of one year time-in-grade before being allowed to retire in that grade;
- (2) Replace the requirement for the Secretary of Defense to notify Congress that officers have performed satisfactorily in grades above major general, or rear admiral (upper half) in the Navy, before being allowed to retire in those grades with an authority for the secretary of the military department concerned to approve retirement of officers in those grades with the concurrence of the Secretary of Defense.

**Section 505—Repeal of Requirement that No More than 50 Percent of Active Duty General and Flag Officers be in Grades Above Brigadier General and Rear Admiral (Lower Half)**

This section would repeal the limitation that no more than 50 percent of general and flag officers in a military service on active duty can be in grades above one-star, that is above brigadier general and rear admiral (lower half). There is no explicit statutory limitation on the numbers of two-star general and flag officers on active duty, and this section would not change either the total numbers of general or flag officers allowed on active duty or the statutory limits on the numbers of general and flag officers serving

on active duty in three- and four-star grades. Therefore, the effect of the proposed repeal would be to permit each of the military services some additional flexibility in managing the distribution of one- and two-star general and flag officers.

**Section 506—Revision to Terms for Assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters**

The section would authorize the assistants to the Chairman of the Joint Chiefs of Staff for national guard and reserve matters to serve an initial term of four years. Under current law, the initial term is two years.

**Section 507—Succession for Position of Chief, National Guard Bureau**

This section would establish a chain of succession when there is a vacancy in the office of the Chief of the National Guard Bureau, or in the event that the chief is unable to perform the duties of the office. In such cases, the most senior ranking officer of the Army National Guard or of the Air National Guard on duty with the National Guard Bureau would serve as acting chief.

**Section 508—Title of Vice Chief of the National Guard Bureau Changed to Director of the Joint Staff of the National Guard Bureau**

This section would change the title of the Vice Chief of the National Guard Bureau to better reflect the duties of the position now that the staff of the National Guard Bureau has been reorganized as a joint organization.

**Section 509—Two-Year Extension of Authority to Waive Requirement that Reserve Chiefs and National Guard Directors Have Significant Joint Duty Experience**

This section would extend for two years, until December 31, 2006, the authority of the Secretary of Defense to waive the requirement that the chiefs of the reserves and the directors of the Army and Air National Guard must have significant joint duty experience to be eligible for appointment.

The requirement for officers to have significant joint duty experience as a condition of service in these most senior of reserve component general and flag officer positions was established in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65). In recognition of the challenge that reserve component officers face in getting joint duty experience, the public law provided the Secretary temporary three-year authority to waive the requirement. That waiver authority was extended in 2000, with the expectation that the Department and the military services would make a concerted effort to develop a system for ensuring reserve officers obtained the requisite joint experience. The committee, therefore, was disappointed when the budget request for fiscal year 2005 sought to make permanent the Secretary's waiver authority.

The committee believes that a concerted effort must be made to develop a system to provide significant joint duty experience to those officers who will be candidates for the senior military leader-

ship positions of the reserve components. For that reason, this section would also require that the Secretary develop a plan to ensure that officers selected after December 31, 2006, to be the chiefs of the reserves and the directors of the Army and Air National Guard, have significant joint duty experience.

Section 510—Repeal of Distribution Requirements for Naval Reserve Flag Officers

This section would repeal the prescribed distribution of the 48 flag officers authorized for the Naval Reserve, thereby permitting greater flexibility for the Department of the Navy to adapt its reserve flag officer inventory to meet current requirements. Current law mandates the allocation of these flag officers among the line, Medical Department Staff Corps, Chaplain Corps and Judge Advocate General's Corps.

SUBTITLE B—OTHER OFFICER PERSONNEL POLICY MATTERS

Section 511—Transition of the Active-Duty List Officer Force to All Regular Status

This section would authorize the Secretary of Defense to commission all new officer accessions as regular officers and transition all officers on the active-duty list to regular status.

Section 512—Mandatory Retention on Active duty to Qualify for Retired Pay

This section would clarify that section 12686 of title 10, United States Code, does not require that reservists serving on active duty with over 18 years of reserve service be retained on active duty for the purpose of qualifying the member for reserve retirement.

Section 513—Distribution in Grade of Marine Corps Reserve Officers in an Active Status in Grades Below Brigadier General

This section would correct a technical discrepancy in the grade table for the Marine Corps Reserve that has inappropriately limited the number of officers authorized in each grade below brigadier general.

Section 514—Tuition Assistance for Officers

This section would authorize the secretaries of the military departments to waive for reserve component officers the two-year active duty service obligation required as a condition for receipt of tuition assistance while on active duty. This section would also repeal the limit on the amount of tuition assistance that the Secretary of the Army was authorized to pay officers of the selected reserve who are pursuing a baccalaureate degree. At present, the Secretary is limited to paying for such officers not more than 75 percent of the charges of an educational institution.

## SUBTITLE C—RESERVE COMPONENT MATTERS

## Section 521—Revision to Statutory Purpose of the Reserve Components

This section would clarify that the purpose of the reserve components is to provide trained units and qualified persons not just as the result of involuntary mobilizations but whenever more units and persons are needed than are in the active components. The revision recommended by this section more accurately reflects recent and future employment of the reserve components.

## Section 522—Improved Access to Reserve Component Members for Enhanced Training

This section would authorize units and members of the reserve components to be involuntarily mobilized for the purposes of training. Current law prohibits mobilizations for training, reflecting a Cold War construct that assumed, in the face of predictable threats, that there would be an extended period available for training reserve units and individuals prior to deployment. The global war on terrorism has pointed out the need to repeal the prohibition in order to increase the readiness of the reserve component units, shorten time between mobilization and deployment and provide for a more orderly, predictable and effective mobilization process that reduces stress on individuals, families and employers. To that end, the section would authorize units and individuals to be ordered to active duty to conduct required training. However, the section would require that the time spent in such training be counted against the mobilization time limits that are established in law.

## Section 523—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

This section would clarify that mobilized reserve members may be separated when they are identified within 30 days as being unable to serve the full period for which they were mobilized due to preexisting medical conditions that were not aggravated while on active duty. Such member would be considered as serving under an order to active duty for a period of 30 days or less.

## Section 524—Federal Civil Service Military Leave for Reserve and National Guard Civilian Technicians

This section would eliminate the restriction on the use of military leave specified in section 6323 of title 5, United States Code, during a war or national emergency declared by the President and would authorize reserve component members who are federal employees to participate in a leave status in operations outside the United States.

## Section 525—Expanded Educational Assistance Authority for Officers Commissioned Through ROTC Program at Military Junior College

This section would allow commissioned officers who graduate from a military junior college to receive additional financial assist-

ance to complete their baccalaureate degree requirements. Individuals who participate in this program would be attached to a Senior Reserve Officers' Training Corps unit in order to ensure that they maintain their military training, bearing and education as they complete their post-secondary education.

**Section 526—Effect of Appointment or Commission as Officer on Eligibility for Selected Reserve Education Loan Repayment Program for Enlisted Members**

This section would authorize the Secretary of Defense to continue to repay educational loans for enlisted members in a reserve component after they are commissioned as officers if the members continue to serve the period specified in the original loan repayment agreement.

**Section 527—Number of Starbase Academies in a State**

This section would authorize the Secretary of Defense, based on criteria he would prescribe, to permit a state to have more than two Starbase academies.

**Section 528—Comptroller General Assessment of Integration of Active and Reserve Components of the Navy**

This section would require the Comptroller General to review the Navy's implementation plans for the integration of the service's active and reserve components. The Comptroller General shall submit a report of the results of that assessment to the Senate Committee on Armed Services and House Committee on Armed Services by March 31, 2005.

**Section 529—Operational Activities Conducted by the National Guard Under Authority of Title 32**

This section would authorize the Secretary of Defense to provide funds to the governor of a state to employ national guard units and personnel to conduct operational activities that the Secretary determines to be in the national interest. This section would also establish a process by which the governor of a state may request funding from the Secretary for the operational activities of that state's national guard. The committee makes these recommendations in order to provide the Secretary with clear authority to more effectively incorporate national guard units and personnel into the planning and implementation of homeland security and other operational missions.

**Section 530—Army Program for Assignment of Active Component Advisers to Units of the Selected Reserve**

This section would reduce from 5,000 to 3,500 the minimum number of Army active component advisers that are required to be assigned to support the training and readiness of selected reserve units of the Army. The committee understands that the Chief of Staff of the Army requested this reduction in order to provide active component officers and non-commissioned officers as cadre for the new brigade units of action that the Army is creating. The committee supports that initiative. However, the committee is con-

cerned that such a reduction of active component support could have both short- and long-term negative effects on the training and readiness of combat and key support elements of the Army reserve components. The committee is also concerned that the Army has neither fully assessed those effects, nor developed a plan to address them. For that reason, this section would prohibit the Secretary of the Army from making any reductions in the numbers of active component advisors until the Secretary reports to the Senate Committee on Armed Services and the House Committee on Armed Services, by March 31, 2005, on the impact of the reduction and his plan to remediate any negative impact on training and readiness.

#### SUBTITLE D—JOINT OFFICER MANAGEMENT

##### Section 531—Strategic Plan to Link Joint Officer Development to Overall Missions and Goals of Department Of Defense

This section would require the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, to develop a strategic plan linking future requirements for military personnel trained and educated in joint matters to the resources required to develop those persons, in terms of manpower, formal education and practical experience and other requirements. Additionally, the strategic plan would identify the method or methods the Secretary will use to fulfill those requirements.

Over the past several years, the committee has received multiple proposals from the Department of Defense to change significant aspects of joint officer management and joint military professional education enacted as a result of the Report of the Panel on Military Education from the One Hundredth Congress. The committee has consistently rejected these proposals because they were not offered in a coherent, comprehensive context—a context that presented the Department's overall vision for joint management and education. The strategic plan required by this section would provide the framework within which to consider what, if any, future changes to joint officer management and joint professional military education, are required.

The strategic plan would consist of two phases. Phase I would focus on what has been traditionally referred to as “joint officers.” This section would require the Secretary to submit phase I of the strategic plan to the Senate Committee on Armed Services and the House Committee on Armed Services by January 1, 2006. However, the committee believes that the requirement for persons trained and educated in joint matters is not confined to just the active component officer ranks. Therefore, phase II would address the roles that reserve component officers, non-commissioned officers, and civilians play in future joint matters, identify the resources required to develop them, and clarify the methods used by the Department as they integrate and manage persons trained and educated in joint matters. The section would require the Secretary to submit a report of his proposal for phase II to the Senate Committee on Armed Services and the House Committee on Armed Services by January 15, 2007.

#### Section 532—Joint Requirements for Promotion to Flag or General Officer Grade

This section would extend from September 30, 2007, to September 30, 2008, the date after which an officer must be selected for the joint specialty before promotion to the grade of brigadier general or rear admiral (lower half). The committee is aware of the difficulties some services may have in meeting this requirement but believes with close management each service will be able to comply with the extended implementation date. Furthermore, the committee believes that secretaries of the military departments must be more proactive in properly managing officers early in their careers to ensure that they receive the opportunities for joint professional military education at points that align them properly for consideration for promotion, without the use of waivers, to grades that have a joint education or service requirement.

This section would also eliminate the requirement that an officer serve in a joint assignment at least 180 days prior to the convening of a promotion board for appointment to the grade of brigadier general or rear admiral (lower half).

#### Section 533—Clarification of Tours of Duty Qualifying as a Joint Duty Assignment

This section would modify the definition regarding the term “tour of duty” to allow officers to continue accumulating joint credit if they serve consecutive joint duty assignments, even if those assignments are not within the same organization.

#### Section 534—Reserve Joint Special Officer Qualifications

This section would authorize the Secretary of Defense to award the joint specialty officer designation to reserve officers who have met the prescribed requirements for such designation. The section would also require that reserve officers be included in Department of Defense management policies, procedures and practices for joint specialty officers.

This section would exclude reserve officers who have or have been nominated for the joint specialty from being counted for against the joint officer promotion policy objectives.

### SUBTITLE E—PROFESSIONAL MILITARY EDUCATION

#### Section 541—Improvement to Professional Military Education in the Department of Defense

This section would establish a chapter in title 10, United States Code, that combines new and existing sections of law related to professional military education. This new title contains eight sections, sections 2151 through 2158. Section 2151 would define the terms “joint professional military education,” “intermediate level service schools,” and “senior level service schools”. Section 2152, 2153 and 2154 would modify slightly and codify the Statement of Congressional Policy related to professional military education contained in section 1123 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (P.L. 101–189; 103 Stat. 1556). The committee believes these provisions have a permanence and con-

tinuing importance that warrant codification. Section 2155 would require that the secretaries of the military departments use a written examination as a portion of the evaluation criteria in selecting officers for full-time attendance at intermediate level service colleges. This section would also provide that an officer selected by his service to attend an intermediate level service college would be eligible for attendance at all intermediate level service colleges. It is not the committee's intent to standardize school selection criteria across the services but to encourage the introduction of intellectual rigor in that selection process. Selection criteria based solely on a junior officer's record of duty performance at the tactical level in a single service environment or simply as a random result of the service assignment process is not a sufficient basis to identify those officers who have the best potential to grasp the complex intellectual concepts of joint matters and to ultimately excel in a joint operational environment. Additionally, the committee believes that one of the fundamental pillars of joint professional military education is an officer's personal continuing education program when not assigned to a formal school environment. The committee believes that a written entrance examination requirement for matriculation at the intermediate level service schools would provide a focus for such a continuing education program so that officers will prepare themselves for further formal education, well in advance of the actual school selection process. Section 2156 would require that after September 30, 2009, an officer must have completed joint professional military education phase I before attending phase II. This section would also prescribe phase II curriculum. Additionally, it would prescribe student and faculty ratios when phase II is taught at a senior level service school. It is the committee's intent to preserve the unique character of each of the senior level service schools while providing a mix of services represented in the student bodies and faculty that enables the cross-service acculturation that is such a key component of joint officer education. The committee understands that current Department of Defense policy sets the ratios of military department representation in the student bodies and faculty at the Joint Forces Staff College and the Colleges of the National Defense University at approximately 30 percent for each military department. The committee believes this ratio is appropriate at those institutions and should not change. Section 2157 would require that the length of the principal course of instruction at each intermediate and senior level service school be not less than 10 months, and provide the Secretary of Defense with a waiver for that requirement. The section would also require that the length of the principal course of instruction at the Joint Force Staff College, which is now required to be 12 weeks, can not be less than 10 weeks. Section 2158 would require that the Secretary include in his annual report to Congress the number of officers who have received joint professional military education phase II, but who were not selected for promotion. This section would also require the Secretary to report the number of officer students and faculty assigned from each service to a joint professional military educational institution. Finally, this would make conforming adjustments in the existing law.

#### Section 542—Ribbons to Recognize Completion of Joint Professional Military Education

This section would authorize the Secretary of Defense to award a military decoration to persons who have successfully completed joint professional military education phase I and to subsequently award a device to affix to that ribbon when a person has successfully completed joint professional military education phase II. These awards would be retroactive for any person who has completed either phase I or phase II since the sequenced approach to joint professional military education was enacted in 1989.

The committee considers joint professional military education to be a vital contributing aspect to the excellence the Department of Defense has historically demonstrated. This education becomes even more important as the nature of modern warfare becomes more complex. The committee believes that an officer becomes fully competent in joint matters when joint professional military education is appropriately combined with practical joint operational experience. Officers who complete certain routine operational assignments are awarded service ribbons to signify successful completion of that assignment. With the establishment of this decoration, the status of completion of joint professional military education would be elevated to a level on par with those operational assignments.

#### Section 543—Increase in Number of Private-Sector Civilians Who May Be Enrolled for Instruction at National Defense University

This section would increase the maximum number of eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Defense University from 10 to 20.

#### Section 544—Requirement for Completion of Phase I Joint Professional Military Education before Promotion to Colonel or Navy Captain

This section would require, with certain exceptions, that after September 30, 2007, officers on the active duty list complete joint professional military education phase I or phase II prior to being appointed to the grade of colonel or Navy captain.

### SUBTITLE F—OTHER EDUCATION AND TRAINING MATTERS

#### Section 551—College First Delayed Enlistment Program

This section would permanently authorize the College First demonstration project originally authorized for the Army in section 573 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) and would extend the authority to implement the program to all the secretaries of the military departments. Under the College First program, entry on active duty for new recruits would be delayed for up to 30 months to allow the recruits the opportunity to pursue higher education, vocational, or technical training courses. During the delayed entry period, the recruits would be paid a subsistence allowance and the secretaries would have the option to pay an additional stipend that may not exceed \$225.

Section 552—Standardization of Authority to Confer Degrees on Graduates of Community College of the Air Force with Authority for Other Schools of Air University

This section would shift the authority for conferring associate degrees on graduates of the Community College of the Air Force from the commander of the Air Education and Training Command to the commander of Air University. Such a shift would ensure that only the commander of Air University is responsible for conferring all degrees, thus addressing a concern that arose during the accreditation of Air University programs.

Section 553—Change in Titles of Heads of the Naval Postgraduate School

This section would change the title of the head of the Naval Postgraduate School from Superintendent of the Naval Postgraduate School to President of the Naval Postgraduate School. The section would also establish a new civilian position of Provost and Academic Dean, and revise the procedures to fill the position.

Section 554—Increase from Two Years to Three Years in Period for which Educational Leave of Absence May Be Authorized

This section would expand the authority for service members to take educational leave from two years to three years.

Section 555—Correction to Disparate Treatment of Disabilities Sustained During Accession Training

This section would provide the capability to effectively respond to injury and illness sustained during accession training by authorizing military academy cadets and midshipmen to be disability retired and Senior Reserve Officer Training Corps cadets and midshipmen to receive medical and dental care appropriate for the treatment of the injury, illness, or disease incurred until the disability cannot be materially improved.

Section 556—Prayer at Military Service Academy Activities

This section would authorize the superintendent of a service academy to establish a policy with respect to the offering of a voluntary, nondenominational prayer at an authorized activity of the academy.

Section 557—Revision to Conditions on Service of Officers as Service Academy Superintendents

This section would repeal the requirement that the superintendents of the military service academies retire upon completion of their assignments. The committee makes this recommendation to permit the secretaries of the military departments flexibility with regard to future utilization of talented senior officers. However, the committee is concerned that tenure of officers assigned as superintendents be of sufficient length to permit those officers to make significant contributions in the oversight and management of these premier educational institutions. Therefore, this section would require that an officer serve at least a three-year tour as super-

intendent, and that if the officer is reassigned before that period, then the secretary of the military department concerned would be required to notify the Senate Committee on Armed Services and the House Committee on Armed Services of the reasons for the curtailed assignment.

Section 558—Codification of Prohibition on Imposition of Certain Charges and Fees at Service Academies

This section would add to title 10 of the United States Code, a provision of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). That provision prohibited the imposition of charges for tuition, room or board at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, and the United States Merchant Marine Academy.

Section 559—Qualifications of the Dean of the Faculty of United States Air Force Academy

This section would require that a person selected to be the dean of faculty at the Air Force Academy, who is not an officer on active duty, must be either a retired or former officer of the armed forces. Furthermore, the section would prohibit the appointment or assignment of a person to be the dean of faculty unless that person held the highest academic degree in that person's academic field.

SUBTITLE G—MEDALS AND DECORATIONS AND SPECIAL PROMOTIONS AND APPOINTMENTS

Section 561—Separate Military Campaign Medals to Recognize Service in Operation Enduring Freedom and Service in Operation Iraqi Freedom

This section would require the President to establish separate campaign medals to recognize the service of members during Operation Enduring Freedom and Operation Iraqi Freedom.

Section 562—Eligibility of All Uniformed Services Personnel for National Defense Service Medal

This section would require the President to authorize the award of the National Defense Service Medal to members of the uniformed services.

Section 563—Authority to Appoint Brigadier General Charles E. Yeager, United States Air Force (retired), to the Grade of Major General on the Retired List

This section would authorize the President to appoint, by and with the advice and consent of the Senate, Brigadier General Charles E. Yeager to the grade of major general on the retired list of the Air Force.

Section 564—Posthumous Commission of William Mitchell in the Grade of Major General in the Army

This section would authorize the President, by and with the advice and consent of the Senate, to issue a posthumous commission

as major general, United States Army, in the name of the late William Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1925.

#### SUBTITLE H—MILITARY JUSTICE MATTERS

##### Section 571—Review on How Sexual Offenses Are Covered by Uniformed Code of Military Justice

This section would require the Secretary of Defense to provide a proposal for changes regarding sexual offenses in the Uniformed Code of Military Justice (UCMJ) and the rationale for the changes to the Senate Committee on Armed Services and the House Committee on Armed Services by March 1, 2005. Recent congressional and Department of Defense focus on the problem of sexual assault in the military services suggest that it is necessary to examine how sexual offenses are treated in the UCMJ, primarily Article 120. Congress strongly encourages the Department to closely align the statutory language of sexual assault law under the UCMJ with federal law under sections 2241 through 2247 of title 18, United States Code.

##### Section 572—Service Time Not Lost When Confined in Connection with Trial if Confinement Excused as Unavoidable

This section would require the military departments to waive lost time when a service member is acquitted or released without trial, or has his conviction set-aside on legal grounds (as distinguished from clemency) or reversed based upon appeal. Existing law does not give the military departments any discretion to consider a service member's confinement if the member is acquitted or if there is another resolution of the case favorable to the member qualifying for service credit. Existing law requires service members to make up time lost for any period of confinement by civilian or military authorities.

##### Section 573—Clarification of Authority of Military Legal Assistance Counsel to Provide Military Legal Assistance without Regard to Licensing Requirements

This section would clarify section 1044 of title 10, United States Code, so that licensed Department of Defense military legal assistance officers would have the authority to practice law in connection with their official duties independent of state regulations for those states where they are unlicensed.

#### SUBTITLE I—ADMINISTRATIVE AND MANAGEMENT MATTERS

##### Section 581—Three-Year Extension of Limitation on Reductions of Personnel of Agencies Responsible for Review and Correction of Military Records

This section would extend through September 30, 2008, the prohibition precluding the secretaries of the military departments from reducing the number of military and civilian personnel assigned to duty within the boards until 90 days after the secretary of the military department concerned submits a report that describes the proposed reduction, provides the rationale for the reduc-

tion, and specifies the number of personnel that will be assigned to the board after the reduction is complete.

Section 582—Staffing and Funding for Defense Prisoner of War/  
Missing Personnel Office

This section would establish specific permanent minimum levels of military and civil personnel assigned to the Defense Prisoner of War Missing Personnel Office (DPMO). It would also require, should the actual assigned strength drop below the minimum levels, that the Secretary of Defense report publicly to the Senate Committee on Armed Services and the House Committee on Armed Services his plan to restore the manning levels to at least the required minimums. The committee believes such action is necessary because the DPMO, which performs a critical range of missions for the nation and the missing personnel of past and future wars, has not had the full support of the Department of Defense with regard to the adequacy of DPMO manning or funding. For example, the September 2001 committee report on H.R. 2586 (H. Rept. 107-194), noting that DPMO manning had been reduced by 40 percent since its creation, directed the Secretary to increase DPMO resources in the fiscal year 2003 budget request. When the Secretary did not heed that direction and the committee learned that the Department was considering a further personnel reduction of 15 percent, committee action in the Bob Stump National Defense Authorization Act of Fiscal Year 2003 (Public Law 107-314) led to the enactment of a prohibition any reduction of DPMO funding and personnel below the levels requested in the 2003 budget. Notwithstanding this statutory prohibition, the department's fiscal year 2005 budget request for DPMO proposed a 59 percent reduction in military spaces (from 46 to 19) and the repeal of the minimum funding requirement. The committee urges the Secretary to end any further efforts to reduce manning and resources in DPMO and to commit the department to ensuring that the DPMO is fully able to carry out the entire range of missions assigned to it.

Section 583—Permanent ID Cards for Retiree Dependents Age 70  
and Older

This section would require the service secretaries concerned to issue permanent identification cards to dependents of military retirees and survivors of military retirees eligible for benefits for periods after the dependent or survivor attains age 70.

Section 584—Authority to Provide Civilian Clothing to Members  
Traveling in Connection with Medical Evacuation

This section would authorize the secretaries of the military departments to furnish members who have been medically evacuated civilian clothing at a cost not exceed \$250 or to reimburse the member for the purchase of civilian clothing in an amount not to exceed \$250.

**Section 585—Authority to Accept Donation of Frequent Flyer Miles, Credits, and Tickets to Facilitate Rest and Recuperation Travel of Deployed Members of the Armed Forces and Their Families**

This section would authorize the Secretary of Defense to accept the donation of frequent flyer miles, credits, and tickets for the purpose of facilitating the travel of members of the armed forces who are deployed away from their permanent duty station and are granted, during such deployment, rest and recuperation leave and certain other forms of leave and the travel of family members to be reunited with such a member.

**Section 586—Limitation on Amendment or Cancellation of Department of Defense Directive Relating to Reasonable Access to Military Installations for Certain Personal Commercial Solicitation**

This section would prohibit the Secretary of Defense from canceling or amending Department of Defense (DOD) directive 1344.7, Personal Commercial Solicitation on DOD Installations, for a period of one year after the United States General Accounting Office reports to Congress on the findings of an ongoing review of the financial allotment system and the treatment of insurance agents by military finance offices and local managers and commanders on DOD installations.

**Section 587—Annual Identification of Reasons for Discharges from the Armed Services During Preceding Fiscal Years**

This section would require the Secretary of Defense to report annually to the Senate Committee on Armed Services and the House Committee on Armed Services detailed information regarding the numbers of persons discharged from each of the military services in the preceding fiscal year. Information required to be included in the report would include the numbers and types of discharges, as well as the identification of the occupational specialties and reenlistment eligibility of discharged service members.

**Section 588—Authority for Federal Recognition of National Guard Commissioned Officers Appointed from Former Coast Guard Personnel**

This section would make current and former officers and enlisted members of the Coast Guard, as well graduates of the United States Coast Guard Academy, eligible for federal recognition after becoming commissioned officers of the national guard.

**Section 589—Study of Blended Wing Concept for the Air Force**

This section would required the Secretary of the Air Force to submit a report on matters related to that service's current implementation of and future plans for blended wings to the Senate Committee on Armed Services and the House Committee on Armed Services by March 1, 2005. Blended wings are operational units whose membership is comprised of personnel from more than one component—active, national guard, or reserve. The report would also require the Secretary to provide the criteria used to determine what units become blended units.

Section 590—Continuation of Impact Aid Assistance on Behalf of Dependents of Certain Members Despite Change in Status of Member

This section would temporarily adjust the process for computing the amount of funding provided by Department of Education to certain local educational agencies heavily impacted by dependents of military personnel. The adjustment, limited to school year 2004–2005, would require that certain children continue be counted as a child enrolled in school when computing the average daily attendance, which is a key component of the amount of aid the school might receive. Such children include those who attend the school but who no longer live on a military base because both parents are deployed, or are children who temporarily reside in military base housing following the death on active duty of a military parent.

SUBTITLE J—OTHER MATTERS

Section 591—Employment Preferences for Spouses of Certain Department of Defense Civilian Employees Subject to Relocation Agreements

This section would expand the employment preference for spouses of Department of Defense (DOD) civilian employees who have been assigned under a mandatory mobility agreement or similar mandatory mobility program. The employment preference would include DOD appropriated and nonappropriated fund civilian positions. This authority would place spouses of civilian employees in an equivalent position to spouses of military members who already receive employment preferences.

Section 592—Repeal of Requirement to Conduct Electronic Voting Demonstration Project for the Federal Election to be Held in November 2004

This section would repeal the requirement in section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) for the Secretary of Defense to conduct a demonstration project to permit absentee uniformed service voters to cast their ballots through an electronic voting system. The committee regrets that the Deputy Secretary of Defense believed he had no option but to terminate the electronic voting demonstration project, but the committee understands that the decision was necessary to avoid any risk that the demonstration project would threaten the integrity of the election process.

Section 593—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

This section would require the Secretary of Defense to expand the mission of the Task Force on Sexual Harassment and Violence at the Military Service Academies that was established in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136). Under the name of the Defense Task Force on Sexual Assault in the Military Services, the task force would examine matters related to sexual assault in the military. This section would re-

quire that the task force report findings and recommendations to the Secretary of Defense, and the secretaries of the military departments within 12 months of the initial meeting of the task force. Within 90 days of receiving the task force report, the Secretary of Defense would be required to provide the report, together with his evaluation of the report, to the Senate Committee on Armed Services and the House Committee on Armed Services. At the same time, the Secretary of Defense would also be required to provide to those committees an assessment of the effectiveness of the corrective actions being taken by the Department of Defense and military services as a result of various investigations and reviews into matters involving sexual assault.

**Section 594—Renewal of Pilot Program for Treating GED and Home School Diploma Recipients as High School Graduates for Determinations of Eligibility for Enlistment**

This section would reestablish the pilot program originally authorized by section 571 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261). The program would permit participants in a National Guard Youth Challenge Program who receive a general education development certificate and those who complete their high school requirements through a home schooling program to enlist in the armed forces as if they had received a high school diploma.

**Section 595—Assistance to Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees**

This section would provide \$50.0 million for assistance to local educational agencies. The committee makes this recommendation in connection with its continuing strong support of the need to help local school districts with significant concentrations of military students.

**Section 596—Senior Reserve Officer Training Corps and Recruiter Access at Institutions of Higher Education**

This section would require that military recruiters be given access to campuses and students at institutions of higher education that is at least equal in quality and scope to the access provided to any other employer. The section would also require the Secretary of Defense to obtain an annual verification from colleges and universities who already support the Reserve Officer Training Corps (ROTC) program that they will continue to do so in the upcoming academic year. The section would also add two additional defense-related funding sources, the Central Intelligence Agency and the National Nuclear Security Administration of the Department of Energy, and would restore the funds of the Department of Transportation to the list of covered funds that potentially could be terminated if an institution is determined to prevent recruiter access or maintains anti-ROTC policies.

### Section 597—Reports on Transformation Milestones

This section would require the Secretary of Defense to provide a number of reports to the Senate Committee on Armed Services and the House Committee on Armed Services on different aspects of transformational efforts underway in the Department. One report would provide information on the efforts to convert military to civilian positions, and a series of annual reports in fiscal years 2005 through 2007 would provide information on the conversion of military positions to other higher priority military positions. The section would also require the Secretary of Defense to examine the feasibility of implementing: (1) a system to embed within the military on a temporary basis persons with civilian skills that are of high value to the military, and (2) a personnel system that expands the capability of the armed forces to rapidly access, from other than the reserve components, civilian volunteers with skills needed by the armed forces. Finally, the section would also require the Secretary of the Army to report annually on the status of efforts to transform the Army from a division-oriented system to a brigade oriented one.

## TITLE VI—COMPENSATIONS AND OTHER PERSONNEL BENEFITS

### OVERVIEW

The committee continues to support the strong and flexible compensation and benefit programs needed to recruit and retain a quality force in a wartime environment. Accordingly, the committee recommends authorization of an enhanced across-the-board pay raise of 3.5 percent, restructured compensation programs for reserve forces to ensure equity with active duty members, and continued emphasis on pay and allowances for the warfighters.

The committee remains committed to protecting military exchange and commissary benefits. Accordingly, the committee would include a series of provisions to define and expand the commissary benefit and protect military communities from unnecessary store closures.

### ITEMS OF SPECIAL INTEREST

#### Combat-Related Special Compensation

The committee continues to receive complaints from combat-disabled retirees and the organizations representing them that the processing time for Combat-Related Special Compensation applications is excessive. The committee is aware that the expanded criteria enacted in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) are now generating thousands of additional applicants that will increase demands on the processing systems.

The committee encourages the Secretary of Defense to examine the processing systems used by the military departments and consider methods for expediting the time required to review applications. The committee suggests that the Secretary consider consolidating the organizations currently evaluating applications into a

more efficient central processing organization with increased personnel and fiscal resources.

#### Commissary Funding After Closure of a Store

The committee remains committed to preserving the commissary benefit for military members and their families and improving services whenever possible. Accordingly, the committee urges the Secretary of Defense to ensure that funding made available as a result of the closure of a commissary, whether closed as a result of a base realignment or closure action or other cause, be reallocated to the Defense Commissary Agency to support improved commissary operations at other locations.

#### Consolidation of the Military Exchanges

The committee remains concerned that the ongoing effort to evaluate the utility of consolidating the military exchanges is ill-advised and, if not managed carefully, will cause an erosion of the exchange benefit. The committee considers the military exchanges an important quality of life benefit that is pivotal to the welfare of military communities around the world. The committee understands that the cost of consolidation will likely exceed \$300.0 million and that prior consolidation studies have concluded that such costs present too great a risk to the dividend paid by the exchanges to morale, welfare and recreation programs.

Accordingly, the committee insists that any proposal to consolidate military exchanges include a strong business case that resolves all concerns about the fiscal implications of consolidation. The committee intends to reject any proposal that does not include a strong business case.

The committee is also concerned about reports that the perspectives of all the stakeholders are not being fully considered during the evaluation process. The committee would view the failure of the Unified Exchange Task Force to consider the views and concerns of all participants as a major flaw that will taint any proposal.

#### Homestead Air Reserve Base, Florida, Combined Commissary and Exchange Store

The committee is concerned that the Secretary of Defense continues to consider the closure of the combined commissary and exchange store at Homestead Air Reserve Base (ARB), Florida. The committee believes that closing the store would be a significant loss to the service members, retirees, and their families that reside in the Homestead ARB military community and throughout southern Florida. The committee is aware that there are force structure changes being considered for Homestead ARB that would significantly change the patron population that would use the store. The committee strongly encourages the Secretary to delay the decision to close the store until such time as any potential increase in the military population at Homestead ARB can be confirmed and measured. Assuming that current force projections are fulfilled, the committee also recommends that the Secretary consider opening a full service commissary at Homestead ARB as soon as the active duty population at the base increases beyond the minimum standard required under Department of Defense policy.

## LEGISLATIVE PROVISIONS

## SUBTITLE A—PAY AND ALLOWANCES

## Section 601—Increase in Basic Pay for Fiscal Year 2005

This section would increase basic pay for members of the armed forces by 3.5 percent.

This raise would continue to fulfill Congress' commitment to enhanced pay raises for the armed forces and would reduce the pay gap between military and private sector pay increases from 5.5 percent to 5.1 percent.

## Section 602—Authority to Provide Family Separation Basic Allowance for Housing

The section would authorize the service secretary concerned the discretion to decline to pay family separation housing allowances when the member's circumstances do not justify such payments.

## Section 603—Geographic Basis for Basic Allowance for Housing during Short Changes of Station for Professional Military Education or Training

This section would authorize service members who attend professional military education or training lasting 12 months or less to elect to leave their families at their previous duty station and receive basic allowance for housing based on the area where their dependents reside.

## Section 604—Immediate Lump-Sum Reimbursement for Unusual Nonrecurring Expenses Incurred by Members Serving Outside Continental United States

This section would authorize the service secretary concerned to pay service members serving outside the continental United States for certain unusual nonrecurring expenses.

## Section 605—Income Replacement Payments for Reserves Experiencing Extended and Frequent Mobilization for Active Duty Service

This section would require the Secretary of Defense to pay involuntarily mobilized reserve members on a monthly basis the amount necessary to replace the income differential between their regular military compensation (RMC) plus any special or incentive pays and allowances paid to the member on a monthly basis and the average monthly income received by the member during the twelve months preceding the month during which the member was mobilized. This section would define the income differential as the amount by which the member's average monthly income prior to mobilization exceeds the member's RMC plus any special or incentive pays and allowances paid to the member on a monthly basis. Reserve members with private sector income that exceeds their active duty income would be eligible for the income replacement payment for any full month following the date that the member completes 12 continuous months of service on active duty or 18 months on active duty during the previous 60 months, or for any month

during a mobilization that occurs within 6 months of the member's last active duty tour. Payments would be limited to a minimum of \$50 each month and a maximum of \$3,000 each month.

**Section 606—Authority for Certain Members Deployed in Combat Zones to Receive Limited Advances on Their Future Base Pay**

This section would authorize the secretary concerned to pay service members assigned to locations where they would receive imminent danger pay for 12 or more months up to 3 months of basic pay in advance upon the request of the member.

**SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS**

**Section 611—One-Year Extension of Bonus and Special Pay Authorities**

This section would extend the authority for the following bonus and special pay authorities to December 31, 2005:

- (1) Nurse officer candidate accession program;
- (2) Aviation officer retention bonus;
- (3) Accession bonus for registered nurses;
- (4) Incentive special pay for nurse anesthetists;
- (5) Accession bonus for dental officers;
- (6) Accession bonus for pharmacy officers;
- (7) Reenlistment bonus for active and reserve members;
- (8) Enlistment bonus for active and reserve members;
- (9) Special pay for nuclear-qualified officers extending the period of active service;
- (10) Nuclear career accession bonus;
- (11) Nuclear career annual incentive bonus;
- (12) Retention bonus for members with critical skills or other criteria; and
- (13) Accession or affiliation bonus for new officers in critical skills.

The provision would also extend the authority for repayment of educational loans for certain health professionals who serve in the selected reserve until January 1, 2006.

**Section 612—Reduction in Required Service Commitment to Receive Accession Bonus for Registered Nurses**

This section would reduce the service commitment required for the nurse accession bonus from four to three years of service.

**Section 613—Increase in Maximum Monthly Rate Authorized for Hardship Duty Pay**

This section would increase the maximum amount of hardship duty pay payable from \$300 to \$750 per month. The committee believes this increase provides the Secretary of Defense needed flexibility to ensure that service members receive appropriate compensation regardless of where they are required to serve during the global war on terrorism.

Section 614—Termination of Assignment Incentive Pay for  
Members Placed on Terminal Leave

This section would require termination of assignment incentive pay when the member is placed on terminal leave and will not be returning to the assignment location.

Section 615—Consolidation of Reenlistment and Enlistment Bonus  
Authorities for Regular and Reserve Components

This section would allow reserve component members to be paid enlistment and reenlistment bonuses using the same authority used to pay active duty members. The provision would also extend eligibility for the reenlistment bonus through 17 years of service and grant the flexibility to use the reenlistment bonus during war and national emergency to address unit specific retention problems without regard to critical skill eligibility requirements. The committee intends that this authority be used to pay a bonus to former members of the armed forces to reenlist for service in a reserve component.

Section 616—Revision of Authority to Provide Foreign Language  
Proficiency Pay

This section would authorize the service secretary concerned to pay an annual bonus of up to \$12,000 to members of the uniformed services who maintain proficiency in a foreign language.

Section 617—Eligibility of Reserve Component Members for Critical Skills Retention Bonus and Expansion of Authority to Provide Bonus

This section would allow reserve component members to be paid retention bonuses using the same authority used to pay active duty members. The provision would also clarify that enlisted personnel on indefinite enlistments are eligible to receive bonuses and that bonuses may be paid based on criteria other than service in a critical skill as determined by the Secretary of Defense. The committee intends that this authority be used to pay bonuses, if required, to service members who agree to serve in an active status in any category of the ready reserve, affiliate with reserve component units, accept assignments to high priority reserve units, and continue to serve in critically short wartime health specialties.

Section 618—Eligibility of New Reserve Component Officers for  
Accession or Affiliation Bonus for Officers in Critical Skills

This section would allow reserve component officers to be paid an accession or affiliation bonus using the same authority used to pay active duty officers.

Section 619—Eligibility of Reserve Component Members for Incentive Bonus for Conversion to Military Occupational Specialty to Ease Personnel Shortage

This section would allow reserve component members to be paid bonuses for converting to critical occupational specialties using the same authority used to pay active duty members.

Section 620—Availability of Hazardous Duty Incentive Pay for  
Military Firefighters

This section would establish a new hazardous duty incentive pay of \$150 per month for members of the uniformed services who regularly perform duty as a member of a firefighting crew.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES

Section 631—Expansion of Travel and Transportation Allowances to Assist Survivors of a Deceased Member to Attend Burial Ceremony of the Member

This section would clarify that family members are authorized to travel at government expense to the burial site of a member who dies while on active duty or inactive duty and that the member's parents are always eligible to travel at government expense to attend the burial ceremony.

Section 632—Transportation of Family Members Incident to the Serious Illness or Injury of Members of the Uniformed Services

This section would expand the number and categories of family members and other people that would be entitled to transportation at government expense and would authorize such persons to receive a per diem or be reimbursed for travel expenses.

Section 633—Reimbursement of Members for Certain Lodging Costs Incurred in Connection with Student Dependent Travel

This section would authorize the service secretary concerned to reimburse a service member for lodging costs incurred by a dependent child traveling between the child's school and the member's overseas duty station when the lodging expenses are incurred for reasons beyond the control of the dependent child.

SUBTITLE D—SURVIVORS BENEFITS

Section 641—Computation of Benefits Under Survivor Benefit Plan for Surviving Spouses Over Age 62

This section would eliminate the social security offset under the Survivor Benefit Plan (SBP) and increase the annuities paid to survivors of military retirees who are 62 or older from 35 percent of retired pay to the percentages indicated for the following fiscal years:

- (1) For months after September 2005 and before April 2006, 40 percent;
- (2) For months after March 2006 and before April 2007, 45 percent;
- (3) For months after March 2007 and before April 2008, 50 percent; and
- (4) For months after March 2008, 55 percent.

This section would also make corresponding adjustments to the SBP supplemental annuity program and would require SBP annuities to be recalculated during October 2005, April 2006, April 2007, and April 2008 to ensure that beneficiaries receive the appropriate amount of annuity.

Section 642—Open Enrollment Period for Survivor Benefit Plan  
Commencing October 1, 2005

This section would authorize an open season for retired members to participate in the Survivor Benefit Plan (SBP) or increase the level of their participation if they were previously participating below the maximum allowed level. The open season would begin October 1, 2005 and continue for two years.

Section 643—Source of Funds for Survivor Benefit Plan Annuities  
for Department of Defense Beneficiaries Over Age 62

This section would clarify that the payments into the Department of Defense Military Retirement Fund in support of the changes made in section 642 would be calculated by the Secretary of Defense and paid by the Secretary of the Treasury.

SUBTITLE E—COMMISSARY AND NONAPPROPRIATED FUND  
INSTRUMENTALITY BENEFITS

Section 651—Consolidation and Reorganization of Legislative Provisions Regarding Defense Commissary System and Exchanges and other Morale, Welfare, and Recreational Activities

This section would consolidate a wide range of sections from title 10, United States Code and other laws concerning commissaries, exchanges, and other morale, welfare, and recreation activities. The provision would also:

- (1) Define the commissary benefit and require the Secretary of Defense to operate a commissary system;
- (2) Specify the criteria for establishment of commissaries, determination of the size of commissaries, and the closure of commissaries, to include direction to consider the welfare of reserve patrons in the same manner as active duty patrons are considered when assessing the need to close a commissary;
- (3) Require the Secretary to submit to Congress written notice of the reasons supporting the closure of a commissary, to include the impact of the proposed closure on the quality of life of the patrons and the welfare of the military community, and wait 90 days before taking action to close the store;
- (4) Clarify the categories of the merchandise that shall be sold in commissaries, to include the addition of telephone cards, greeting cards, and film and one-time use cameras and a list of general merchandise items that shall continue to be sold in commissaries on a limited basis unless space or other considerations prevent the sale of the items;
- (5) Establish a moratorium on studies to compare the cost effectiveness of commissary operations employing federal civilian employees and such operations employing private sector employees through December 31, 2009; and
- (6) Specify that the priority in selecting Commissary Operating Board members should be given to people with skills and experience useful to the operating of commissaries and that the board chairman shall be a career military officer or career member of the Senior Executive Service.

Section 652—Consistent State Treatment of Department of Defense Nonappropriated Fund Health Benefits Program

This section would clarify that the Department of Defense Nonappropriated Fund Health Benefit Program is a federal health benefit program not subject to state, local, and territorial or other laws taxes, and health plan mandates. The provision would provide the same status to this single, uniform program that had existed previously for the separate programs that had been operated by the military departments prior to consolidation.

Section 653—Cooperation and Assistance for Qualified Scouting Organizations Serving Dependents of Members of the Armed Forces and Civilian Employees Overseas

This section would require that professional staff supporting both the Boy Scouts of America and the Girl Scouts of the United States of America in overseas areas be made nonappropriated fund employees of the United States and would clarify that appropriated funds may be used to pay the costs of the employees. The committee believes that this action is required to confirm the status of scouting professionals in overseas areas and resolve any uncertainty regarding their treatment and access to support services in foreign countries.

SUBTITLE F—OTHER MATTERS

Section 661—Repeal of Requirement that Members Entitled to Basic Allowance for Subsistence Pay Subsistence Charges while Hospitalized

This section would repeal the requirement for officers and certain enlisted members to pay subsistence charges when they are hospitalized.

Section 662—Clarification of Education Loans Qualifying for Education Loan Repayment Program for Reserve Component Health Professions Officers

This section would clarify that college loans involving both a basic professional qualifying degree and graduate education would qualify for repayment under section 16302 of title 10, United States Code.

Section 663—Survey and Analysis of Effect of Extended and Frequent Mobilization of Reservists for Active Duty Service on Reservist Income

This section would require the Secretary of Defense to conduct a detailed study of the loss of income by mobilized reservists who have served on active duty in support of a contingency operation following September 11, 2001. The provision would require the Secretary to survey a minimum of 50 percent of such reservists, collect demographic data on the surveyed members, identify members in critical skills, identify members who believe that replacing lost income would affect their retention decision, identify members who experience reduced income levels while on active duty, determine the amount of lost income in each case, and analyze the data. The

provision would require the Secretary to report his findings and recommendations to address the problem of reduced income for mobilized reservists to Congress and the Comptroller General by January 31, 2006. The provision would require the Comptroller General to review the report of the Secretary and report his findings to Congress by March 31, 2006.

The committee believes that accurate information regarding the loss of income by mobilized reservists is an important prerequisite to establishing a lasting solution to the problem. The committee is particularly interested in the data as it relates to military occupational specialty because that analysis is expected to reveal important insight regarding high demand skills that would benefit from specific financial incentives and force balancing initiatives.

## TITLE VII—HEALTHCARE MATTERS

### OVERVIEW

The committee continues to be concerned about growing stress on the Defense Health Program which partly results from the strain faced by the civilian health care systems in the nation. In the face of the growing cost of health care in general, the military health system must provide for medical readiness and force health protection for our men and women in uniform and ensure health care services to all other beneficiaries. As the nation fights the global war on terrorism, the Department of Defense will transition from complex existing TRICARE contracts to challenging new and very different TRICARE contracts. No other healthcare system has ever faced a similar experience. In light of the many challenges faced by the military health system, the committee continues to believe that the Defense Health Program must be fully funded.

The committee remains strongly committed to ensuring that the force health protection and the medical readiness of our service members have the highest priority. Accordingly, the committee recommends legislation to ensure the deployability of active and reserve component service members and their protection from health threats during military operations. In addition, several provisions would assist family members of activated reservists to transition in and out of the military health system.

Finally, the committee is steadfast in its view that the transition to the new TRICARE contracts must not disrupt beneficiary health care, and that it optimizes military treatment facilities while preserving access to high quality health care. The committee is pleased by the TRICARE transformation efforts and spirit of cooperation by the various military and private sector health care entities. However, the committee remains concerned that some of the contracts carved out from the major managed care support contracts, such as those for patient appointment services, nurse triage and health information line, and resource sharing, may leave the transition process at risk for disruption of health care delivery and increased beneficiary dissatisfaction. The committee expects to be kept informed by the Department of Defense and the military services on the ongoing efforts to develop and implement the carved out contracts.

## ITEMS OF SPECIAL INTEREST

## Collection of Perinatal Information

The committee strongly supports the goal of the TRICARE Family-Centered Care program, which the Department of Defense established in August 2003, to improve and enhance family-friendly care in the military health system. One aspect of the Family-Centered Care program was the importance of providing high quality perinatal care to pregnant service members and dependents. In order to ensure high quality care the committee supports the use of the National Perinatal Information Center that specializes in the collection of obstetric and neonatal data necessary to determine quality measures. The committee urges the Department to continue its efforts to measure quality perinatal care so that pregnant service members and dependents continue to receive high quality perinatal care in the military health care system.

## Coordination of TRICARE and Medicare Benefits and Provider Payments

Recent changes to the Medicare program enacted by Congress may have created administrative and benefit disparities between Medicare and TRICARE for Medicare-eligible military beneficiaries. Such disparities cause complex problems for beneficiaries and may result in complications and inconsistencies that may deter health care providers from participation and acceptance of military beneficiaries. They also pose added costs to TRICARE contractors as a result of having to administer multiple sets of adjudication rules and respond to increased complaints and appeals from providers and beneficiaries. The committee believes that elimination of such disparities wherever possible is important to promoting provider participation and improving access to a consistent benefit for TRICARE beneficiaries.

The committee directs the Secretary of Defense to conduct a study to identify disparities between benefits and administration methodologies within the Medicare and TRICARE programs. The study should also include an assessment of the impact of such disparities on program effectiveness, provider participation, and beneficiary understanding; a summary of actions taken to reduce those disparities; identification of the rationale for any differences that the Secretary deems necessary; and recommendations for legislative or other action needed to reduce such disparities. The committee directs the Secretary to submit a report by March 31, 2005, to the Senate Committee on Armed Services and the House Committee on Armed Services.

## Department of Defense Chemical and Biological Test Review

The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) required the Comptroller General to evaluate the efforts of the Secretary of Defense to disclose to the Department of Veterans Affairs all Department of Defense (DOD) records and information on Project 112. Such disclosure was to facilitate the provision of benefits by the Secretary of Veterans Affairs to members of the armed forces who participated in that

project. The Comptroller General's review of DOD efforts recommends that the Department:

- (1) Determine the feasibility of addressing unresolved issues associated with Project 112, and the appropriateness of and responsibility for reporting new information;
- (2) Finalize and implement a plan for identifying DOD projects and tests conducted outside Project 112;
- (3) Designate a single point of contact for providing information related to tests and potential exposures in and outside Project 112.

The committee directs the Secretary of Defense to implement these recommendations and submit a report on the status of the implementation by March 1, 2005, to the Senate Committee on Armed Services and the House Committee on Armed Services.

#### Landstuhl Regional Medical Center Alteration

The committee notes that Landstuhl Regional Medical Center (LRMC) serves as the primary medical treatment center for casualties of United States operations within Europe, Southwest Asia and the Middle East. With the increased need to accommodate casualties from the global war on terrorism, LRMC requires climate control in certain patient facilities. The committee recommends \$10.0 million for the purpose of providing an air conditioning system in patient care areas at LRMC.

#### Military-Civilian Education Programs Related to Sexual Health Decision-Making

The committee is aware of collaborative military-civilian education programs related to sexual health decision-making that demonstrates benefits through the reduction of unintended pregnancies and sexually transmitted infections among military personnel. The committee's support for such collaborative programs was demonstrated in the statement of managers accompanying the conference report on H.R. 4546 (H. Rept. 107-772), which directed the Secretary of Defense to examine such programs and consider their use by the services. A military-civilian demonstration project was set up in Colorado Springs, Colorado, as a collaborative effort to encourage sexual integrity and reduce sexually transmitted infections and unplanned pregnancies in the military. As a continued measure of support for those efforts and to further encourage the Secretary to examine the progress of the military-civilian demonstration project, the committee recommends \$0.2 million for the purposes of continuing the demonstration project and to encourage program expansion of sexual integrity training to other military installations.

#### Nurse Triage and Health Information Line Services

The committee is deeply committed to ensuring a smooth transition from the current TRICARE contracts to the new TRICARE contracts. In particular, the committee is concerned that there are no transition plans for nurse triage and health care information line services that were eliminated from the new TRICARE contracts. The committee believes that the elimination of this service from the regional contracts may have a significant impact on bene-

fiary access to quality health care services. While the elimination of the nurse triage and health information line from the managed care support contracts may be prudent, the committee questions whether a return to an ad hoc, localized approach to providing triage and delivering health information will degrade uniformity and beneficiary satisfaction, and reduce the economies of scale and efficiencies across the military health system. The committee therefore directs the Secretary of Defense to provide the Senate Committee on Armed Services and the House Committee on Armed Services with a comprehensive plan for ensuring a smooth transition for nurse triage and health information line services by December 31, 2004. The plan shall include a detailed explanation of the Department of Defense proposal to fulfill nurse triage and health information line services, specifically addressing: (1) the elements of the plan; (2) the timeline and current status for implementation; (3) an assessment of the military services' abilities to perform the services; (4) any gaps in fulfilling these services; (5) how the Department will ensure uniformity within and across regions; and (6) the estimated cost of providing these services, taking into consideration not only the direct cost of providing the service, but also the cost in terms of health outcomes, provision of needed care, avoidance of unnecessary care, and redirection of care to a more appropriate level.

#### Reserve Component Requirement for Medical and Dental Readiness Accountability

The committee continues to be concerned about the medical and dental readiness of the reserve component. The number of reserve component soldiers activated for deployment with disqualifying medical and dental conditions highlights the greater need for medical personnel and operational commanders to strictly monitor the individual medical readiness of these personnel. The committee directs the Secretary of Defense to ensure the military departments have systematic processes for providing appropriate health examinations and assessments and a means for capturing health information. The Department of Defense and the military services should consider the recommendations of the Armed Forces Epidemiological Board in its report of September 17, 2003, and consider modeling their programs after the Air Force Preventive Health Assessment and Individual Medical Readiness Program. Equally important, the Department should incentivize commanders and hold them accountable for enforcing and monitoring medical and dental requirements to ensure the medical readiness.

#### Resource Sharing Agreements

The committee is highly concerned about potential disruptions to providing quality patient care during the transition from the current TRICARE contracts to the new TRICARE contracts, especially as the carved out resource sharing programs evolve to new contractual agreements. The committee encourages the Secretary of Defense to take into account the use of all existing authorities to guarantee a smooth transition and to ensure that the new contracts: (1) are as cost effective as the current agreements, (2) provide for similar flexibility in staffing, and (3) provide uninterrupted

care for beneficiaries during the transition from existing to new contracts.

#### State-of-the-Art Mobility Equipment

The committee is strongly committed to ensuring that those who are injured or become ill serving the nation receive the finest rehabilitation efforts to maximize independence and accessibility. To that end, the committee supports efforts to provide service members, especially those individuals with orthopedic and neurologic disorders, with the finest mobility equipment. This equipment would allow users to walk on all surfaces and would be all-terrain in nature, providing maximum mobility. Equipment should (1) minimize any additional damage to the body as found in many instances with standard equipment, (2) be lightweight, and (3) require minimal energy expenditure.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—ENHANCED HEALTH CARE BENEFITS FOR RESERVES

##### Section 701—Demonstration Project for TRICARE Coverage for Ready Reserve Members

This section would require the Secretary of Defense to conduct a three-year demonstration project to provide TRICARE coverage for Ready Reserve members not on active duty who are ineligible for employer-sponsored health benefits. The purpose of the demonstration would be to determine whether such coverage enhances medical readiness, recruiting, and retention of reserve component members. The Secretary would be required to report by April 1, 2007 on the results of the demonstration project to the Senate Committee on Armed Services and the House Committee on Armed Services. The section would require the Comptroller General to provide both periodic and final independent evaluations and reports of the demonstration project to the same committees.

##### Section 702—Comptroller General Report on the Cost and Feasibility of Providing Private Health Insurance Stipends for Members of the Ready Reserve

This section would require the Comptroller General to conduct a study of the cost and feasibility of providing a stipend to offset the cost of private health insurance to members of the reserves and their dependents, and to maintain continuity of health care for dependents when members are mobilized. The purpose of the study would be to examine recommendations for benefit amount; cost to the Department; potential effects on medical readiness, recruitment, and retention; participation rates; continuity of care; administrative and management considerations; and implications for employers.

##### Section 703—Improvement of Medical Services for Activated Members of the Ready Reserve and Their Families

This section would make permanent the now temporary eligibility of dependents of reserve component members to obtain TRICARE health care benefits up to 90 days before the date on

which the member's period of active duty is to begin. The section would allow the Secretary of Defense to provide health care benefits to service members up to 90 days before the date on which the period of active duty is to begin. The current temporary authority for this health care benefit expires on December 31, 2004.

Section 704—Modification of Waiver of Certain Deductibles Under TRICARE Program

This section would authorize the Secretary of Defense to waive deductible payments required by certain TRICARE programs for dependents of certain reserve component members who are called or ordered to active duty for a period of more than 30 days. This section would mitigate the financial hardship on activated reservists by allowing the TRICARE deductibles to be waived in cases where mobilized reservists had already paid deductibles for their civilian health care coverage.

Section 705—Authority for Payment by United States of Additional Amounts Billed by Health Care Providers to Activated Reserve Members

This section would protect a dependent of a member of a reserve component who is ordered to active duty for a period of more than 30 days in support of a contingency operation from paying a health care provider any amount above the TRICARE maximum allowable cost, known as balance billing. In such cases, the Secretary of Defense would have authority to pay the balance billing amount.

Section 706—Extension of Transitional Health Care Benefits After Separation from Active Duty

This section would make permanent the authority to provide Transition Assistance Medical Program (TAMP) benefits to service members and their dependents for up to 180 days following separation from active duty. Under current law, the authority to provide the 180-day TAMP benefits expires on December 31, 2004. The section also would require that the TAMP eligibility would cease prior to the 180-day limit if the beneficiaries acquire employer-provided health insurance. The section would limit the outlays associated with the TAMP benefits provided after January 1, 2005 to not more than \$170.0 million.

SUBTITLE B—OTHER BENEFITS IMPROVEMENTS

Section 711—Coverage of Certain Young Children Under TRICARE Dental Program

This section would permit certain dependents of service members who die while serving on active duty or who die as a member of the Ready Reserve to enroll in the TRICARE Dental Program regardless of the dependent's dental plan enrollment status on the date of the service member's death. Many dependents, due to their young age, are not enrolled in the TRICARE Dental Plan. In cases where the service member dies, the child's nonparticipation due to their young age disadvantages them from future eligibility. This section would authorize these dependents to participate in the den-

tal plan in the same manner as other dependents of service members who die while on active duty.

**Section 712—Comptroller General Report on Provision of Health and Support Services for Exceptional Family Member Program Enrollees**

This section would require the Comptroller General to evaluate the effect of the Exceptional Family Member Program (EFMP) on health and support services in select civilian communities near military communities with a high concentration of EFMP enrollees that use federal, state and local health and support services. The study mandated under this section would pay special attention to:

- (1) Identifying communities that have high concentrations of EFMP enrollees that use local health and support services;
- (2) Evaluating the needs, if any, that are not met by federal, state and local health and support service for EFMP enrollees;
- (3) Determining the burden, if any, placed on federal, state and local health and support services that provide care to EFMP enrollees;
- (4) Evaluating TRICARE's ability to meet the needs of EFMP enrollees;
- (5) Examining the reason for any limitations of TRICARE, the EFMP, and state and local health and support services in providing assistance to military families with EFMP members; and
- (6) Providing recommendations for more effectively meeting the needs of EFMP enrollees.

The study would examine no less than four major communities where EFMP enrollees live and in which several major military installations exist, including installations from multiple military services. The Comptroller General shall submit his report of findings and recommendations to the Senate Committee on Armed Services and the House Committee on Armed Services by March 31, 2005.

**Section 713—Exceptional Eligibility for TRICARE Prime Remote**

This section would allow the Secretary of Defense to waive all restrictions with regard to TRICARE Prime Remote medical care coverage for active duty family members that reside at a remote location without regard to their sponsor's current or past assignment. Such a waiver would occur if the Secretary determines that there are extenuating circumstances such that waiving the restrictions is consistent with the intent of the law.

**Section 714—Transition to Home Health Care Benefit Under Sub-acute Care Program**

This section would allow the Secretary of Defense to extend previous benefits for part-time or intermittent home health care after the transition to new managed care support contracts that result in a change in benefits.

**Section 715—Requirement Relating to Prescription Drug Benefits for Medicare-Eligible Enrollees Under Defense Health Care Plans**

This section would prohibit the prescription drug cost-sharing requirements for Medicare-eligible beneficiaries from being in excess of the cost-sharing requirements applicable to non-Medicare-eligible beneficiaries.

**Section 716—Professional Accreditation of Military Dentists**

This section would allow the secretaries of the military departments to authorize the treatment of no more than 2,000 children, under the age of 13 per year at certain military facilities offering residency programs in oral and maxillofacial surgery and orthodontics. This authority would maintain the viability of military dental training programs by allowing treatment of a pediatric population, as required by the American Dental Association for the accreditation of such programs.

**Section 717—Addition of Certain Unremarried Former Spouses to Persons Eligible for Dental Insurance Plan of Retirees of the Uniformed Services**

This section would permit certain unremarried former spouses of a member or former member to participate in the TRICARE Retiree Dental Program if they do not have dental coverage under an employer-sponsored health plan.

**Section 718—Waiver of Collection of Payments Due from Certain Persons Unaware of Loss of CHAMPUS Eligibility**

This section would allow the Secretary of Defense to waive the collection of certain payments for health care services provided during a period of ineligibility between July 1, 1999 and December 31, 2004 for beneficiaries under age 65 entitled to Medicare on the basis of disability or end stage renal disease. The waiver would apply to those beneficiaries who were unaware of their loss of eligibility to receive health benefits at the time they were received. The amendment would also require the Department of Defense to report quarterly to Congress regarding DOD efforts to identify the eligibility status of individuals for such benefits and the actions taken when individuals are determined to be ineligible.

**SUBTITLE C—PLANNING, PROGRAMMING, AND MANAGEMENT**

**Section 721—Pilot Program for Transformation of Health Care Delivery**

This section would require the Secretary of Defense to conduct a three-year pilot program to test a model for future health care delivery systems at one or more military installations where the military population is expected to expand. The model to be tested would focus on coordinating and leveraging the use of existing health care resources, to include federal, state, local, and contractor assets to meet increased health care requirements. Historically, the approach to providing military health care to military beneficiaries has centered on building a military treatment facility on the installation. With increasing requirements to repair or replace aging

military treatment facilities it may be more feasible and cost effective to leverage non- military health care resources. The Secretary would be required to submit an interim report by July 1, 2005 on the implementation plan for the pilot program and a final report by July 1, 2007 on the results of the pilot program to the Senate Committee on Armed Services and the House Committee on Armed Services.

Section 722—Study of Provision of Travel Reimbursement to  
Hospitals for Certain Military Disability Retirees

This section would require the Secretary of Defense to conduct a study of the feasibility and desirability of providing disability retirees travel and transportation benefits to receive medical treatment at military hospitals for two years after their retirement. The provision would direct the Secretary to report the results of the study to the congressional defense subcommittees by March 1, 2005.

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

LEGISLATIVE PROVISIONS

SUBTITLE A—AMENDMENTS TO GENERAL CONTRACTING  
AUTHORITIES, PROCEDURES, AND LIMITATIONS

Section 801—Rapid Acquisition Authority to Respond to Combat  
Emergencies

This section would authorize the Secretary of Defense to establish a streamlined acquisition process for use when combat fatalities have occurred, the combatant commander has an urgent need of equipment, and delay would cause a continuation of combat fatalities. This process is to be used as a “quick start” bridge to the normal acquisition process.

The committee finds that the current Department of Defense acquisition system cannot respond in a timely manner to the combatant commander’s urgent need of combat equipment. A rapid response to emergency combat situations would minimize combat fatalities when reacting to changes in the opponent’s battlefield tactics.

Section 802—Defense Acquisition Workforce Changes

This section would amend various sections in chapter 87 of title 10, United States Code. First, it would align the provisions in chapter 87 of title 10, United States Code, relating to defense acquisition workforce with similar provisions contained in chapter 99 of title 5, United States Code. Second, it would authorize the Secretary of Defense to designate critical acquisition positions. Third, it would require the Secretary and scholarship participants to enter written agreements that identify obligations and consequences for breach of contract.

### Section 803—Limitation on Task and Delivery Order Contracts

This section would amend section 2304a of title 10, United States Code, to clarify that the Secretary of Defense has authority to enter into task and delivery contracts for a base period of up to five years, and that the contract may include additional options for a period of time as is deemed appropriate.

### Section 804—Funding for Contract Cancellation Ceilings for Certain Multiyear Procurement Contracts

This section would amend section 2306b(g) and section 2306c(d) of title 10, United States Code, to require the head of the agency concerned to provide written notification, to the congressional defense committees, in those instances when cancellation costs that are above \$100 million are not fully funded. The written notification would include a financial risk assessment for not fully funding the cancellation ceiling.

### Section 805—Increased Threshold for Requiring Contractors to Provide Specified Employee Information to Cooperative Agreement Holders

This section would amend section 2416(d) of title 10, United States Code, by raising the \$0.5 million reporting requirement to \$1.0 million. Currently, the Secretary of Defense is required to provide some basic contractor information to certain organizations on contracts that have a value of \$0.5 million or more.

### Section 806—Extension of Authority for Use of Simplified Acquisition Procedures

This section would amend section 4202(e) of the Clinger-Cohen Act of 1996 (Public Law 104–106) by extending until October 1, 2009, the time frame in which the secretary of an executive agency may use simplified procedures to purchase commercial items that have a value of \$5.0 million or less.

### Section 807—Authority to Adjust Acquisition-Related Dollar Thresholds for Inflation

This section would authorize the Federal Acquisition Regulatory Council to amend the dollar threshold of procurement statutes in accordance with inflationary rates in order to maintain the constant dollar value of the threshold. In those instances where a procurement statute applies to a single agency, the secretary of that agency has authority to amend the dollar threshold. This section would require any proposed change to be coordinated with the Director of Office of Management and Budget and to be published in the Federal Register for public comment. This section would not authorize adjustments to the Davis-Bacon Act (40 U.S.C. 276(a)), the Service Contract Act of 1965 (41 U.S.C. 351 et. seq), or title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq).

SUBTITLE B—UNITED STATES DEFENSE INDUSTRIAL BASE  
PROVISIONS

Section 811—Defense Trade Reciprocity

This section would establish a defense trade policy based upon the principle of fair trade and reciprocity. Further, this section would require the Secretary of Defense to ensure that the offset regulations or policies of a foreign country are reduced to the same level as the domestic content requirements of the United States before the Secretary acquires defense products from a foreign firm operating in that country.

Offsets are defined as compensation required as a condition of purchase in government- to-government or commercial sales of defense products or services. Therefore, in order to sell defense products to many of our foreign security partners, the majority of the manufacturing jobs and technology must be transferred to the purchasing country. In many cases, the value of the offset compensation of U.S. manufacturing jobs or technology exceeds the value of the product sold. The U.S. has no offset requirements for its foreign trading partners.

The committee is concerned that the cost of offsets in foreign export defense sales is the loss of U.S. subcontractor jobs and the loss of U.S. technology paid for by the U.S. taxpayer.

Section 812—Amendments to Domestic Source Requirements

This section would amend section 2533a of title 10, United States Code, also known as the Berry Amendment, to require the Secretary of Defense to notify Congress and the public when the Secretary exercises a waiver.

This section would also amend section 2533a to clarify the covered item described as clothing.

Section 813—Three-Year Extension of Restriction on Acquisition of  
Polyacrylonitrile (PAN) Carbon Fiber from Foreign Sources

This section would require the Secretary of Defense to delay for three years, phasing out of the restriction of acquisition of Polyacrylonitrile (PAN) carbon fiber from foreign sources.

The committee is aware of the January 2001 report that recommended phasing out of restriction on the acquisition of PAN carbon fiber from foreign sources.

The committee finds that the aerospace market conditions have significantly declined since September 11, 2001, and the rationale for phasing out of the restriction is no longer valid.

Section 814—Grant Program for Defense Contractors to Implement  
Strategies to Avoid Outsourcing of Jobs

This section would authorize the Secretary of Defense to award grants to qualified defense contractors in order to assist the contractor in avoiding the outsourcing of jobs. Grant funds would be used to implement strategies that would enable defense contractors to retain domestic employees. Examples of such strategies include retraining employees or plant upgrades. This provision would limit the grant to fifty percent of the cost of the strategy and require

that the proposed strategy would retain at least ten domestic jobs dedicated to the performance of a defense contract.

#### Section 815—Preference for Domestic Freight Forwarding Services

This section would require the Secretary of Defense to grant preferences to freight forwarder companies owned and controlled by U.S. citizens that offer fair and reasonable rates in the award of transportation service contracts for transportation services to, from, or within Iraq or Afghanistan.

### SUBTITLE C—OTHER ACQUISITION MATTERS

#### Section 821—Sustainment and Modernization Plans for Existing Systems while Replacement Systems are Under Development

This section would require the Department of Defense to plan and budget for the sustainment and modernization of current military systems until such time that the replacement system under development is fielded and assumes responsibility for the mission.

The committee is aware of the fiscal realities that make it difficult to fund simultaneously the development of transformational future military systems and the maintenance and sustainment of current military systems. In general, the military services map out program strategies for sustainment and modernization. However, significant gaps exist. In 2003, the General Accounting Office reported that 15 of the 25 systems reviewed had insufficient funding requested by the Department of Defense or projected in the Future Years Defense Program to execute the military services' program strategies to sustain or replace their equipment.

It is the responsibility of the Department of Defense to develop military systems that provide the armed forces with superiority over potential adversaries. However, funding for transformational future systems that are decades from field operational capability must not preclude the funding required to sustain and modernize the current force.

The committee is concerned that escalating cost growth in development programs and accelerating transformation is funded by underinvestment in the current force which may undermine the readiness and capabilities of the forces that we must rely upon for the foreseeable future.

#### Section 822—Review and Demonstration Project Relating to Contractor Employees

This section would require the Secretary of Defense to conduct a review of Department of Defense policies, procedures, and practices relating to employees of defense contractors and their subcontractors. Specifically, it would require the Secretary to review DOD policies, procedures, and practices of ensuring compliance with Executive Order 12989, as amended by Executive Order 13286, which prohibits the secretaries of executive agencies from contracting with employers who hire or recruit unauthorized aliens. The committee is aware of numerous instances in which the Department contracted with vendors who employed unauthorized aliens for work on military installations. The review should identify problems with existing security policies, procedures, and practices, as well as

develop and implement reforms to strengthen, upgrade, and improve the overall DOD contracting process. This section would require the Secretary to conduct the review within 180 days of enactment of this Act.

This section would also require the Secretary to conduct a demonstration program for the procurement of military construction, renovation, maintenance or repair service on military installations, under which significant weight would be given to bidding contractors offering effective, reliable staffing plans that ensure all employees are properly authorized to be employed in the United States and properly qualified to perform the services required under the contract. The Secretary shall report to the Senate Committee on Armed Services and the House Committee on Armed Services by October 1, 2005, the benefits of the demonstration program and the extent to which lessons learned from the program should be incorporated throughout DOD procurements.

#### Section 823—Defense Acquisition Workforce Limitation and Reports

This section would require the Department of Defense to reduce the defense acquisition workforce personnel by five percent on or before October 1, 2005. This provision would also require the General Accounting Office and Defense Acquisition University to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services on the current status of the Defense Acquisition Workforce by March 1, 2005.

#### Section 824—Provision of Information to Congress to Enhance Transparency in Contracting

This section would require the Secretary of Defense to provide information on contract or task or delivery orders to the chairman or ranking member of the Senate Armed Services Committee or the House Armed Services Committee, within 14 days of the request.

### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

#### ITEM OF SPECIAL INTEREST

##### National Defense University

The committee commends the National Defense University (NDU) for its work in scenario modeling and simulation methodologies. The committee encourages the NDU to continue its work by employing advanced technologies that will increase the effectiveness, realism and creativity of these scenarios. The committee notes that the immersive technologies being developed by the Department of Defense are similar to some advanced technologies that the entertainment industry employs and encourages contact between the Department and entertainment industry technologists as a means of fully exploiting such technologies to the benefit of the armed forces.

## LEGISLATIVE PROVISIONS

## Section 901—Change in Title of Secretary of the Navy to Secretary of the Navy and Marine Corps

This section would redesignate the title of the Secretary of the Navy to the Secretary of the Navy and Marine Corps. This provision would formally recognize the responsibility of the Office of the Secretary of the Navy over both the Navy and Marine Corps.

## Section 902—Transfer of Center for the Study of Chinese Military Affairs from National Defense University to United States-China Economic and Security Review Commission

This section would transfer the Center for the Study of Chinese Military Affairs at the National Defense University, established in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), to the United States-China Economic and Security Review Commission, established in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398).

## Section 903—Transfer to the Secretary of the Army of Responsibility for Assembled Chemical Weapons Alternatives Program

This section would transfer oversight of the Assembled Chemical Weapons Alternatives (ACWA) program (formerly the Assembled Chemical Weapons Assessment program) from the Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of the Army not later than January 1, 2005. Additionally, this section would provide for management of the program as a part of the Department of the Army organization for management of the chemical weapons demilitarization program as specified in section 1521(e) of title 50, United States Code. Finally, this section would require the Army to fully implement the alternative technologies previously selected for the destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

Section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) provides that the Program Manager, ACWA shall manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline program, which uses incineration for destruction of the stockpile of lethal chemical agents and munitions. This provision would further require that the program manager shall act independently of the Program Manager for Chemical Demilitarization (PMCD) and shall report to the Under Secretary of Defense for Acquisition and Technology.

Numerous General Accounting Office (GAO) reports and testimony to Congress state that effective management of the chemical demilitarization program has been hindered by its complex management structure. GAO specifically cites the division of program responsibility between the PMCD, who reports to the Secretary of the Army as executive agent for the program and is responsible for destruction of all elements of the chemical weapons stockpile ex-

cept that stored at the Blue Grass Army Depot and the Pueblo Chemical Army Depot; and the Project Manager(PM), ACWA, who reports directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics and has responsibility only for destruction of those parts of the stockpile stored at Blue Grass and Pueblo. In 2003 the Secretary of the Army, with the concurrence of the Under Secretary of Defense (Acquisition, Technology, and Logistics) (USD (AT&L)), established the Chemical Material Agency, which is responsible for management of the chemical weapons destruction program and operation of the chemical weapons destruction plant facilities and stockpile storage sites. With the concurrence of the USD (AT&L), the Secretary of the Army assigned the PM, ACWA, as the Director of the Chemical Materiel Agency. The committee believes that the establishment of the new management structure, which brings together all elements of the chemical weapons demilitarization program under a single activity, will eliminate many of the management complexities cited by the GAO, contribute to the elimination of duplicative management overhead and support, and ensure more efficient management of the total program, while at the same time addressing the equities and concerns of those sites using assembled chemical weapons alternatives for destruction of the stockpile

#### Section 904—Modification of Obligated Service Requirements under National Security Education Program

This section would modify the service requirements to ensure that recipients of scholarships and fellowships obtain employment in a federal national security position that utilizes the unique language and region expertise acquired by the recipient. This section would also set 12 months as the minimum length of federal service for all recipients. This section would also require the recipient to gain employment in an approved position within three years of completion of the scholarship, or within two years in the case of a recipient of a fellowship.

#### Section 905—Change of Membership of Certain Councils

This section would make the Undersecretary of Defense for Policy a statutory member of the Nuclear Weapons Council and implement the corresponding technical changes in law. Current law (10 U.S.C. 179) establishes the Nuclear Weapons Council to, among other things, coordinate programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and Department of Energy and to provide broad guidance on nuclear research and development priorities. By statute, the council comprises the Undersecretary of Defense for Acquisition, Technology, and Logistics; the Vice Chairman of the Joint Chiefs of Staff; and the Undersecretary of Energy for Nuclear Security. As a result of the congressionally-. mandated Nuclear Posture Review, which set out a new course in strategic policy, the Undersecretary of Defense for Policy has come to play an increasing role in coordinating nuclear weapons policy and making recommendations to the President.

## Section 906—Actions to Prevent the Abuse of Detainees

This section would require the Secretary of Defense to prescribe policies regarding procedures for the Armed Forces, other elements of the Department of Defense, and Department of Defense contractor personnel in order to prevent the abuse of prisoners held by the United States as part of the Global War on Terrorism. The Secretary would be required to issue such policies within 120 days of the enactment of this Act, provide those policies to Congress immediately, and report to Congress on their implementation one year after their issuance.

## Section 907—Responses to Congressional Inquiries

This section would require the Secretary of Defense, or any other official of the Department of Defense, to respond to written requests for information made by the respective Chairmen of the Senate Committee on Armed Services and the House Committee on Armed Services in writing within 21 days of the transmission of such a request.

## TITLE X—GENERAL PROVISIONS

## ITEMS OF SPECIAL INTEREST

## COUNTER-DRUG ACTIVITIES

## Overview

The budget request contained \$852.7 million for drug interdiction and counter-drug activities, in addition to \$160.2 million, for operational tempo which is included within the operating budgets of the military services. The budget is organized in fiscal year 2005 to address three broad national priorities: (1) demand reduction; (2) domestic support; and (3) international support, intelligence and technology.

The committee recommends an authorization for fiscal year 2005 Department of Defense counter-drug activities as follows:

FY05 Drug Interdiction and Counter-Drug Request .....	\$852,697
Demand Reduction .....	122,209
Domestic Support .....	207,998
International Support, Intelligence and Technology .....	522,590
Recommended Decreases: .....	
Intelligence, surveillance, reconnaissance and tanker support .....	2,000
Tethered Aerostat Radar System .....	5,000
Recommended Increases: .....	
Southwest Border Fence .....	5,000
Northern Command Counter-Narcotics Support .....	2,000
Recommendation .....	852,697

## Items of Special Interest

*Intelligence, surveillance, and reconnaissance and tanker support*

The budget request contained \$2.7 million for intelligence, surveillance, and reconnaissance and tanker support. The budget re-

quest for this activity in fiscal year 2004 was 0.4 million. Reductions in support activities are planned in light of other worldwide commitments and performance of depot-level maintenance on related assets.

Accordingly, the committee recommends a decrease of \$2.0 million for this activity.

#### *Northern Command counter-narcotics support*

The budget request contained \$9.1 million to support the United States Northern Command (USNORTHCOM) counter-narcotics missions, including those which are performed through Joint Task Force-6 located at Fort Bliss, Texas.

The committee is concerned that the current funding levels will diminish the ability to provide additional mobile training teams. The mobile training teams help train federal, state, and local law enforcement agencies across the country on a wide variety of subjects related to narcotics interdiction. Without the proper funding, the committee is concerned that law enforcement agencies will not be able to develop the critical skills necessary for effective counter-narcotics law enforcement, and in assisting in war against terrorism in the homeland.

Accordingly, the committee recommends an increase of \$2 million for additional mobile training teams along with the attendant headquarters' support for this enhanced mission.

The committee recognizes that, in order to utilize these funds, Joint Task Force-6 will need to be able to utilize authority provided by Congress in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136). Section 1022 of that bill provided authority to joint task forces of the Department of Defense that provide support to law enforcement agencies conducting counter-drug activities to also provide support to those agencies conducting counter-terrorism activities. The committee understands that the Department of Defense has not yet issued policy guidance that would allow combatant commands and military services to use this authority. The committee urges the Department to issue such guidance immediately to permit intended missions to go forward.

#### *Southwest Border Fence*

As part of the San Diego 14-Mile Border Infrastructure System, the Southwest Border Fence has served as an invaluable counter-narcotics resource for United States Border Patrol agents since the project's inception in 1997. However, the border fence construction project is still under construction, and the area remains one of the nation's most heavily utilized drug smuggling corridors. Since 1998, the California National Guard and other military personnel have been responsible for fence construction and general support of the border infrastructure system. Completion of the border fence would constitute a cohesive barrier against vehicle and pedestrian narcotics trafficking and allow counter-drug assets to be redeployed in other areas.

Accordingly, the committee recommends an increase of \$5.0 million for this purpose.

*Tethered Aerostat Radar System*

The budget request contained \$32.3 million for the operation of the Tethered Aerostat Radar System at multiple locations in the United States. Of the \$32.3 million requested, \$6.7 million was included for the procurement of additional spare parts.

The committee recommends a decrease of \$5.0 million dollars in the procurement component of this request. The committee notes that the Congress has not received the detailed analysis it has requested to justify the continued increases in this program.

## OTHER ACTIVITIES

## Airlift Support for Homeland Defense Missions

The committee is concerned that the Department of Defense (DOD) has not adequately considered the need for airlift support to speed uniquely capable DOD assets to wherever needed to perform urgent homeland defense missions. The Department has developed considerable expertise across a range of disparate skills that may be needed in a homeland defense mission, but this expertise is scattered in various locations across the country. The committee is aware of a proposal to provide such support through the use of C-130 equipped Air National Guard units and believes that the proposal has merit. The committee directs the Secretary of Defense to report by March 31, 2005, to the Senate Committee on Armed Services and the House Committee on Armed Services, his views on whether the Commander, Northern Command should have dedicated Air National Guard C-130 units at his disposal for the purpose of responding to attacks or incidents involving weapons of mass destruction.

## Civil Reserve Air Fleet

The committee understands that the Secretary of Defense requires that commercial air lines participating in the civil reserve air fleet receive at least 60 percent of its air transportation revenues from sources other than the Department of Defense. The committee is concerned that the Secretary is not enforcing this requirement. The committee, therefore, directs the Secretary to enforce this requirement, and directs the Secretary to report to the Senate Armed Services Committee and the House Armed Services Committee when this business practice is not followed, with an explanation as to why it was not followed.

## Defense Transformation

The committee supports the efforts of the Department of Defense to transform the armed forces into capabilities based, networked joint forces that are rapidly deployable and more lethal than today's highly capable military. Despite the Department's success in recent combat operations, the committee recognizes that the Department's transformation goals are long term, evolving objectives that will be very difficult to achieve without a joint strategy to guide it.

The committee is encouraged that the Army has embarked on an aggressive transformation program that encompasses all aspects of the Army, including personnel policies, unit structure, doctrine,

and equipment. While the committee has concerns about the development strategy for the Future Combat System, addressed elsewhere in this report, the committee believes the Army's plan to create more combat power by fielding at least 45 active maneuver brigades is the correct approach.

Similarly, the Navy, the Marine Corps, and the Air Force have embraced transformation as an objective, and have proposed several specific concepts as transformational. The committee is concerned that each military service has embarked on its own transformational campaign, without an enforceable, integrated joint forces roadmap to ensure the services' plans are mutually supportive and overlap only when necessary. For that reason, the committee questions the services' plans to sustain excessive headquarters structure despite the services' increasing requests for information technology funding purportedly designed to flatten combat organizations.

Accordingly, the committee believes that the Joint Forces Command should continue to evolve as the principal coordinator of service transformation efforts.

#### Global War on Terrorism

The committee applauds and supports the valiant efforts of the men and women of America's armed forces who are prosecuting the global war on terrorism in increasingly hostile areas overseas. The committee believes that the war should be fought on the enemy's home ground, and does not believe that a more passive strategy of disengagement would be a prudent policy for the safety of the United States and its citizens. In that regard, the committee supports a number of initiatives intended to enhance the ability of the armed forces to respond to the demands of the global war on terror. These initiatives range from measures intended to speed the development and fielding of force protection measures urgently needed by our forces in Iraq, to measures that will enhance the Special Operations Command's ability to work in a variety of settings. The committee understands the prominent roles played by other agencies in this fight, particularly the Departments of State and Homeland Security, but the committee continues to believe that the Department of Defense has performed and will continue to perform the most critical missions in the global war on terror.

#### Homeland Defense Forces

In hearings over the past two years, the committee has reviewed the Department of Defense's plans for use of the National Guard in homeland defense missions and encouraged the Department to include the Department of Homeland Security in this review. Since the National Guard is a strategic national force that is frequently deployed, the committee is concerned that homeland defense and homeland security plans, which are dependent on National Guard units, must consider the need for contingency assets.

The committee is pleased to note the testimony of the Director, National Guard Bureau, describing his efforts to ensure that National Guard assets are continuously available for homeland defense missions. The committee is also heartened by the concept of the National Guard chemical, biological, radiological, nuclear

(CBRNE) enhanced response force packages, which would augment existing civil support teams in each of the 12 Federal Emergency Management Agency regions.

The committee is interested to learn whether the ongoing force rebalancing measures will yield sufficient available assets, given recent overseas deployments, and whether the Department should consider augmenting the capabilities of state defense forces authorized by title 32, United States Code, with available training opportunities and surplus equipment.

In that regard, the committee directs the Secretary of Defense, in consultation with the Secretary of Homeland Security and the Director, National Guard Bureau, to report any measures necessary to enhance the capabilities of the National Guard to perform homeland defense and homeland security missions. This report should address any unmet requirements related to CBRNE enhanced response teams and any necessary measures to augment the capabilities of state defense forces, and be provided to the Senate Armed Services Committee and the House Armed Services Committee by December 31, 2004.

#### Wisconsin Project's International Export Control Center

The committee notes that Wisconsin Project on Nuclear Arms Control began a public-private initiative to improve export controls in the former Soviet Union and Eastern Europe. This initiative was supported by the Department of Defense, the Department of State, and the Customs Service. The committee further notes that the Wisconsin Project is the leading source of unclassified information on world entities suspected of building weapons of mass destruction or have links to terrorism. The Wisconsin Project's database lists the activities of more than 3,700 suspected individuals and organizations.

Recognizing the importance of tracking and updating information related to entities which are attempting to build weapons of mass destruction, the committee believes the Wisconsin Project should expand its efforts to help foreign governments improve their export control mechanisms.

Accordingly, the committee recommends an additional \$1.3 million to the Defense Threat Reduction Agency for the expansion of the Wisconsin Project on Nuclear Arms Control's International Export Control Center.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—FINANCIAL MATTERS

##### Section 1001—Transfer Authority

This section would provide fiscal year 2005 transfer authority to the Department of Defense for amounts up to \$3.0 billion. This would include \$500 million of specific transfer authority between the services' active component and reserve component accounts.

### Section 1002—Budget Justification Documents for Operation and Maintenance

This section would require the Secretary of Defense to include in congressional justification materials for the operation and maintenance budget request the baseline costs for programs in which there is an identified program increase or decrease. The Secretary of Defense (Comptroller) failed to identify these baseline costs, despite the direction to do so in the committee report on the H.R. 1588 (H. Rept. 108–106).

This section would also require the Secretary of Defense to include in the operation and maintenance justification documents the amount of funds requested for personal service contracts and the number of personal service contractors expected to be compensated at an annual rate in excess of the annual rate of pay for the Vice President.

This section would also require the Secretary of the Navy to distinguish the cost of ship depot-level maintenance and repair and ship intermediate maintenance when presenting justification material to support the budget request for operation and maintenance funds. Specifically, the Secretary would be required to present to Congress separate sub-activity groups for ship depot operations and ship intermediate operations. The Secretary failed to maintain separate sub-activity groups when presenting the justification of estimates for fiscal year 2005 despite the direction to do so in the committee report on H.R. 1588 (H. Rept. 108–106).

This section would also require the Secretary of Defense to include, in the justification materials for the operations and maintenance budget request, the average civilian salary cost by sub-activity group as a component of the personnel summary. The Secretary of Defense Comptroller failed to identify such costs, despite the direction to do so in the committee report on H.R. 1588 (H. Rept. 108–106).

This section would also require the Secretary of Defense to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services by January 1, 2006, that catalogues the elements of “other costs” and “other contracts”, which are currently used in justification materials for the budget request. Although the committee directed in the committee report on H.R. 1588 (H. Rept. 108–106) to provide this report by October 21, 2003, the Secretary of Defense (Comptroller) failed to do so.

### Section 1003—Retention of Fees from Intellectual Property Licenses

The section would allow the Department of Defense to establish programs to license trademarks and insignias, and to retain associated fees. Fees received from the trademark licenses would be used to cover the costs incurred in securing trademark registrations. Any funds in excess of such costs would be available for military personnel recruiting and retention activities, as well as morale, welfare, and recreation activities.

Section 1004—Authority to Waive Claims of the United States  
when Amounts Recoverable are Less than Costs of Collection

This section would authorize the Secretary of Defense or his designee to waive indebtedness when the cost of processing the transaction exceeds the amounts recoverable. The maximum amount that may be waived under this statute would be the micro-purchase threshold, currently \$2,500.

Section 1005—Repeal of Funding Restrictions Concerning Development of Medical Countermeasures against Biological Warfare Threats

This section would repeal section 2370a of title 10, United States Code, which requires that, of the funds allocated for the medical component of the biological defense research program within the Department of Defense, no more than 80 percent may be obligated or expended for product development or research, development, test, and evaluation of medical countermeasures against near-term validated biowarfare threat agents. Additionally, no more than 20 percent may be obligated or expended for product development or research, development, test, and evaluation, of medical countermeasures against mid-term or far-term validated biowarfare agents.

The current law defines biological warfare threats primarily in intelligence terms. The committee believes that this is overly restrictive because intelligence on biological warfare threats is inherently limited due to the ease with which biological warfare programs can be concealed and dangerous pathogens and toxins can be acquired. The situation is further exacerbated by the rapid advancements in bio-technology that are widely available throughout the world. Additionally, the current law categorizes biological warfare agents by the time period in which they may become threats: near-, mid-, and far-term. For the same reasons that make it difficult to define biological warfare agents in terms of available intelligence, the committee believes that it is difficult to project the time periods during which such agents might become threats.

In responding to such threats, the committee believes that more flexibility is needed in the medical components of the biological defense research program.

Section 1006—Report on Budgeting for Exchange Rates for Foreign  
Currency Fluctuations

This section would require the Secretary of Defense to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services by December 1, 2004, on the foreign currency exchange rate projection used in the annual Department of Defense budget.

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS

Section 1011—Authority for Award of Contracts for Ship  
Dismantling on Net-Cost Basis

This section would allow the Secretary of the Navy to accept bids for domestic warship dismantling contracts based on the estimated

cost of performance as well as the estimated value of scrap and reusable equipment. This section would also allow contractors to retain proceeds from the sale of such scrap and reusable equipment. With the price of steel at very high levels, this provision is intended to allow for greater efficiencies in the disposal of obsolete former naval vessels. Nothing in the provision alters any environmental requirements pertaining to disposals.

Section 1012—Independent Study to Assess Cost Effectiveness of the Navy Ship Construction Program

This section would require the Secretary of Defense to establish an entity independent of the Department of Defense to conduct a study of the cost-effectiveness of the ship construction program of the Navy. The study would look at near-term improvements to make shipbuilding more efficient, and long-term improvement to make the United States shipbuilding industry commercially competitive in the global market. This provision would require the Secretary to submit the report to the congressional defense committees by June 1, 2005.

Section 1013—Authority to Transfer Specified Former Naval Vessels to Certain Foreign Countries

This section would authorize the transfer of three obsolete former naval vessels to Chile, Portugal, and to the Taipei Economic and Cultural Representative Office in the United States.

Section 1014—Limitation on Leasing of Foreign-Built Vessels

This section would prohibit the secretary of a military department from entering into a contract for a lease or charter of a vessel for a term of more than 12 months (including all options to renew or extend the contract) if the hull, or superstructure of the vessel is constructed in a foreign shipyard. The President may waive this prohibition if he determines it is in the national security interests of the United States.

SUBTITLE C—SUNKEN MILITARY CRAFT

Sections 1021–28—Protection of Sunken Military Craft

This section would protect sunken United States military vessels, aircraft, and spacecraft, as well as the remains and personal effects of their crews, from salvage, recovery, or other disturbance without proper authorization from the secretary of the military department concerned.

Thousands of U.S. and foreign sunken military craft now lie within and beyond U.S. internal waters, the U.S. territorial sea, and the U.S. contiguous zone. Because of recent advances in science and technology, many of these sunken state craft have become accessible to scientists, researchers, salvors, treasure-hunters, and others. The unauthorized disturbance or recovery of these sunken state craft and any remains of their crews and passengers is a growing concern both within the United States and internationally. In addition to deserving respect as gravesites, these sunken craft may contain objects of a sensitive, archaeological, or historical nature. They often also contain unexploded ordnance or

other substances, including fuel oil and other hazardous liquids, which could pose a danger to human health and the marine environment if disturbed. This section would clarify the circumstances under which sunken military craft, entitled to sovereign immunity when they sank, remain the property of the flag state until officially abandoned. This section would also encourage and authorize the negotiation of international agreements with other nations to protect sunken military state craft and, through reciprocal treatment, to protect sunken U.S. warships.

Finally, this section would allow the secretary of the military department concerned to issue and enforce permits for activities directed at sunken U.S. military craft, including contract salvage. It would not invalidate any permitting system currently in place nor would it affect any prior lawful transfer or express abandonment of title to any sunken military craft.

#### SUBTITLE D—COUNTER-DRUG ACTIVITIES

##### Section 1031—Continuation of Authority to Use Department of Defense Funds for Unified Counter-Drug and Counter-Terrorism Campaign in Colombia

This section would authorize the Secretary of Defense to use funds available for drug interdiction and counter-drug activities to provide assistance to the government of Colombia to support not only a unified campaign against narcotics trafficking, but to also support a unified campaign against activities by organizations designated as terrorist organizations.

##### Section 1032—Limitation on Number of United States Military Personnel in Colombia

This section would limit the number of United States military personnel in the Republic of Colombia to 500 at any given time. The Secretary of Defense is authorized to exclude certain military personnel from the limitation, including those personnel engaged in rescue efforts, members of the armed forces assigned to the U.S. Embassy in Colombia, members of the armed forces participating in relief efforts, non-operational transient military personnel, and members of the armed forces making a port call from a military vessel in Colombia.

#### SUBTITLE E—REPORTS

##### Section 1041—Study of Continued Requirement for Two-Crew Manning for Ballistic Missile Submarines

This section would require the Secretary of Defense to submit to the congressional defense committees a report on the current status of the requirement for two-man crewing of fleet ballistic missile submarines.

##### Section 1042—Study of Effect on Defense Industrial Base of Elimination of United States Domestic Firearms Manufacturing Base

This section would require the Secretary of Defense to submit to the congressional defense committees, within 60 days of enactment, a report detailing the impact on military readiness and the defense

industrial infrastructure of the elimination of the United States domestic firearms manufacturing base as a result of ongoing civil litigation.

Section 1043—Study of Extent and Quality of Training Provided to Members of the Armed Services to Prepare for Post-Conflict Operations

This section would require the Secretary of Defense to identify and assess the training that members of the armed forces assigned to support contingency operations receive in post-conflict operations. The Secretary would further be required to submit a report on his findings to the Senate Committee on Armed Services and the House Committee on Armed Services no later than March 15, 2005.

SUBTITLE F—SECURITY MATTERS

Section 1051—Use of National Driver Register for Personnel Security Investigations and Determinations

This section would authorize federal agencies to access the National Driver Register for use in personnel security investigations with regard to federal employment. The Secretary of Transportation and the chief driver licensing official in each state, who provides driver licensing records to the National Driver Register, cooperatively manage the system. Access to the information is currently provided to multiple federal agencies.

Section 1052—Standards for Disqualification from Eligibility for Department of Defense Security Clearances

This section would amend section 986 of title 10, United States Code, to allow decisions on granting meritorious waivers related to the granting of a security clearance to be delegated by the Secretary of Defense or the secretary of a military department to appropriate subordinates. This change is intended to improve the operation of the current program and decrease the time required to adjudicate security clearance eligibility without creating any additional risk to national security.

SUBTITLE G—TRANSPORTATION MATTERS

Section 1061—Use of Military Aircraft to Transport Mail to and from Overseas Locations

This section would provide the Secretary of Defense authority to use military aircraft to transport mail and parcels to, from, and between overseas locations. This authority, however, would be limited to the following circumstances:

- (1) There is excess space on a scheduled military flight;
- (2) There is no overall cost increase to the Department of Defense or the United States Postal Service;
- (3) The United States Transportation Command would pay the cost of transporting mail from United States Postal Service, to customs clearance facilities, and military debarkation locations at rates not to exceed Department of Transportation rates for commercial airlines;

- (4) There is no degradation of mail service; and
- (5) There is no diversion of such military aircraft during contingencies or other events.

Section 1062—Reorganization and Clarification of Certain Provisions Relating to Control and Supervision of Transportation within the Department of Defense

This section would amend sections 4744 through 4747 of title 10, United States Code, by moving these sections from chapter 47 to chapter 26. This section would also repeal sections 9741, 9743, and 9746 of title 10, United States Code. These changes reflect the Secretary of Defense's role in transportation versus the individual role of the service secretaries.

Section 1063—Determination of Whether Private Air Carriers are Controlled by United States Citizens for Purposes of Eligibility for Government Contract for Transportation of Passengers or Supplies

This section would amend section 2710 of the Emergency War-time Supplemental Appropriations Act, 2003 (Public Law 108–11), to clarify that the Secretary of Transportation is responsible for certifying whether an air carrier is effectively controlled by citizens of the United States.

Section 1064—Evaluation of Whether to Prohibit Certain Offers for Transportation of Security-Sensitive Cargo

This section would require the Secretary of Defense to evaluate whether, and under what circumstances, it would be appropriate to limit competition for domestic freight transportation of security-sensitive cargo to motor carriers that are not part of a group of motor carriers under common financial or administrative control. The Secretary would be required to submit the evaluation to the Senate Armed Services Committee and the House Armed Services Committee by January 1, 2005.

SUBTITLE H—OTHER MATTERS DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD

This section would provide for a two year extension of the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities.

Section 1072—Assistance for Study of Feasibility of Biennial International Air Trade Show in the United States and for Initial Implementation

This section would require the Secretary of Defense to select and provide assistance to a community in conducting a joint study to determine the feasibility of establishing an international air trade show in that community. The committee believes that international air trade shows are an important component of efforts to demonstrate the effectiveness of United States military equipment to other nations and seeks to increase the importance of U.S. based air trade shows in the conduct of international aerospace trade.

This provision would also require that the Secretary make his selection through competitive procedures, while giving preference to communities that already host an air show and have demonstrated a history of supporting air shows with local resources.

#### Section 1073—Technical and Clerical Amendments

This section would make a number of technical and clerical amendments to existing law of a non-substantive basis.

#### Section 1074—Commission on the Long-Term Implementation of the New Strategic Posture of the United States

This section would establish a new commission to review the long-term implementation of the Nuclear Posture Review.

#### Section 1075—Liability Protection for Certain Department of Defense Volunteers Working in the Maritime Environment

This section would remedy an inadvertent oversight in existing law by extending to volunteers working in the maritime training environment the same status and legal protections presently available to volunteers working on land-based assignments.

#### Section 1076—Transfer of Historic F3A-1 Brewster Corsair Aircraft

This section would authorize the Secretary of the Navy to transfer ownership of a historic F3A-1 Brewster Corsair aircraft to a private citizen. The aircraft would be transferred in its current unflyable, “as is” condition, and at no cost to the United States.

## TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

### OVERVIEW

In the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), Congress enacted the Department of Defense National Security Personnel System (NSPS), as chapter 99 of title 5, United States Code. In doing so, Congress created a more flexible and rewarding personnel system for the Department. The Secretary of Defense tasked the Secretary of the Navy with responsibility for designing and implementing a human resources management system in accordance with NSPS. The committee strongly supports the Secretary of the Navy’s outreach to unions, executive agencies, and Congress, as he fulfills this task. The Secretary of the Navy has, thus far, promoted a thorough and thoughtful plan, with continued communication and collaboration with the employees and their representatives to ensure a responsible human resources management system.

In light of the Department’s current effort to implement NSPS, the committee recommends only minor changes to civilian personnel policy. These changes, however, exemplify the committee’s continued respect for the civilian workforce and the need to reward properly individual accomplishments.

## LEGISLATIVE PROVISIONS

## Section 1101—Payment of Federal Employee Health Benefit Premiums for Mobilized Federal Employees

This section would provide a federal government employee, who is a member of a reserve component ordered to active duty in support of a contingency and placed on leave without pay, to continue to receive coverage under the Federal Employee Health Benefit Program for 24 months. This section would also authorize the executive agency authority to pay both the employee's share and the agency's share of the premiums for continued coverage up to 24 months.

## Section 1102—Foreign Language Proficiency Pay

This section would authorize the Secretary of Defense to offer special pay to a Department of Defense employee who is certified to be proficient in a language deemed necessary for national security interests and whose duties require such language proficiency. This section would repeal the requirement that the individual be assigned duties during a contingency operation in section 1596a of title 10, United States Code.

## Section 1103—Pay Parity for Civilian Intelligence Personnel

This section would authorize the Secretary of Defense to use a performance appraisal system for personnel in the defense intelligence senior executive service to ensure pay parity for all personnel in the defense senior executive service.

## Section 1104—Pay Parity for Senior Executives in Nonappropriated Fund Instrumentalities

This section would authorize the Secretary of Defense to adjust the pay cap for Department of Defense nonappropriated fund executives to ensure that the compensation paid to such employees remains consistent with the Senior Executive Service employees.

## Section 1105—Prohibition of Unauthorized Wearing or Use of Civilian Medals or Decorations

This section would prohibit any person from merchandising or wearing a Department of Defense civilian medal or decoration without the written permission of the Secretary of Defense. This section would also authorize the Attorney General to initiate a civil proceeding in a United States district court to enjoin the prohibited practice.

## TITLE XII—MATTERS RELATING TO OTHER NATIONS

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—MATTERS RELATING TO IRAQ, AFGHANISTAN, AND GLOBAL WAR ON TERRORISM

##### Section 1201—Documentation of Conditions in Iraq under Former Dictatorial Government as Part of Transition to Post-Dictatorial Government

This section would direct the Secretary of Defense to expedite, where practical, the review of documents seized from the Iraqi government and Ba'ath Socialist Party of Iraq relating to the functioning, crimes, and atrocities of those entities against the Iraqi people during the regime of Saddam Hussein. The Secretary would be further directed to transfer those documents, as appropriate, to Iraqi entities in Iraq dedicated to documenting the crimes and nature of the Hussein regime, to serve as a reminder of the dangers of tolerating dictatorship in Iraq. Analysts have found that such efforts in other post-dictatorial countries can contribute to the reconstruction and reconciliation process. The committee believes Iraqi democracy would benefit from a similar effort.

##### Section 1202—Support of Military Operations to Combat Terrorism

This section would authorize the Secretary of Defense, during fiscal year 2005, to expend up to \$25.0 million in operation and maintenance funds authorized by Title XV of this Act to provide support to foreign forces, irregular forces, or individuals who actively support United States special operations forces engaged in military operations against terrorists. The section would not authorize U.S. special operations forces to engage in covert actions, as defined by the National Security Act of 1947 (50 U.S.C. 413b(e)). Thus, the intent is to provide additional resources to special operations forces engaged in clandestine operations, during which they often operate without the support of larger military units, but not to allow U.S. special operations forces to engage in activities traditionally performed by the intelligence community under title 50, United States Code. This section would require quarterly reports on how this authority is used.

##### Section 1203—Commander's Emergency Response Program

This section would authorize the Secretary of Defense to use up to \$300.0 million in operations and maintenance funding available to the Secretary from funds made available by Title XV of the Act for the Commander's Emergency Response Program, under which commanders in Iraq and Afghanistan receive funds for use in small humanitarian and reconstruction projects in the areas in which they are deployed. The section requires quarterly reports on the source and use of funds under this section.

#### Section 1204—Status of Iraqi Security Forces

This section would require the Secretary of Defense, not later than 120 days after the enactment of this Act, to submit to Congress a strategic plan setting forth the manner and timeline under which the United States will achieve the goal of establishing viable and professional Iraqi security forces. The Secretary would further be required to submit updates on progress implementing the strategic plan every 90 days thereafter.

#### Section 1205—Guidance and Report Required on Contractors Supporting Deployed Forces in Iraq

This section would require the Secretary of Defense, within 90 days of the date of the enactment of this Act, to issue guidance on the management of contractors that support deployed military forces and to direct the secretaries of the military departments to develop procedures to implement that guidance. The Secretary of Defense would further be required to report to Congress within 30 days of issuing the aforementioned guidance on how it addressed certain issues and to establish and implement a process for collecting information on contractors providing certain security services in Iraq.

#### Section 1206—Findings and Sense of Congress Concerning Army Specialist Joseph Darby

This section would make a series of findings regarding the importance of Specialist Joseph Darby's actions in reporting abuses at the Abu Ghraib prison in Iraq and expresses the sense of Congress that Specialist Darby should be commended for his actions.

### SUBTITLE B—OTHER MATTERS

#### Section 1211—Assignment of Allied Naval Personnel to Submarine Safety Programs

This section would authorize the Secretary of Defense to assign military personnel from NATO countries and other countries, including Australia, Sweden, South Korea, and Japan, to United States commands for the purpose of working on the standardization, development, and interoperability of submarine safety and rescue systems and procedures. The Department of Defense requested authority to assign foreign naval personnel to the International Submarine Escape and Rescue Liaison Office within Allied Submarine Command.

#### Section 1212—Expansion of Entities of the People's Republic of China Subject to Certain Presidential Authorities when Operating in the United States

This section would expand the definition of a "Communist Chinese military company" as defined in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), to include Chinese firms owned or operated by a ministry of the People's Republic of China or an entity affiliated with the defense industrial base of the People's Republic of China, such as the China State Shipbuilding Corporation or the China Overseas Ship-

ping Corporation. Existing law only applies the definition to entities owned or operated by the People's Liberation Army, thereby excluding a class of firms engaged in Chinese military modernization.

#### Section 1213—Report by President on Global Peace Operations Initiative

This section would require the President to report to Congress on the Global Peace Operations Initiative, a new program announced by the administration after the submission of the budget request.

On April 29, 2004, administration officials briefed committee staff on the Global Peace Operations Initiative. In general, the initiative is a joint venture between the Department of Defense and the Department of State to train and equip roughly 75,000 foreign military personnel in peacekeeping and peace enforcement operations over five years. The administration further proposed legislative authority for the Department of Defense to spend up to \$100 million in operations and maintenance funding on training foreign military forces, either by transferring those funds to the Department of State or conducting the training itself. Over the next five years, the administration estimated that the total cost of the initiative would be \$606 million and that the Department of Defense would be responsible for roughly eighty percent of the total. However, the administration did not request those funds for the Department of Defense in the fiscal year 2005 budget request and that they are not currently programmed in the five-year defense plan.

In general, the committee supports the goals of the Global Peace Operations Initiative. However, it is concerned about the process by which the administration seeks to fund the program and move it forward. Historically, the Department of State has trained and equipped foreign military forces for the United States under title 22 of the U.S. Code, which restricts the kinds of training that can be provided and the countries to which it can be provided in order to ensure that such activities are consistent with U.S. human rights practices and foreign policy. In this case, however, the administration proposed exempting the Global Peace Operations Initiative from those legal constraints and requested authority to use Department of Defense funding intended to pay for the operations and maintenance of U.S. forces. As a result, any use of the authority could mean depriving U.S. forces of the resources that the administration had requested, and which Congress had authorized and appropriated, for their operations and maintenance. Therefore, the committee recommends against granting the authority requested. Instead, it recommends a provision that would seek additional information on the Global Peace Operations Initiative.

#### Section 1214—Procurement Sanctions against Foreign Persons that Transfer Certain Defense Articles and Services to the People's Republic of China

This section would make it the policy of the United States to prevent destabilizing arms transfers to the People's Republic of China by denying Department of Defense procurement contracts to foreign companies that sell China items similar to those found on the

U.S. Munitions List. The section would also require the Secretary of Defense to publish a list of such companies in the Federal Register.

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

### OVERVIEW

The budget request included \$409.2 million for Cooperative Threat Reduction (CTR) programs with the states of the former Soviet Union for fiscal year 2005. This is \$41.6 million less than requested for fiscal year 2004 and \$39.4 million less than was appropriated for fiscal year 2004. The funding request breaks out as follows: \$58.5 million for strategic offensive arms elimination in Russia; \$48.7 million for nuclear weapons storage security in Russia; \$26.2 million for nuclear weapons transportation security in Russia; \$158.4 million for chemical weapons destruction in Russia; \$55.0 million for biological weapons proliferation prevention in the states of the former Soviet Union; \$40.0 million for weapons of mass destruction proliferation prevention in the states of the former Soviet Union; \$8.0 million for defense and military contacts; and, \$14.3 million for activities designated as Other Assessments/Administrative Support. Programmatic funding levels are generally consistent with those requested in fiscal year 2004 with one notable exception. The request for chemical weapons destruction in Russia is \$41.9 million less than requested and appropriated for fiscal year 2004. According to the Department of Defense, the decrease in funding reflects the state of construction at the Russian chemical weapons dismantlement facility in Shchuch'ye.

The committee continues to support the goals of the Cooperative Threat Reduction program and recommends funding at the levels requested. In particular, it notes the positive steps being taken to improve oversight of the program within the Department, such as beginning the process of identifying and deploying on-site managers to improve project oversight within states of the former Soviet Union and increased reporting as required in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136). The Department took the additional step of making officials within the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics (OUSD/AT&L) responsible for oversight of Cooperative Threat Reduction programs. As a result, OUSD/AT&L established cost, schedule, and performance baselines, a milestone decision authority process, and a phased approach to project implementation that have long been lacking in CTR programs, and to which most acquisition programs are routinely subjected. Together, these efforts address many of the shortcomings that the committee identified and worked to address during the 1990s.

The committee further applauds the steps that Cooperative Threat Reduction partners have taken to increase their commitment of resources to the goals of the program. In particular, the committee notes increases in Russian funding for chemical weapons destruction from 2001 to 2002 and the President's December 6, 2003, certification that Russia would spend at least \$33.0 million on the Shchuch'ye project in 2003. Additionally, during 2003, Rus-

sia took proactive steps to improve chemical weapons destruction by concluding in March 2003 a legally binding agreement to destroy all nerve agents at a single site, which it reaffirmed in a September 2003 amendment to the agreement. Together, these steps mark significant progress in meeting the conditions upon which Congress made continued assistance for the Shchuch'ye facility dependent. They also validate the committee's approach to funding CTR programs, in which the United States commitment is carefully matched to significant, concrete, and concurrent demonstrations of commitment by the respective CTR partner.

Despite the improvements discussed above, some Russian behavior continues to suggest that the Russian government does not place as high a priority on the goals of the Cooperative Threat Reduction program as the United States. First, Russia continues to modernize its strategic nuclear forces, suggesting it views modernizing its strategic arsenal as more important than securing and dismantling excess weapons of mass destruction inherited from the Soviet Union. At the end of 2003, for example, it deployed several new Topol-M intercontinental ballistic missiles (ICBMs). In contrast, the United States has not deployed a new ICBM in almost two decades. Second, questions remain about the completeness and accuracy of Russia's declarations regarding the size of the chemical weapons stockpile in Russia. While U.S. and Russian negotiators continue to discuss the problem, Russian officials have consistently rejected U.S. proposals intended to increase visibility into Russian chemical weapons stockpiles. Third, Russia has not developed a comprehensive and credible plan for destroying its stockpile of nerve agents. Such a plan is necessary to ensure that the value of U.S. expenditures on the Shchuch'ye chemical weapons dismantlement facility is fully realized.

As a result of these last two factors, the President cannot certify that Russia is in compliance with the preconditions for continuing U.S. CTR assistance in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) as amended. Consequently, the President has again requested authority to waive those conditions.

#### ITEM OF SPECIAL INTEREST

##### Visa Requirements

The committee is aware of concerns that efforts to tighten visa requirements after September 11, 2001 may have had the unintended consequence of hampering the effectiveness of the Department of Defense and the Department of Energy nonproliferation programs by imposing delays in collaborative programs and complicating the international cooperation and coordination required. Therefore, the committee directs that the Secretary of Defense and the Secretary of Energy submit a report no later than six months after the enactment of this Act, identifying the causes of any new delays and assessing the costs and benefits of various means by which those delays might be remedied.

## LEGISLATIVE PROVISIONS

## Section 1301—Specification of Cooperative Threat Reduction Programs and Funds

This section would specify the kinds of programs to be funded under this title and authorize them at the level of the budget request. It would also make fiscal year 2005 Cooperative Threat Reduction funds available for three years.

## Section 1302—Funding Allocations

This section would allocate fiscal year 2004 funding for various Cooperative Threat Reduction purposes and activities at the levels requested by the President.

## Section 1303—Temporary Authority to Waive Limitation on Funding for Chemical Weapons Destruction Facility in Russia

This section would extend for one year the President's authority to waive preconditions established in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) for continuing certain Cooperative Threat Reduction programs. The President's current authority expires at the end of fiscal year 2004. The committee notes that Russia has made progress in meeting several of the aforementioned conditions and believes that the existence of those conditions serves as an incentive for further progress.

## TITLE XIV—EXPORT CONTROLS AND COUNTERPROLIFERATION MATTERS

## OVERVIEW

The committee agrees with the President that the nexus of weapons of mass destruction and terrorism is a critical threat facing the United States in the 21st century. The committee also agrees with the President's call on February 11, 2004 to strengthen export controls, both domestic and international, as a means of ensuring that terrorist groups and their state supporters are not able to acquire capabilities to design, develop, or employ weapons of mass destruction. In particular, it notes that proliferation networks have grown increasingly sophisticated at exploiting legitimate international trade to spread such capabilities. The network of Pakistani weapons scientist A.Q. Khan, for example, has been widely implicated in spreading nuclear technology to a number of countries of concern. At the same time, the committee notes the growing role of international consortia in producing advanced military capabilities. In general, certain exceptions in existing export control regimes were designed to govern state-to-state transactions, but are now being employed to facilitate international transactions among non-state actors. The committee is concerned that these two trends are beginning to intersect and that proliferation networks will begin to exploit loopholes in existing export control regimes to acquire dangerous capabilities. Therefore, the committee, in close cooperation with the Committee on International Relations, developed a series

of provisions intended to rationalize and harmonize export controls with the new international security environment.

Recognizing the importance of a multilateral approach, the committee also recommends provisions intended to assist other countries in improving their capacity to prevent proliferation networks from acquiring sensitive technology through illicit activities disguised as legitimate defense trade. These include domestic counterproliferation fellowships for foreign military and defense ministry personnel in order to improve their understanding and application of counterproliferation tools and an expansion of the Secretary of Defense's authority to provide assistance to existing programs by the U.S. Customs Bureau and Federal Bureau of Investigations to train foreign customs and law enforcement officials in the skills needed to stem the spread of weapons of mass destruction.

#### ITEMS OF SPECIAL INTEREST

##### Defense Technology Security Administration

The budget request included \$20.5 million for the Defense Technology Security Administration (DTSA), which seeks to safeguard the United States and its allies by controlling and monitoring international technology transfers and preventing inappropriate technology transfers. The committee recommends \$21.5 million in order to bolster the Administration's ability to prevent U.S. high technology from falling into the hands of potential adversaries.

##### Defense Threat Reduction Agency

The budget request included \$325.5 million for the Defense Threat Reduction Agency (DTRA) which seeks to reduce the threat of future weapons of mass destruction being employed against the United States and its allies. The committee supports the work of DTRA and recommends an increase of an additional \$1.4 million to the Defense Threat Reduction Agency in order to strengthen and expand the existing federal effort to help foreign governments improve their export control performance through an export control data base currently used by some 18 countries in Eastern Europe and the former Soviet Union. The committee recommends the funds be used to continue existing subscriptions of the export control database for foreign countries, supply the database to additional countries around the globe, provide education and training for its use worldwide, enhance the quality and utility of the database by expanding its coverage of weapons of mass destruction information, and perform related research and public education initiatives on export control policy.

##### Nonproliferation Education

The committee notes that the next Nuclear Nonproliferation Treaty (NPT) review conference will be held in 2005, and will come at a time of heightened concern over the threat of proliferation of weapons of mass destruction (WMD). The committee welcomes the important steps taken by the Administration to enhance current U.S. counter and non-proliferation efforts, including the four proposals offered by the President on February 11, 2004:

(1) Expansion of the Proliferation Security Initiative (PSI) to go beyond shipments and transfers, to increase collaboration between intelligence, law enforcement, and military agencies to target and shut down weapons traffickers, WMD suppliers, their labs, and buyers;

(2) Strengthened laws and international controls governing proliferation, including a new Security Council resolution requiring all states to criminalize proliferation, enact strict export controls, and secure all sensitive materials within their borders;

(3) Expansion of U.S. Nunn-Lugar efforts, where the President noted great success since 1991 but also added, “We have more work to do there;” and

(4) Elimination of a Nuclear Non-Proliferation Treaty loophole that has been exploited by nations such as North Korea and Iran, which have been allowed to produce nuclear material that can be used to build bombs under the cover of civilian nuclear programs.

The committee believes that increased attention to proliferation concerns provides an opportunity to stimulate and encourage new entrants into nonproliferation and international security careers, and a chance to increase public understanding of the national and international security ramifications of the NPT and other efforts to stem WMD proliferation. The committee commends efforts by universities and other non-government organizations to broaden awareness of these critical issues, and believes that efforts to encourage the study of nonproliferation and international security issues are a welcome addition to postsecondary educational curricula.

## LEGISLATIVE PROVISIONS

### SUBTITLE A—EXPORT CONTROLS

#### Section 1401—Definitions under Arms Export Control Act

This section would clarify the definitions of “license,” “agent,” and “exporting agent” as they are applied under the Arms Export Control Act (Public Law 90–629). Currently, such terms are not defined. The definition of “license” would require it to be in written form. While current regulations require licenses to be in writing, the Department of State recently unilaterally issued a “verbal” license to approve the export of military guidance and sensor chips to the People’s Republic of China (PRC), at a time when such items are normally prohibited for sale to the PRC. The chips were embedded in a commercial aircraft sale, but can be used in missile guidance systems. The Department of State’s explanation for this significant departure from normal practice—that weather conditions in Washington, DC precluded the timely issuance of a written license—is not acceptable given the sensitivity of the technology involved.

The definition of “agent” would ensure that persons covered by the definition are in fact empowered by their governments to act as emissaries of those governments in some capacity. Restrictions on the transfer of exported goods generally limit such transfers among those governments or their agents. However, several Euro-

pean states have begun to re-interpret “agents” to mean representatives of a commercial firm within their borders. This looser definition effectively creates a loophole in which exports to certain countries could be approved with the expectation that the only individuals who have access to those exports are government officials, but in which access is considerably broader. The committee believes this change is necessary to ensure that advanced technology entrusted to foreign governments continues to be controlled with the care that has historically been afforded to it.

The definition of “exporting agent” means the freight forwarder or consignee as designated on a license application and authorized to act on behalf of the license applicant.

#### Section 1402—Exemption from Licensing Requirements for Export of Significant Military Equipment

This section would prohibit the President from creating regulatory exemptions for significant military equipment that would otherwise require an export license. Section 47 of the Arms Export Control Act (22 U.S.C. 2794) defines “significant military equipment” as articles for which special export controls are warranted and are identified on the United States Munitions List. As a practical matter, this limitation would result in little change from current practice. However, the Department of State recently proposed exempting a class of significant military equipment from the requirement to obtain a license, raising concerns about setting precedents for the license-free export of major combat systems. This section would inoculate the U.S. Government from pressures to export those systems without first giving such exports the added scrutiny and safeguards inherent in the licensing process.

#### Section 1403—Cooperative Projects with Friendly Foreign Countries

This section would create a process by which Congress has an opportunity to reject a cooperative project proposal it currently receives under the Arms Export Control Act (22 U.S.C. 2767). Similar procedures already exist for commercial and military exports undertaken under the Arms Export Control Act (22 U.S.C. 2776). This section would also ensure that commercial exports embedded in an international cooperative project will require a license under Section 38 of the Arms Export Control Act governing commercial arms exports. Historically, cooperative projects with friendly foreign countries were conducted as government-to-government activities. However, in recent years, such projects have increasingly included corporate entities and accorded them growing authority in making project decisions, outside of the normal licensing process. As the United States makes increasing use of such projects in the research, development, and acquisition process, the committee is concerned that controls on the exports of sensitive military technologies are being inadvertently loosened in order streamline the project’s execution. It is concerned that this process may take place without regard to the need to ensure sensitive military capabilities do not fall into the hands of potential adversaries or terrorist groups. By aligning the Congressional review process on cooperative projects with the review process on commercial arms exports

and requiring a license for commercial entities embedded in a cooperative project, this section would ensure that security interests continue to predominate in such projects.

#### Section 1404—Licensing Requirement for Export of Militarily Critical Technologies

This section would require the President to require exporters of militarily critical technologies to obtain an export license for the export or re-export of any item on the Militarily Critical Technologies List published by the Department of Defense (DOD). The Export Administration Act of 1979 established process for licensing import or export of dual-use technologies. It also required the Department of Defense to prepare a Militarily Critical Technologies List (MCTL). The Departments of Defense and Commerce are expected to integrate the MCTL into the list of dual-use goods and technologies that require a license to export under the Export Administration Act.

However, in recent years, concerns have been raised that MCTL goods were not being appropriately controlled. Section 1211 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) requires DOD to prepare a report on technologies needed to ensure U.S. military superiority and identify whether those items were controlled under any export control regime. That report was delivered on March 5, 2004 and identified several technologies that are not controlled under the Export Administration Regulations or the Arms Export Control Act, including, among others: (1) Amorphous Silicon Focal Plane Arrays used in Night Vision Devices; (2) UAV kits to convert civil aircraft; (3) Precision Approach Radars containing electronically scanned arrays (useful in EW); (4) Surveillance Direction Finders; (5) GPS receivers with interference protection; and, (6) High-Precision, Multi-Axis Job Grinders, a machine tool used to make missile guidance components. These systems fall into categories identified on the MCTL, confirming that such technologies are not adequately controlled. This section would continue to allow exports of such militarily critical technologies, but would ensure that the exports remain consistent with national security.

#### Section 1405—Control of Exports of United States Weapons Technology to the People's Republic of China

This section would prohibit the export of certain technologies to individuals or countries engaged in the sale of such items to the security services of the People's Republic of China unless certain conditions are met. Such conditions would require that a license was approved for that export, the Secretary of Defense concurs in the export, and the foreign person or country agrees in writing not to transfer title, possession of, or otherwise provide access to that item without prior, written, consent by the President.

The committee is concerned by reports that military trade embargos imposed on the People's Republic of China after the Tiananmen Square massacre might be weakened or discontinued. The committee is also concerned that the weakening of such restrictions would send the wrong message about the importance of respecting human rights, undermine international controls in-

tended to prevent the proliferation of sensitive dual-use and military technology, and exacerbate a serious military imbalance in Asia.

#### Section 1406—Strengthening International Export Controls

This section would make it the policy of the United States to seek continued negotiations to strengthen the international export control system for arms and militarily-sensitive goods and technologies to countries of concern. It requires a Presidential report on progress made in strengthening international controls 180 days after enactment and every six months thereafter.

### SUBTITLE B—COUNTERPROLIFERATION MATTERS

#### Section 1411—Defense International Counterproliferation Programs

This section would authorize the Secretary of Defense to expand existing programs to train foreign border and law enforcement officials in preventing the illicit transfer of weapons of mass destruction in the states of the former Soviet Union, Eastern Europe, and the Baltic states, by granting the Secretary authority to conduct those programs in any other country in which the Secretary determines a significant threat exists. The National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) established a joint program between the Department of Defense and the Federal Bureau of Investigation to conduct training of law enforcement officials in the former Soviet Union and Eastern Europe to deter, interdict, and counter any organized crime involvement in the illegal acquisition of weapons of mass destruction. The National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) established a joint program between the Department of Defense and the United States Customs Service to assist customs and border guard entities in the former Soviet Union and Eastern Europe to prevent the unauthorized transfer and transportation of weapons of mass destruction and related material.

#### Section 1412—Defense Counterproliferation Fellowship Program

This section would direct the Secretary of Defense to establish a fellowship program to train and educate foreign defense policymakers and military officers in identifying and using counterproliferation tools to combat the spread of weapons of mass destruction. It would further direct the Secretary to establish a domestic fellowship program for the purposes of improving the Department of Defense's ability to exploit non-government expertise in combating the spread of weapons of mass destruction. The President has identified the nexus among terrorists, weapons of mass destruction, and rogue states as a critical threat to United States national security. Nonproliferation and counterproliferation tools, such as export controls and the Proliferation Security Initiative, can play a vital role in containing that threat worldwide.

SUBTITLE C—INITIATIVES RELATING TO COUNTRIES OF THE FORMER  
SOVIET UNION

Section 1421—Silk Road Initiative

This section would make it the policy of the United States to establish and promote programs to prevent the proliferation from former Soviet scientists, engineers, and technicians of the expertise useful to the development of weapons of mass destruction. It further authorizes the Secretary of Energy to carry out a program known as the Silk Road Initiative to promote employment in the former Soviet republics in the Caucasus and Central Asia. It encourages the Secretary to begin a pilot program in the Republic of Georgia and authorizes the Secretary to spend up to \$10.0 million on the program from within funds available for nonproliferation and international security in fiscal year 2005.

Section 1422—Teller-Kurchatov Nonproliferation Fellowships

This section would authorize the Secretary of Energy to conduct a fellowship program in which an American scientist serves as a fellow at the Kurchatov Institute in Russia and a Russian scientist to serve as a fellow in the Lawrence Livermore National Laboratory. It authorizes the Secretary to spend up to \$10.0 million on the program from within funds available for nonproliferation and international security in fiscal year 2005.

Section 1423—Collaboration to Reduce the Risks of a Launch of  
Russian Nuclear Weapons

This section finds that certain limitations of the Russian nuclear command and control system raise concerns about the prospects for an accidental or unauthorized launch of Russian strategic ballistic missiles. It directs the Secretary of Defense to submit a report to Congress no later than November 1, 2005 on steps that might be taken to reduce that danger, including an assessment of the risks and opportunities associated with taking those steps.

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

OVERVIEW

The committee recommends authorization of \$25 billion in funds to be appropriated for fiscal year 2005 to support the defense activities principally associated with Operation Iraqi Freedom, Operation Enduring Freedom and the global war on terrorism. These funds are designated for emergency contingency operations related to the global war on terrorism pursuant to H. Con. Res. 393, establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal year 2004 and 2006 through 2009, as passed by the House of Representatives on March 25, 2004.

The increase in insurgent and terrorist action during the period preceding the return of sovereignty to the Iraqi government has increased the cost of operations. The committee believes that it is es-

essential to recognize the change in operational level and ensure full funding is available to support U.S. troops and their needs.

SUMMARY TABLE OF AUTHORIZATION

The following table provides a summary of the committee's authorization of funds for this purpose by appropriations account.

Title XV - EMERGENCY AUTHORIZATION  
(Dollars in Thousands)

PROGRAM TITLE	FY 2005 Committee Recommendation	Budget Authority Implication of Recommendation
<b>PROCUREMENT</b>		
Aircraft Procurement, Army		
Aviation Combat Loss Replacement	498,300	498,300
Total Aircraft Procurement, Army	498,300	498,300
Missile Procurement, Army		
Javelin, Modularity	42,800	42,800
Total Missile Procurement, Army	42,800	42,800
Weapons and Tracked Vehicles Procurement, Army		
XM-8 Assault Weapon, Modularity	25,900	25,900
Rapid Fielding Initiative	166,600	166,600
Weapons and Tracked Vehicles Procurement, Modularity	9,400	9,400
Total Weapons and Tracked Vehicles Procurement, Army	201,900	201,900
Ammunition Procurement, Army		
Small Arms Ammunition, Modularity	78,750	78,750
Total Ammunition Procurement, Army	78,750	78,750
National Guard and Reserve Equipment, Army		
Equipment for Deployment to OIF/OEF	50,000	50,000
Total for National Guard and Reserve Equipment, Army	50,000	50,000
Other Procurement, Army		
Shadow TUAV, Force Protection	125,200	125,200
M1114 Up-Armor HMMWV, Force Protection	704,700	704,700
Vehicle Bolt-on Armor and Emerging Requirements	332,400	332,400
Rapid Fielding Initiative	130,800	130,800
Other Procurement, Modularity	249,200	249,200
Trucks Combat Loss Replacement	25,110	25,110
Total Other Procurement, Army	1,567,410	1,567,410
Ammunition Procurement, Marine Corps		
Unfunded Requirements	38,402	38,402
Total Ammunition Procurement, Marine Corps	38,402	38,402
General Procurement, Marine Corps		
Shadow TUAV	46,680	46,680
Silver Fox UAV	6,110	6,110
Unfunded Requirements	45,400	45,400
Total General Procurement, Marine Corps	98,190	98,190
Aircraft Procurement, Air Force		
Predator A, Force Protection	99,000	99,000
Total Aircraft Procurement, Air Force	99,000	99,000
Procurement, Defense-wide		
SOCOM Unfunded Requirements	60,000	60,000
Other Programs	660,000	660,000
Total Procurement, Defense-wide	720,000	720,000
<b>Total Procurement</b>	<b>3,394,752</b>	<b>3,394,752</b>

Title XV - EMERGENCY AUTHORIZATION  
(Dollars in Thousands)

PROGRAM TITLE	FY 2005 Committee Recommendation	Budget Authority Implication of Recommendation
<b>OPERATIONS AND MAINTENANCE</b>		
Operation and Maintenance, Army		
Incremental wartime costs	8,505,763	8,505,763
Costs associated with active end strength increase	260,000	260,000
Depot Maintenance	205,250	205,250
Rapid Fielding Initiative	219,700	219,700
Interceptor Body Armor	295,000	295,000
Interceptor Body Armor Deltoid & Auxiliary Protection	90,000	90,000
Modularity (OPTEMPO)	31,400	31,400
Total Operations and Maintenance, Army	9,607,113	9,607,113
Operation and Maintenance, Navy		
Incremental wartime costs	180,500	180,500
Depot maintenance	76,000	76,000
Total Operations and Maintenance, Navy	256,500	256,500
Operation and Maintenance, Marine Corps		
Incremental wartime costs	2,301,860	2,301,860
Costs associated with active end strength increase	30,000	30,000
Depot Maintenance	26,875	26,875
Initial Issue	40,000	40,000
Total Operations and Maintenance, Marine Corps	2,398,735	2,398,735
Operation and Maintenance, Air Force		
Incremental wartime costs	1,515,000	1,515,000
Depot Maintenance	76,000	76,000
Interceptor Body Armor	44,000	44,000
Total Operations and Maintenance, Air Force	1,635,000	1,635,000
Operation and Maintenance, Defense-wide		
Incremental wartime costs	663,900	663,900
Army active end strength increase	44,000	44,000
Marine Corps active end strength increase	5,000	5,000
Technical Support Working Group	75,000	75,000
Other Programs	1,540,000	1,540,000
Total Operations and Maintenance, Defense-wide	2,327,900	2,327,900
Total Operations and Maintenance	16,225,248	16,225,248
Defense Health Program		
Army active end strength increase	59,000	59,000
Marine Corps active end strength increase	16,000	16,000
Total Defense Health Program	75,000	75,000
<b>MILITARY PERSONNEL</b>		
Military Personnel		
Incremental wartime costs	4,400,000	4,400,000
Army active end strength increase	605,000	605,000
Marine Corps active end strength increase	159,000	159,000
Extension of Imminent Danger Pay	86,000	86,000
Extension of Family Separation Allowance	55,000	55,000
Total Military Personnel	5,305,000	5,305,000
Total Department of Defense (051)	25,000,000	25,000,000

## ITEMS OF SPECIAL INTEREST

## Procurement

It is the highest priority of the committee that our troops be supported with the equipment necessary to successfully accomplish their missions in Operation Iraqi Freedom, Operation Enduring Freedom and the global war on terrorism. The committee recommends authorization for procurement to support force protection, the rapid fielding initiative for basic infantry combat equipment, combat losses of essential equipment, the Army's modularity initiative, and essential combat related unfunded requirements of our armed forces.

The committee's recommendations for procurement in this title include full support of the force protection needs of our units. Included in the force protection recommendation is full funding for the Up Armor High Mobility Multipurpose Wheeled Vehicle (HMMWV); bolt-on ballistic armor for HMMWVs and trucks; and Interceptor Body Armor (IBA), including funding for add-on protection for the shoulder and side body areas. Intelligence, surveillance and reconnaissance (ISR) are important elements of force protection and are critical to interdict, disrupt, and defeat the insurgent and terrorist threat. Therefore, this title also includes authorization to procure unmanned aerial vehicles (UAV) that are currently in production to provide these UAV assets to the units in theater in sufficient quantity to meet both their operational and ISR requirements.

The committee fully supports the Army's efforts to transform the structure of its divisions into smaller organizations to create additional combat relevant units. This reorganization known as "modularity" will contribute to the reduction of stress on our troops due to the high operational tempo of operations in southwest Asia. This title authorizes an aggressive down payment for the equipment costs of both modularity and the rapid fielding initiative as displayed in the Army unfunded requirements list so that every infantry soldier has the equipment necessary to perform their mission.

This title also provides authorization for the combat related, unfunded equipment requirements of the Marine Corp and Army as submitted by the service chiefs in February and March 2004 and to replace combat losses in aviation and other equipment.

## Operations and Maintenance

The military departments and defense agencies need operations and maintenance (O&M) funds to pay for food, fuel, spare parts, maintenance, transportation, camp, post, and base expenses that have risen dramatically as a result of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). Much of these expenses are captured in the O&M funding for operating tempo. This cost is significant. Without additional funding at the start of fiscal year 2005, the military departments will be forced to use third and fourth quarter O&M funds in the initial months of fiscal year 2005 to pay for OIF and OEF costs. This presents significant accounting and budgetary hurdles and alters the ability to plan properly for the entire year. The committee, therefore, believes that O&M war-

related costs should be funded prior to the start of the fiscal year. In addition, the committee is funding critical equipment for the Iraq and Afghanistan theater that will improve our troops' welfare and combat effectiveness. The committee believes that these items should be funded immediately.

#### Military Personnel

The committee long has advocated for increases in active component manpower to sustain the full range of capabilities required of and missions assigned to the Armed Forces. Thus the committee recommended in the National Defense Authorization Acts for Fiscal Years 2003 and 2004 increases of 10,350 and 6,240 respectively in active component manpower above the budget requests.

More recently, the Army Chief of Staff announced a plan for a temporary increase of 30,000 in the Army's active component end strength, not only to improve its ability to meet the full range of its worldwide missions, but also to increase its current active combat capability from 33 brigades to 43–48 brigades. To support the Army's need, the committee recommends in this title a cumulative active component increase of 30,000 (to an end strength of 512,400), in increments of 10,000 each in fiscal years 2005 through 2007. The committee would also temporarily adjust the minimum end strength floors to reflect the increases in authorized end strength.

To ensure the Marine Corps can continue to provide and sustain the force levels required of it by the national security strategy, the committee recommends in this title a cumulative active component Marine Corps increase of 9,000 (to an end strength of 184,000), in increments of 3,000 each in fiscal years 2005 through 2007. The committee would also adjust the minimum end strength floors to reflect the increases in authorized end strength.

The committee recommends an additional \$1,179 million for military personnel, operations and maintenance to fund the additional Army and Marine Corps active component manpower in fiscal year 2005. To fund increased Army and Marine Corps manpower in fiscal years 2006 and beyond, the committee recommends that starting in fiscal year 2006 the Secretary of the Treasury would assume the requirement for the annual payment to the Department of Defense Medicare-Eligible Retiree Health Care Fund that is now made by the Secretary of Defense. The committee expects that the Secretary of Defense will use the resulting funding flexibility to fully fund the costs of the Army transformation efforts and Marine Corps end strength growth in fiscal year 2006 and beyond.

To address the concerns of the Secretary of Defense and the Chief of Staff of the Army that end strength increases should not be made permanent, the committee's recommendation provides for only temporary end strength growth through the end of fiscal year 2007—the point at which Army leadership has indicated it will be in a better position to assess future manning levels. Furthermore, this committee recommendation would require that if the Secretary of Defense, in coordination with the Secretary of the Army, or the Secretary of the Navy, believes changes should be made to the strength levels authorized by this title, then those changes must be provided to the committee prior to the submission of the budget request for any fiscal year.

Finally, to provide for the active component and reserve component military manpower deployed in Iraq and Afghanistan for the first quarter of fiscal year 2005, the committee would authorize \$4.4 billion. In addition, the committee would also authorize \$141 million to extend the authority of the Department of Defense to continue paying higher levels of family separation allowance and imminent danger pay.

## LEGISLATIVE PROVISIONS

### Section 1501—Purpose

This section would establish this title as an authorization of appropriations for the Department of Defense for fiscal year 2005, in addition to amounts otherwise authorized in this Act, to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

### SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

#### Section 1511—Army Procurement

This section would authorize an additional \$2,439.2 million for fiscal year 2005 Army procurement.

#### Section 1512—Navy and Marine Corps Procurement

This section would authorize an additional \$136.6 million for fiscal year 2005 Navy and Marine Corps procurement.

#### Section 1513—Air Force Procurement

This section would authorize an additional \$99.0 million for fiscal year 2005 Air Force procurement.

#### Section 1514—Defense-Wide Activities Procurement

This section would authorize an additional \$720.0 million for fiscal year 2005 Defense-Wide Activities procurement.

#### Section 1515—Operation and Maintenance

This section would authorize an additional \$16,225.2 million for fiscal year 2005 operation and maintenance programs.

#### Section 1516—Defense Health Program

This section would authorize \$75.0 million to be appropriated to the Defense Health Program (DHP) for operations and maintenance for fiscal year 2005.

#### Section 1517—Military Personnel

This section would authorize \$5,305.0 million to be appropriated to the Department of Defense for military personnel for fiscal year 2005.

#### Section 1518—Treatment as Additional Authorization

This section would authorize an additional \$25 billion for emergency contingency operations related to the global war on terrorism to the amounts otherwise authorized in this Act.

#### Section 1519—Transfer Authority

This section would provide fiscal year 2005 transfer authority of \$2.5 billion to the Department of Defense for the authorizations contained in this title.

#### Section 1520—Designation of Emergency Authorization

This section would authorize \$25 billion for fiscal year 2005 to support emergency contingency operations related to the global war on terrorism.

### SUBTITLE B—PERSONNEL PROVISIONS

#### Section 1531—Three Year Increase in Active Army Strength Levels

This section would increase the active Army end strength authorized for fiscal year 2005 by 10,000 above the authorization contained in section 401. This section would also authorize active Army end strengths for fiscal years 2006 and 2007 of 502,400 and 512,400 respectively. This section would establish temporary new minimum active duty end strengths for the Army as of September 30, 2005, 2006 and 2007 respectively. These changes in minimum strengths reflect the committee's recommendations for Army end strength provided by this section. The section would also direct that if the Secretary of Defense, in consultation with the Secretary of the Army, determines that adjustments are necessary to the minimum end strength levels, then the Secretary of Defense shall submit a report of his recommendations and rationale for change to the Senate Committee on Armed Services and the House Committee on Armed Services prior to the submission of the budget request for the fiscal year in which the change would be effective.

#### Section 1532—Three Year Increase in Active Marine Corps Strength Levels

This section would increase the United States Marine Corps active end strength authorized for fiscal year 2005 by 3,000 above the authorization contained in section 401. This section would also authorize U.S. Marine Corps active end strengths for fiscal years 2006 and 2007 of 181,000 and 184,000 respectively. This section would establish temporary new minimum active duty end strengths for the Marine Corps as of September 30, 2005, 2006 and 2007 respectively. These changes in minimum strengths reflect the committee's recommendations for Marine Corps active end strength provided by this section. The section would also direct that if the Secretary of Defense, in consultation with the Secretary of the Navy, determines that adjustments are necessary to the minimum end strength levels, then the Secretary of Defense shall submit a report of his recommendations and rationale for change to the Senate Committee on Armed Services and the House Committee on

Armed Services prior to the submission of the budget request for the fiscal year in which the change would be effective.

**Section 1533—Extension of Increased Rates for Imminent Danger Pay and Family Separation Allowance**

This section would make permanent the increase in the rate of imminent danger pay from \$150 per month to \$225 per month and the increase in the rate of family separation allowance from \$100 per month to \$250 per month.

**Subtitle C—Financial Management Matters**

**Section 1541—Revised Funding Methodology for Military Retiree Health Care Benefits**

This section would revise the process for funding the annual payments that are required to be paid into the Department of Defense Medicare-Eligible Retiree Health Care Fund. Beginning in fiscal year 2006, the Secretary of the Treasury would make the annual payments from the general fund of the Treasury. Under current law the Secretary of Defense, as well as the secretaries of the other departments whose beneficiaries participate in the TRICARE for Life program, make these annual payments.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**PURPOSE**

Division B provides military construction and related authorities in support of the military departments during fiscal year 2005. As recommended by the committee, Division B would authorize appropriations in the amount of \$9,930,475,000 for construction in support of the active forces, reserve components, defense agencies, and the North Atlantic Treaty Organization security infrastructure fund for fiscal year 2005.

**MILITARY CONSTRUCTION OVERVIEW**

The Department of Defense (DOD) requested \$5,308,879,000 for military construction and \$4,171,596,000 for family housing for fiscal year 2005. The committee recommends authorization of \$5,778,709,000 for military construction and \$4,151,766,000 for family housing in fiscal year 2005. The committee's recommendations are consistent with a total budget authority level of \$9,930,475,000 for military construction and family housing in fiscal year 2005.

The committee's recommendation to increase the budget request for military construction and family housing reflects continued concern about the state of DOD infrastructure. Every Congress for the past decade has acted on similar concerns by adding funds to military construction and family housing budgets. This historic trend is a clear indication that the annual budget requests for DOD infrastructure and facilities are routinely inadequate.

Of additional concern is the fact that the fiscal year 2005 budget request for military construction and family housing includes less

funding than the fiscal year 2004 program, as enacted. Furthermore, the fiscal year 2005 request for these programs is nearly \$1,400,000,000 smaller than was forecast in the fiscal year 2004 budget. Finally, the forecasted total for military construction over the fiscal year 2005 Future Years Defense Program (FYDP) is \$6,000,000,000 less than the amounts forecasted in the fiscal year 2004 FYDP.

Unless these forecasted increases become reality, the Department will not be able to meet its current facilities needs, nor will it be able to meet the substantial facilities requirements associated with Army force transformation, increased Army force structure, and the Global Posture Review. Considering the importance of facilities and infrastructure to military readiness, quality of life, retention, and operational capabilities, the committee urges the Department to ensure that future military construction and family housing budget requests are properly resourced.

With regard to maintenance, repair, and sustainment of facilities, the committee applauds the Department for implementing a legitimate model for determining sustainment budgets. However, the Department does not have an effective model for base operations, repair, and modernization budgets. As a result, these accounts continue to be funded at levels that do not support “must pay” bills for utilities and critical base services. While operations, maintenance, and repair budgets are primarily funded in title III of this Act, funding shortfalls in these areas directly affect the condition, usability, and lifespan of military facilities and family housing projects funded in Division B. Therefore, the committee urges the Department to fully fund facilities-related budgets, including military construction, family housing, base operations, sustainment, restoration, and maintenance programs.

Finally, the Department continues to develop the Global Posture Review, a comprehensive review and restructuring of the Department’s overseas basing strategy. While the Department has provided Congress glimpses of parts of the review, it has not yet finalized its overseas basing decisions, nor has it provided Congress with a complete picture of its plans.

While this would be troubling in any year, the committee is particularly concerned that the review, which is expected to return significant numbers of overseas-based military personnel to the United States, will not be finalized until the base closure process is well under way. As a result, Congress will not have the opportunity to review and validate the Department’s overseas basing decisions before they are implemented through the base closure process. Furthermore, the Department is in the midst of several additional evolving efforts that are likely to have significant effects on the infrastructure requirements of the military services, including force transformation and changes in endstrength related to the active and reserve personnel mix of the services. Therefore, the committee has included provisions in Division B to ensure that the Department presents Congress with a complete plan of future infrastructure requirements before proceeding with the base closure process.

A tabular summary of the authorizations provided in Division B for fiscal year 2005 follows:

**TITLES XXI THROUGH XXVIII - MILITARY CONSTRUCTION AND FAMILY HOUSING**  
(Dollars in Thousands)

	<u>Authorization</u>	<u>House</u>	<u>House</u>
	<u>Request</u>	<u>Change</u>	<u>Authorized</u>
<b>Military Construction</b>			
Military Construction, Army	1,771,285	94,924	1,866,209
Military Construction, Navy	1,060,455	17,407	1,077,862
Military Construction, Air Force	663,964	128,090	792,054
Military Construction, Defense-Wide	699,437	9,500	708,937
Chemical Demilitarization Construction	81,886	0	81,886
NATO Security Investment Program	163,800	0	163,800
BRAC IV	246,116	0	246,116
Military Construction, Army National Guard	295,657	97,568	393,225
Military Construction, Air National Guard	127,368	57,252	184,620
Military Construction, Army Reserve	87,070	29,885	116,955
Military Construction, Naval and Marine Corps Reserve	25,285	5,670	30,955
Military Construction, Air Force Reserve	84,556	29,534	114,090
<b>Total Military Construction</b>	<b>5,306,879</b>	<b>469,830</b>	<b>5,776,709</b>
<b>Family Housing</b>			
Family Housing Construction, Army	636,099	0	636,099
Family Housing Support, Army	928,907	(2,400)	926,507
Family Housing Construction, Navy	139,107	0	139,107
Family Housing Support, Navy	704,504	(8,200)	696,304
Family Housing Construction, Air Force	846,959	0	846,959
Family Housing Support, Air Force	863,896	(9,230)	854,666
Family Housing Construction, Defense-Wide	49	0	49
Family Housing Support, Defense-Wide	49,575	0	49,575
Family Housing Improvement Fund	2,500	0	2,500
<b>Total Family Housing</b>	<b>4,171,586</b>	<b>(19,830)</b>	<b>4,151,756</b>
<b>Total Military Construction and Family Housing</b>	<b>9,478,465</b>	<b>450,000</b>	<b>9,928,465</b>

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Military Construction Authorizations for Fiscal Year 2005  
(Dollars in Thousands)

Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005		FY 2005
					Authorization Request	Committee Change	
1	Alabama	Army	Anniston AD	Powertrain Component Rebuilding Facility	23,690		23,690
2	Alabama	MDA	Huntsville	MDA Center, Von Braun Complex, Phase 2	19,560		19,560
3	Alabama	Army National Guard	ARNGRC Centreville	Add/Alter Readiness Center (ADRS)	5,537		5,537
4	Alabama	Army National Guard	ARNGRC Clanton	Add/Alter Readiness Center (ADRS)	3,649		3,649
5	Alabama	Army National Guard	ARNGRC Orienta	Add/Alter Readiness Center (ADRS)	4,527		4,527
6	Alabama	Army National Guard	Haleyville	Joint Armed Forces Reserve Center		13,849	13,849
7	Alaska	Army	Fl Richardson	Barracks Complex	7,600		7,600
8	Alaska	Army	Fl Richardson	Digital Multipurpose Training Range	13,600		13,600
9	Alaska	Army	Fl Richardson	Sniper Field Fire Range	3,100		3,100
10	Alaska	Army	Fl Wainwright	Barracks Complex - Lorraine Road	39,815		39,815
11	Alaska	Army	Fl Wainwright	Barracks Complex Renewal/Santiago Road	30,912		30,912
12	Alaska	Army	Fl Wainwright	Combined Arms Collective Training Facility	21,732		21,732
13	Alaska	Air Force	Elmendorf AFB	C-17 Flight Simulator Facility	7,700		7,700
14	Alaska	Air Force	Elmendorf AFB	C-17 Support Utilities	6,400		6,400
15	Alaska	Air Force	Elmendorf AFB	Fitness Center	11,957		11,957
16	Alaska	TMA	Fl Wainwright	Hospital Replacement, Phase 6			
17	Arizona	Navy	MCAS Yuma	Bachelor Enlisted Quarters	18,740		18,740
18	Arizona	Navy	MCAS Yuma	Station Ordnance Area	7,930		7,930
19	Arizona	Air Force	Davis-Monthan AFB	Airfield Obstruction-Hazardous Cargo Pad	4,243		4,243
20	Arizona	Air Force	Davis-Monthan AFB	CSAR C-130 Squadron Operations	5,786		5,786
21	Arizona	Air Force	Davis-Monthan AFB	EC-130 Squadron Operations Facility		7,000	7,000
22	Arizona	Air Force	Luke AFB	ATFP Litchfield Road Underpass and Entry Point Replacement		7,900	7,900
23	Arizona	Air Force	Luke AFB	Dorm (120 Rm)	10,000		10,000
24	Arizona	Army National Guard	ARNG Camp Navajo	Qualification Training Range	3,000		3,000
25	Arkansas	Air Force	Little Rock AFB	C-130J ADAL Simulator Facility	5,031		5,031
26	Arkansas	Air Force	Little Rock AFB	Child Development Center		3,900	3,900
27	Arkansas	Army National Guard	Camp Robinson	Army Aviation Support Facility	33,020		33,020
28	Arkansas	Army National Guard	Fl Chaffee	Ammunition Supply Point	13,798		13,798
29	California	Army	Fl Irwin	CIDC Field Operations Building	2,600		2,600
30	California	Army	Fl Irwin	Command and Control Facility	21,000		21,000
31	California	Army	Fl Irwin	Land Acquisition, Phase 2	14,500		14,500
32	California	Navy	MAGTF/C Twentynine Palms	Operational Training Center		15,700	15,700
33	California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters,	19,975		19,975

**Military Construction Authorizations for Fiscal Year 2005**  
(Dollars in Thousands)

Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005 Authorization Request	Committee Change	FY 2005 Committee Authorization
34	California	Navy	MCB Camp Pendleton	Close Combat Battle Course	6,940		6,940
35	California	Navy	MCB Camp Pendleton	Consolidated Operations Center	4,910		4,910
36	California	Navy	MCB Camp Pendleton	Tertiary Sewage Treatment Plant, Increment 2	25,690		25,690
37	California	Navy	MCB Camp Pendleton	Weight Handling Shop	6,630		6,630
38	California	Navy	MLB Barstow	Blasting Facility		4,830	4,830
39	California	Navy	NAF El Centro	Apron & Hangar Recapitalization, Increment 1	33,331		33,331
40	California	Navy	NSWC Division Corona	Base Main Gate and Entrance Street		10,180	10,180
41	California	Navy	Beale AFB	Warfare Assessment Laboratory Addition	1,866	9,850	9,850
42	California	Air Force	Beale AFB	Global Hawk Add to Age Facility	8,320		8,320
43	California	Air Force	Edwards AFB	Global Hawk Upgrade/Dock 2	9,965		9,965
44	California	Air Force	Edwards AFB	Addition/Renovate JSF Complex, Phase 2	2,400		2,400
45	California	Air Force	Travis AFB	Add C-17 Engine Storage Facility	12,844		12,844
46	California	Air Force	Travis AFB	C-17 Utilities/Road			
47	California	Air Force	Travis AFB	Security Forces Armory/Combat Arms Campus	15,100	3,650	3,650
48	California	DLA	Travis AFB	Replace Hydrant Fuel System	13,600		13,600
49	California	Spec Ops	Corona	SOF MOUT Training Complex	1,000		1,000
50	California	Spec Ops	NAS North Island	SOF Ground Mobility Support Building		6,700	6,700
51	California	TMA	DLI (Presidio)	Dental Clinic	11,318		11,318
52	California	Army National Guard	Camp Parks	Readiness Center (ADRS)	2,089		2,089
53	California	Air Force Reserve	March ARB	Alter C-17 Hangar Tower	7,400		7,400
54	California	Air Force Reserve	March ARB	C-17 Maintenance Hangar, Phase 2			
55	Colorado	Army	FT Carson	Arrival Departure Area Group Complex Ph 1a	14,108	12,400	12,400
56	Colorado	Army	FT Carson	Barracks Complex - Hospital Area	33,000		33,000
57	Colorado	Army	FT Carson	Digital Multipurpose Training Range	6,147		6,147
58	Colorado	Air Force	Buckley AFB	Chapel Center	6,100		6,100
59	Colorado	Air Force	Buckley AFB	Child Development Center	34,000		34,000
60	Colorado	Army National Guard	ARNG Denver	Add/Alter Army Aviation Support Facility	3,205		3,205
61	Colorado	Army National Guard	FT Carson	Automated Qualification/Training Range	1,758		1,758
62	Colorado	Army Reserve	Aurora	Add/Alter Military Equipment Parking	44,792		44,792
63	Colorado	Chem DetMil	Pueblo AD	Ammunitions Demilitarization Facility, Phase 5	2,100		2,100
64	Colorado	TMA	Buckley AFB	Add/Alter Aeromedical Clinic		4,420	4,420
65	Connecticut	Navy	NSB New London	Gates 3 and 5 Security Improvements			
66	Connecticut	Navy	NSB New London	MK-10 Submarine Escape Trainer	17,100		17,100

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Military Construction Authorizations for Fiscal Year 2005  
(Dollars in Thousands)

Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005 Authorization Request	Committee Change	FY 2005 Committee Authorization
67	Connecticut	Navy	NSB New London	Pier 6 Replacement	28,782		28,782
68	Connecticut	Army National Guard	Southington	Readiness Center		4,087	4,087
69	District of Columbia	Navy	Naval Observatory	Atomic Clock Vault	3,239		3,239
70	District of Columbia	DIA	Bolling AFB	HVAC Upgrade to DIAC	6,060		6,060
71	Florida	Navy	Eglin AFB	Eglin Air Force Base Road Construction	2,060		2,060
72	Florida	Navy	NS Mayport	Airfield Control Tower	6,200		6,200
73	Florida	Air Force	Tyndall AFB	1 AF Headquarters / AFFOR Center Ph 1		10,200	10,200
74	Florida	Air Force	Tyndall AFB	Addition F-22 Operations Facility	1,548		1,548
75	Florida	Air Force	Tyndall AFB	F-22 Squadron Operations/Aircraft Maintenance Unit/Hangar	17,414		17,414
76	Florida	Spec Ops	Hurlburt Field	SOF Operations Training Facility		2,500	2,500
77	Florida	TMA	Jacksonville	Add/Alter Hospital	28,438		28,438
78	Florida	Army National Guard	Camp Blanding	Regional Training Institute, Phase 1		12,000	12,000
79	Florida	Air National Guard	Jacksonville Int Airport	F-15 Corrosion Control Facility		4,000	4,000
80	Florida	Navy Reserve	Jacksonville	New Reserve Training Center	9,300		9,300
81	Florida	Air Force Reserve	Homestead AFB	Visitor's Quarters, Ph 1		6,570	6,570
82	Georgia	Army	Fort Benning	Barracks Complex - Kelly Hill/Main Post	49,565		49,565
83	Georgia	Army	Fort Benning	Hazardous Cargo Loading Apron	3,850		3,850
84	Georgia	Army	Fort Benning	Physical Fitness Training Center	18,362		18,362
85	Georgia	Army	Fort Benning	Revitalize Ranger Barracks 6012		1,850	1,850
86	Georgia	Army	Fort Gillem	Recruiting Brigade Operations Building	5,800		5,800
87	Georgia	Army	Fort McPherson	Child Development Center	4,900		4,900
88	Georgia	Army	Fort Stewart/Hunter AAF	Aircraft Maintenance Hanger (SOF)	21,100		21,100
89	Georgia	Army	Fort Stewart/Hunter AAF	Barracks Complex-5th & 16th St, Phase 2	32,950		32,950
90	Georgia	Army	Fort Stewart/Hunter AAF	Chapel	9,500		9,500
91	Georgia	Army	Fort Stewart/Hunter AAF	Command and Control Facility	24,695		24,695
92	Georgia	Navy	Fort Stewart/Hunter AAF	Tactical Equipment Complex	10,200		10,200
93	Georgia	Navy	SWFLANT Kings Bay	Endlave Fencing and Parking	16,000		16,000
94	Georgia	Air Force	Moody AFB	Consolidated Base Support Center		9,600	9,600
95	Georgia	Air Force	Robins AFB	Aircraft Ramp	15,000		15,000
96	Georgia	Spec Ops	Fort Stewart/Hunter AAF	SOF Battalion Operations Complex	17,800		17,800
97	Georgia	TMA	Fort Benning	Consolidated Health Clinic	7,100		7,100
98	Georgia	Army National Guard	Savannah	Army Aviation Support Facility	16,554		16,554
99	Georgia	Air Force Reserve	Dobbins AFB	Upgrade Maintenance Bays		10,000	10,000

Military Construction Authorizations for Fiscal Year 2005  
(Dollars in Thousands)

Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005 Authorization Request	Committee Change	FY 2005 Committee Authorization
100	Hawaii	Army	Helemano Mil. Res.	Drum Road Upgrade, Phase 1	27,000		27,000
101	Hawaii	Army	Helemano Mil. Res.	Tank Trails - Helemano	7,300		7,300
102	Hawaii	Army	Hickam AFB	Hot Cargo Pad Expansion	11,200		11,200
103	Hawaii	Army	Pohakuloa	West PFA Modifications	30,000		30,000
104	Hawaii	Army	Schofield Barracks	Barracks Complex Renewal - Quad E, Phase 2	36,000		36,000
105	Hawaii	Army	Schofield Barracks	Barracks Complex Renewal-Capron Ave, Phase 3	48,000		48,000
106	Hawaii	Army	Schofield Barracks	Battle Area Live Fire Complex	32,000		32,000
107	Hawaii	Army	Schofield Barracks	Combined Arms Collective Training Facility	32,542		32,542
108	Hawaii	Army	Schofield Barracks	Fire Station	4,800		4,800
109	Hawaii	Army	Schofield Barracks	Qualification Training Range	4,950		4,950
110	Hawaii	Army	Schofield Barracks	Tactical Vehicle Wash Facility	3,500		3,500
111	Hawaii	Army	Schofield Barracks	Vehicle Maintenance Facility, Phase 1	49,000		49,000
112	Hawaii	Army	Wheeler AAF	Deployment Facility	24,000		24,000
113	Hawaii	Navy	NSY Pearl Harbor	Drydock # Shorepower Improvements	9,000	5,100	14,100
114	Hawaii	Air Force	Hickam AFB	Alter C-17 Maintenance/Supply Areas	4,300		4,300
115	Hawaii	Air Force	Hickam AFB	C-17 Clear Water Rinse	8,200		8,200
116	Hawaii	Air Force	Hickam AFB	C-17 Maintenance Shop Facility	1,950		1,950
117	Hawaii	Air Force	Hickam AFB	C-17 Munitions Storage	2,450		2,450
118	Hawaii	DLA	Hickam AFB	C-17 Support Utilities, Phase 2	3,500		3,500
119	Hawaii	Navy	NS Pearl Harbor	Multi-Product Interface Tank	58,200		58,200
120	Illinois	Navy	NTC Great Lakes	Battle Stations Training Facility, Increment 2	38,851		38,851
121	Illinois	Navy	RTC Great Lakes	RTC Barracks	35,920		35,920
122	Illinois	Navy	RTC Great Lakes	RTC Barracks	4,400		4,400
123	Illinois	Army National Guard	Galesburg	Readiness Center (ADRS) Phase 2	13,596		13,596
124	Illinois	Army National Guard	Springfield	Total Army School System (Multifunctional Facility)	10,580		10,580
125	Indiana	Army National Guard	ARNJRC Remington	COTS Product Assurance and Test Management Facility	1,458		1,458
126	Indiana	Army National Guard	Camp Dodge	Add/Alter Readiness Center (ADRS)	3,485		3,485
127	Iowa	Army National Guard	Company Grade BOQ		44,000		44,000
128	Kansas	Army	FL Leavenworth	Lewis & Clark Instructional Facility, Phase 2	41,000		41,000
129	Kansas	Army	FL Riley	Barracks Complex Renewal	3,050		3,050
130	Kansas	Army	FL Riley	Communications Center	3,086		3,086
131	Kansas	Army National Guard	Topeka	Add/Alter Readiness Center (ADRS)	9,800		9,800
132	Kansas	Air National Guard	Forbes Field	Replace Operations and Training Complex			

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Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005		FY 2005	
					Authorization Request	Committee Change	Committee Authorization	Committee Authorization
133	Kansas	Army Reserve	ARC Hays	Army Reserve Center/Organization Maintenance Support	7,451		7,451	7,451
134	Kansas	Army Reserve	New Century	AR Ctr / OMS / AMSA / Unh Storage		8,723	8,723	8,723
135	Kentucky	Army	Fl Campbell	Barracks Complex-42nd St/Indiana Ave, Phase 1	30,000		30,000	30,000
136	Kentucky	Army	Fl Campbell	Command and Control Facility	33,000		33,000	33,000
137	Kentucky	Army	Fl Campbell	Shoot House	1,600		1,600	1,600
138	Kentucky	Army	Fl Knox	Shoot House		1,850	1,850	1,850
139	Kentucky	Army	Fl Knox	Trainee Barracks Basic Training Complex 1, Phase 1	50,000		50,000	50,000
140	Kentucky	Chem DetMil	Blue Grass AD	Ammunitions Demilitarization Facility, Phase 5	37,094		37,094	37,094
141	Louisiana	Army	Fl Polk	Ammunition Supply Point Upgrade	7,500		7,500	7,500
142	Louisiana	Army	Fl Polk	Fixed Wing Aircraft Parking Apron	25,000		25,000	25,000
143	Louisiana	Army	Fl Polk	Hazard Cargo Loading Apron	14,503		14,503	14,503
144	Louisiana	Army	Fl Polk	Pallet Processing Facility	8,800		8,800	8,800
145	Louisiana	Army	Fl Polk	Passenger Processing Facility	11,700		11,700	11,700
146	Louisiana	Army	Fl Polk	Urban Assault Course	3,450		3,450	3,450
147	Louisiana	Navy	JRBINAS New Orleans	Child Development Center		3,450	3,450	3,450
148	Louisiana	Navy	JRBINAS New Orleans	Indoor Small Arms Range		2,580	2,580	2,580
149	Louisiana	Air Force	Barksdale AFB	Dormitory (166 Rm)				
150	Louisiana	Army National Guard	Camp Beauregard	Army Aviation Support Facility	13,800		13,800	13,800
151	Maryland	Army	Fort Detrick	Remote Truck Inspection Station	15,738		15,738	15,738
152	Maryland	Navy	NSWC Indian Head	AGLE Chemical Facility	13,900		13,900	13,900
153	Maryland	Navy	NSWC Indian Head	Joint Aircrew Escape Component Center		9,100	9,100	9,100
154	Maryland	Air Force	Andrews AFB	ASA-Aller Aircraft Support Facilities	5,000		5,000	5,000
155	Maryland	Air Force	Andrews AFB	ASA-Fighter Aircraft Alert Complex	11,000		11,000	11,000
156	Maryland	Air Force	Andrews AFB	ASA-Munitions Storage Igloo	1,100		1,100	1,100
157	Maryland	NSA	Fl Meade	Critical Communication Path	3,450		3,450	3,450
158	Maryland	NSA	Fl Meade	NSA Deep Wells	8,140		8,140	8,140
159	Maryland	NSA	Fl Meade	Reconfigured Chilled Water, Phase 2	3,417		3,417	3,417
160	Maryland	Army Reserve	Fl Meade	Army Reserve Center / OMS / Unheated Storage, Ph 2	14,642		14,642	14,642
161	Massachusetts	Air National Guard	Olis ANG Base	Eliminate Airfield Obstructions	4,000		4,000	4,000
162	Massachusetts	Air National Guard	Olis ANG Base	Replace Control Tower		7,000	7,000	7,000
163	Michigan	Army National Guard	ARNG Grandledge	Army Aviation Support Facility	27,600		27,600	27,600
164	Michigan	Air National Guard	Selridge ANG Base	Visitors Center and ID Complex		4,000	4,000	4,000
165	Michigan	Air National Guard	W.K. Kellogg	Fire Crash/Rescue Station		5,100	5,100	5,100

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Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005 Authorization Request	Committee Change	FY 2005 Committee Authorization
166	Minnesota	Air National Guard	Duluth IAP (ANG)	ASA - Alert Crew Quarters	3,000		3,000
167	Minnesota	Air National Guard	Duluth IAP (ANG)	ASA - Arm, Dearm Apron and Taxiway	4,000		4,000
168	Minnesota	Air National Guard	Duluth IAP (ANG)	ASA, Relocate Base Entrance Road	3,500		3,500
169	Minnesota	Air National Guard	Minneapolis - St Paul IAP ARS	Add/Alter Joint Use Physical Fitness Center		4,400	4,400
170	Mississippi	Air Force	Columbus AFB	Fire Crash Rescue Station		7,700	7,700
171	Mississippi	Army National Guard	Camp Shelby	MOUT Collective Training Facility (Small)		5,300	5,300
172	Missouri	Army	FL Leonard Wood	Mine Detection Dog Kennel		3,700	3,700
173	Missouri	Army	FL Leonard Wood	Range	2,750		2,750
174	Missouri	Army	FL Leonard Wood	WMD Respond Training Facility	15,000		15,000
175	Missouri	Air Force	Whiteman AFB	Child Development Center		7,600	7,600
176	Montana	Army National Guard	Havre	Add/Alter Readiness Center (ADRS)	2,398		2,398
177	Montana	Army National Guard	Helena	Army Aviation Support Facility Add/Alt, Phase 1	7,600		7,600
178	Nebraska	Army National Guard	Hastings Train Range	Modified Record Fire Range (Remoted Target System)	1,487		1,487
179	Nevada	Navv	NAS Fallon	High Explosives Magazine		4,980	4,980
180	New Hampshire	Air National Guard	Pease International Tradeport	Upgrade Aircraft Parking Apron Ph 2		4,900	4,900
181	New Jersey	Army	Piscataway Arsenal	Pyrotechnics Facility	49,200		49,200
182	New Jersey	Army	NWS Earle	General Purpose Berthing Pier, Increment 2	10,400		10,400
183	New Jersey	Air National Guard	Atlantic City IAP (ANG)	ASA - Replace Alert Complex		2,300	2,300
184	New Jersey	Air National Guard	Atlantic City IAP (ANG)	Replace Alert 2 Shelters		9,502	9,502
185	New Jersey	Army Reserve	FL Dix	Controlled Humidity Storage, Ph 1	33,000		33,000
186	New Mexico	Army	White Sands Missile Range	Electromagnetic Vulnerability Assessment		9,200	9,200
187	New Mexico	Air Force	Kirtland AFB	Corrosion Control Facility	4,850		4,850
188	New York	Army	FL Drum	Airfield Arrival/Departure Facility	48,000		48,000
189	New York	Army	FL Drum	Barracks Complex-Wheeler Sack AAF, Phase 2		3,000	3,000
190	New York	Army	FL Drum	Defensive Live Fire Range		5,700	5,700
191	New York	Army	FL Drum	Upgrade Educational Transitional Facilities		7,600	7,600
192	New York	Army	FL Hamilton	Military Police Station		6,000	6,000
193	New York	Army	Hancock Field	Military Entrance Processing Station	6,200		6,200
194	New York	Army	MEPS Buffalo	Military Entrance Processing Station		34,500	34,500
195	New York	Army	USMA West Point	Library & Learning Center, Phase 1	5,704		5,704
196	New York	Army National Guard	ARNG Ulica	Addition Readiness Center (ADRS)	4,406		4,406
197	New York	Army National Guard	ARNGRC Auburn	Addition Readiness Center (ADRS)	2,472		2,472
198	New York	Army National Guard	ARNGRC Auburn	Organizational Maintenance Shop (ADRS)			

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Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005		FY 2005	
					Authorization Request	Committee Change	Authorization Request	Committee Change
199	New York	Army National Guard	ARNGRC Kingson	Organizational Maintenance Shop (ADRS)	3,827		3,827	
200	New York	Army National Guard	FL Drum	Readiness Center (ADRS)	6,489		6,489	
201	New York	Army National Guard	Hancock Field	Replace Mobility Processing Center		2,300		2,300
202	New York	Air Force Reserve	Niagara ARS	Fire & Crash Rescue Station		7,800		7,800
203	North Carolina	Army	FL Bragg	Air Traffic Control Tower	2,500			2,500
204	North Carolina	Army	FL Bragg	Barracks Complex - Armistead St, Ph 2		10,000		10,000
205	North Carolina	Army	FL Bragg	Barracks Complex - Donovan Street, Phase 5	15,500			15,500
206	North Carolina	Army	FL Bragg	Barracks Complex Renewal Blackack St, Phase 1	49,000			49,000
207	North Carolina	Army	FL Bragg	Barracks Complex-Bastogene Dr, Phase 2	48,000			48,000
208	North Carolina	Army	FL Bragg	Shoot House	1,650			1,650
209	North Carolina	Army	FL Bragg	Shoot House	2,037			2,037
210	North Carolina	Navy	MCAS New River	Aircraft Maintenance Training Facility	12,090			12,090
211	North Carolina	Navy	MCAS New River	Bachelor Enlisted Quarters	20,780			20,780
212	North Carolina	Navy	MCAS New River	Simulator Building Addition	2,270			2,270
213	North Carolina	Navy	MCAS New River	Armory, Camp Geiger	4,010			4,010
214	North Carolina	Navy	MCB Camp Lejeune	Combat Training Pool	2,410			2,410
215	North Carolina	Navy	MCB Camp Lejeune	Explosive Ordnance Disposal Operations Facility		4,610		4,610
216	North Carolina	Navy	Washington County	Outlying Landing Field (OLF) Facilities, Increment 2			33,800	(33,800)
217	North Carolina	Navy	Washington County	Outlying Landing Field (OLF) Land Acquisition, increment 1			61,750	(61,750)
218	North Carolina	Air Force	Pope AFB	Combat Control School Expansion	12,950			12,950
219	North Carolina	Air Force	Pope AFB	Indoor Firing Range for Combat Controlled School	2,200			2,200
220	North Carolina	DLA	MCAS Cherry Point	Replace Hydrant Fuel System	22,700			22,700
221	North Carolina	Spec Ops	FL Bragg	Kennedy Hall Renovation	11,988			11,988
222	North Carolina	Spec Ops	FL Bragg	SOF Company Operations Building	4,600			4,600
223	North Carolina	Spec Ops	FL Bragg	SOF Company Operations Complex	12,000			12,000
224	North Carolina	Spec Ops	FL Bragg	SOF Company Operations Facility	4,500			4,500
225	North Carolina	Spec Ops	FL Bragg	SOF Isolation Unit Training Facility	8,300			8,300
226	North Carolina	Spec Ops	FL Bragg	SOF Resistance Training Facility	1,500			1,500
227	North Carolina	Army National Guard	ARNGRC Burlington	Add/Alter Readiness Center (ADRS)	1,360			1,360
228	North Carolina	Army National Guard	ARNGRC Windsor	Organizational Maintenance Shop (ADRS)	2,409			2,409
229	North Carolina	Army National Guard	FL Bragg	Regional Training Institute, Phase 3	6,319			6,319
230	North Carolina	Navy Reserve	NRC Asheville	Reserve Center	3,492			3,492
231	North Carolina	Air Force Reserve	Seymour Johnson AFB	Reserve Security Forces Operations	2,300			2,300

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Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005		FY 2005	
					Authorization Request	Committee Change	Authorization Request	Committee Change
232	Ohio	Air Force	Wright-Patterson AFB	Replace Steam Lines/Tunnels, Area B, Ph 1A			9,200	9,200
233	Ohio	DLA	Columbus	Replace Physical Fitness Facility	5,500			5,500
234	Ohio	Army National Guard	Columbus	Combined Support Maintenance Shop Phase 1			9,980	9,980
235	Ohio	Army National Guard	Columbus	Organizational Maintenance Shop (ADRS)	2,225			2,225
236	Ohio	Air National Guard	Toledo Express Airport	Replace Logistics Complex			6,900	6,900
237	Ohio	Air Force Reserve	Wright-Patterson AFB	C-5 Airfield Pavements, Phase 1	4,300			4,300
238	Ohio	Air Force Reserve	Wright-Patterson AFB	C-5 Multi-Purpose Hangar	16,821			16,821
239	Oklahoma	Army	FT Sill	CDC Field Operations Building			3,400	3,400
240	Oklahoma	Army	FT Sill	Consolidated Maintenance Complex, Phase 3	13,100			13,100
241	Oklahoma	Army	FT Sill	Vehicle Maintenance Facility	14,400			14,400
242	Oklahoma	DLA	Tinker AFB	Add/Alter Hydrant Fuel System	5,400			5,400
243	Oklahoma	Army National Guard	Camp Gruber Training Center	Multi-purpose Machine Gun Range			3,201	3,201
244	Oregon	Army National Guard	AFRC Eugene	Armed Forces Reserve Center, Phase 2	12,635			12,635
245	Oregon	Army National Guard	Salem	Army Aviation Support Facility			4,917	4,917
246	Oregon	Air Force Reserve	Portland IAP	Add/Alter Building 315 For PJ Squadron Operations	1,640			1,640
247	Oregon	Air Force Reserve	Portland IAP	Consolidated Training, Phase 2	3,800			3,800
248	Oregon	Air Force Reserve	Portland IAP	Maintenance Hangar & Pavements	12,400			12,400
249	Pennsylvania	DLA	DDSP New Cumberland	Consolidated Maintenance Facility	22,300			22,300
250	Pennsylvania	Army National Guard	Fort Indiantown Gap	Unit Equipment Training Site			20,387	20,387
251	Pennsylvania	Army Reserve	Fort Indiantown Gap	Army Reserve Center/Organizational Maintenance Support	13,156			13,156
252	Pennsylvania	Navy Reserve	NAS JRB Willow Grove	Fitness Center	7,700			7,700
253	South Carolina	Navy	MCAAS Beaufort	Aircraft Fire and Rescue Facility			5,480	5,480
254	South Carolina	Air Force	Shaw AFB	Base Library	3,300			3,300
255	South Carolina	Air Force	Shaw AFB	Sewer Outfall Line to Wateres River	25,000			25,000
256	South Carolina	TMA	MCRD Parris Island	Replace Medical/Dental Clinic	2,944			2,944
257	South Dakota	Army National Guard	ARNGRC Moberge	Readiness Center			2,500	2,500
258	Tennessee	Air Force	Arnold AFB	Add/Alter Wingo Inn Visiting Quarters			2,500	2,500
259	Tennessee	Air Force	Arnold AFB	Upgrade Jet Engine Induction System, Phase 5	22,000			22,000
260	Tennessee	Air National Guard	Memphis IAP	C-5 Aircraft Parking Apron & Hydrant Refuel Station	15,500			15,500
261	Tennessee	Air National Guard	Memphis IAP	C-5 Corrosion Control Hangar	26,000			26,000
262	Texas	Army	Camp Bullis	Vehicle Maintenance Facility			5,300	5,300
263	Texas	Army	FT Bliss	Missile Defense Instruction Facility	16,500			16,500
264	Texas	Army	FT Bliss	Tac Equip Shop-AAAMDC			2,900	2,900

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Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005 Authorization Request	Committee Change	FY 2005 Committee Authorization
265	Texas	Army	Fl Hood	Barracks Complex	49,888		49,888
266	Texas	Army	Fl Hood	Command & Control Facility Ph 2		7,100	7,100
267	Texas	Army	Fl Hood	Digital Multipurpose Range	28,200		28,200
268	Texas	Army	Fl Hood	Training Area Tank Trails		3,700	3,700
269	Texas	Air Force	Dyess AFB	Refueling Vehicle Maintenance Shop		3,300	3,300
270	Texas	Air Force	Lackland AFB	Security Forces Training Expansion	2,596		2,596
271	Texas	Air Force	Laughlin AFB	T-1 Squadron Operations Facility		6,900	6,900
272	Texas	Air Force	Sheppard AFB	F-22 Technical Training Facility	21,284		21,284
273	Texas	Air Force	Sheppard AFB	Student Dormitory (300 Rm)	29,000		29,000
274	Texas	DLA	NAS Kingsville	Replace Jet Fuel Storage Tank	3,900		3,900
275	Texas	Army Reserve	Corpus Christi Storage Complex	Controlled Humidity Storage Ph 1		9,038	9,038
276	Texas	Navy Reserve	NAS JRB Fort Worth	Combined Reserve Training Admin Building		5,520	5,520
277	Texas	Air Force Reserve	Lackland AFB	Add/Alter C-5 Aircraft Generation Facility	1,200		1,200
278	Texas	Air Force Reserve	Lackland AFB	C-5 Training Schoolhouse Complex	20,000		20,000
279	Texas	Air Force Reserve	Lackland AFB	C-5 Training Load Assembly Facility	1,850		1,850
280	Texas	Air Force Reserve	NAS JRB Fort Worth	Aircraft Parts Store		1,850	1,850
281	Utah	Air Force	Hill AFB	729th ACS Operations / Maintenance Facility		4,900	4,900
282	Utah	Air Force	Hill AFB	Fitness Center	13,113		13,113
283	Utah	Army Reserve	ARC Ogden	Add/Alter Army Reserve Center	7,932		7,932
284	Virginia	Army	Fl A.P. Hill	Shoot House	3,975		3,975
285	Virginia	Army	Fl Lee	Fire and Emergency Services Center Ph 3		4,250	4,250
286	Virginia	Army	Fl Myer	Barracks Complex-Sheridan Ave, Phase 1	49,526		49,526
287	Virginia	Navy	Camp Elmore USMC Det	Command Operations Facility	13,500		13,500
288	Virginia	Navy	MCB Quantico	Army (The Basic School)	4,590		4,590
289	Virginia	Navy	MCB Quantico	Bachelor Enlisted Quarters	15,090		15,090
290	Virginia	Navy	MCB Quantico	Green Slip Hangar Complex	21,180		21,180
291	Virginia	Navy	MCB Quantico	Heritage Center Road Improvements	950	(950)	-
292	Virginia	Navy	MCCDC Quantico	HQ and Service BN / TBS		4,470	4,470
293	Virginia	Navy	NAB Little Creek	Gale 5 Security Improvements	2,850		2,850
294	Virginia	Navy	NAB Little Creek	Police & Security Ops Facility		6,700	6,700
295	Virginia	Navy	NAS Oceana	Post 2 Security Improvements	2,770		2,770
296	Virginia	Navy	NS Norfolk	Gale 5 Security Improvements	4,330		4,330
297	Virginia	Navy	NS Norfolk	Pier 11 Replacement, Increment 2	40,000		40,000

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298	Virginia	Navy	NWS Yorktown	Ordnance Handling Vehicle Maintenance Shop	9,870		9,870
299	Virginia	DLA	Def Dist Depot Richmond	Conference Center	3,600		3,600
300	Virginia	DLA	Def Dist Depot Richmond	Security Enhancements	6,500		6,500
301	Virginia	DLA	DFSP NAS Oceana	Bulk Fuel Storage Tank	3,588		3,588
302	Virginia	Spec Ops	FCTC Dam Neck	Addition SOF Operational Trainer Support Facility	4,300		4,300
303	Virginia	Spec Ops	FCTC Dam Neck	SOF High Explosives Magazine	1,400		1,400
304	Virginia	Spec Ops	FLA P. Hill	SOF Ground Mobility Support Building	1,500		1,500
305	Virginia	Spec Ops	NAB Little Creek	Boat Support Facility	10,500		10,500
306	Virginia	Spec Ops	NAB Little Creek	SEAL Team Operations Facility		9,000	9,000
307	Virginia	Spec Ops	NAB Little Creek	SOF Combat Skills Compound	12,700		12,700
308	Virginia	Spec Ops	NAB Little Creek	SOF Ground Mobility Maintenance Facility	1,000		1,000
309	Virginia	Army National Guard	Fort Pickett	Infantry Platoon Battle Course (SBCT)	5,170		5,170
310	Virginia	Army National Guard	Fort Pickett	MOUT Assault Course (SBCT)	1,409		1,409
311	Virginia	Navy Reserve	NIMCRC Norfolk	Vehicle Maintenance Facility	3,290		3,290
312	Virginia	TMA	Fort Belvoir	Hospital Replacement, Phase 1	43,000		43,000
313	Virginia	TMA	Langley AFB	Add/Alter Hospital	50,800		50,800
314	Washington	Army	Fort Lewis	Barracks Complex-41st Div Dir/B SI, Phase 2	48,000		48,000
315	Washington	Navy	NAS Whidbey Island	Hazardous Materials Storehouse	34,125	1,990	34,125
316	Washington	Navy	NS Bremerton	Bachelor Enlisted Quarters-Shipboard Ashore	20,305		20,305
317	Washington	Navy	NSY Puget Sound	CVN Maintenance Complex		3,150	3,150
318	Washington	Navy	NSY Puget Sound	Ocean Engineering Support Facility	35,770		35,770
319	Washington	Navy	SWFPAC Bangor	Limited Area Processing & Storage Complex	1,400		1,400
320	Washington	Navy	Camp Murray	Aller Readiness Center (ADRS)	2,500		2,500
321	Washington	Army National Guard	Vancouver	Land Acquisition	36,000		36,000
322	West Virginia	Army Reserve	Martinsburg ANG	C-5 Maintenance Hangar and Shops	5,900		5,900
323	Wisconsin	Air National Guard	Truax Field	ASA - Munitions Maintenance and Storage Complex	2,712		2,712
324	Wisconsin	Army Reserve	Fort McCoy	Infantry Platoon Battle Course	1,248		1,248
325	Wisconsin	Army Reserve	Fort McCoy	Squad Defense Range		5,600	5,600
326	Wyoming	Air Force	F.E. Warren AFB	Upgrade Storm Water Drainage System Ph 1	20,750		20,750
327	Bahamas	Navy	NUWC Andros Island	Bachelor Quarters	17,500		17,500
328	Diego Garcia	Navy	NAVSUPFAC Diego Garcia	Solid Waste Management Center	3,800		3,800
329	Diego Garcia	TMA	Diego Garcia	Dental Clinic Replacement	28,500		28,500
330	Germany	Army	Grafenwoehr	Barracks Complex			

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Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005		FY 2005
					Authorization Request	Committee Change	
331	Germany	Army	Grafenwoehr	Barracks Complex - Brigade	34,000		34,000
332	Germany	Army	Grafenwoehr	Brigade Support Complex	14,700		14,700
333	Germany	Air Force	Ramstein AB	Small Diameter Bomb Facilities	1,200		1,200
334	Germany	Air Force	Ramstein AB	USAFE Theater Aerospace Operations Support Center	24,204		24,204
335	Germany	DODEA	Grafenwoehr	New Elementary/Middle School	36,247		36,247
336	Germany	DODEA	Viseck	High School Renovation/Addition	9,011		9,011
337	Germany	TMA	Grafenwoehr	Add/Alter Dispensary/Dental Clinic	13,000		13,000
338	Greenland	Air Force	Thule AB	Dormitory (72 Rm)	19,800		19,800
339	Guam	Navy	NPWC Guam	Water Treatment Plant Upgrade	20,700		20,700
340	Guam	Navy	NS Guam	KILO Wharf Improvements	12,500		12,500
341	Guam	Air Force	Andersen AFB	War Reserve Storage Facility	19,993		19,993
342	Guam	Spec Ops	NS Guam	SOF Ground Mobility Support Building	2,200		2,200
343	Guam	DODEA	NS Guam	High School Replacement	26,964		26,964
344	Italy	Army	Livorno	Warehouse Operations Facility	26,000		26,000
345	Italy	Navy	Sigonella	Access Improvements	7,430		7,430
346	Italy	Navy	Sigonella	Base Operations Support, Phase 2	15,120		15,120
347	Italy	Air Force	Aviano AB	Add/Alter Weapons Load/Maintenance Training Facility	2,300		2,300
348	Italy	Air Force	Aviano AB	Airfield Obstruction-Expand North Ramp, Phase 2	1,826		1,826
349	Italy	Air Force	Aviano AB	Flight Simulator	2,834		2,834
350	Japan	Air Force	Misawa AB	Expand Strategic Airlift Ramp	6,700		6,700
351	Japan	DLA	Misawa AB	Hydrant Fuel System	19,900		19,900
352	Korea	Army	Camp Humphreys	Sanitary Sewer System	12,000		12,000
353	Korea	Air Force	Kunsan AB	Dorm (144 Rm)	18,550		18,550
354	Korea	Air Force	Kunsan AB	Dorm (144 Rm)	18,550		18,550
355	Korea	Air Force	Osan AB	Dormitory (156 Rm)	18,600		18,600
356	Portugal	Air Force	Lajes Field	Add/Alter Fitness Center, Phase 2	5,669		5,669
357	Portugal	DLA	DFSP Lajes Field	Replace Hydrant Fuel System	19,113		19,113
358	Puerto Rico	Army Reserve	NS Rota	Army Reserve Center	21,523		21,523
359	Spain	Navy	ARC Aguiadilla	Command Operations Consolidation	32,700		32,700
360	Spain	Air Force	NS Rota	Aircraft Parking Apron, Phase 2	14,153		14,153
361	United Kingdom	Air Force	RAF Lakenheath	4-Bay Mission Training Center	5,500		5,500
362	United Kingdom	Spec Ops	RAF Mildenhall	SOF Operations/Intelligence Facility	10,200		10,200
363	Worldwide Classified	Air Force	Classified	Classified	28,090		28,090

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Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005 Authorization Request	Committee Change	FY 2005 Committee Authorization
364	Worldwide Classified	Air Force	Worldwide Unspecified Class	Special Tactical Unit Detachment Facility	704		704
365	Worldwide Classified	Spec Ops	Worldwide Unspecified Class	SOF Building Addition	2,600		2,600
366	Worldwide Classified	Spec Ops	Worldwide Unspecified Class	SOF Information Operations Facility Addition	4,800		4,800
367	Worldwide Unspecified	Army	Unspecified Worldwide	Unspecified Minor Construction	20,000		20,000
368	Worldwide Unspecified	Army	Unspecified Worldwide	Planning and Design	130,335	9,874	140,209
369	Worldwide Unspecified	Army	Unspecified Worldwide	Host Nation Support	21,000		21,000
370	Worldwide Unspecified	Navy	Unspecified Worldwide	Unspecified Minor Construction	12,000		12,000
371	Worldwide Unspecified	Navy	Unspecified Worldwide	White Side Complex	18,560		18,560
372	Worldwide Unspecified	Navy	Unspecified Worldwide	Planning and Design	87,067	6,737	93,804
373	Worldwide Unspecified	Navy	Unspecified Worldwide	Presidential Helicopter Programs Support Facility	80,000		80,000
374	Worldwide Unspecified	Air Force	Unspecified Worldwide	Predator B Beddown	26,121		26,121
375	Worldwide Unspecified	Air Force	Unspecified Worldwide	Unspecified Minor Construction	13,000		13,000
376	Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning and Design	140,786	25,340	166,126
377	Worldwide Unspecified	Air Force	Unspecified Worldwide	Training Facility	2,800		2,800
378	Worldwide Unspecified	Spec Ops	Unspecified Worldwide	Unspecified Minor Construction	2,710		2,710
379	Worldwide Unspecified	Spec Ops	Unspecified Worldwide	Planning and Design	10,566	1,300	11,866
380	Worldwide Unspecified	MDA	Unspecified Worldwide	Unspecified Minor Construction	2,769		2,769
381	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Planning and Design	30,845	13,262	44,107
382	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	4,472	2,700	7,172
383	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	5,500		5,500
384	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Planning and Design	11,764	6,552	18,316
385	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Planning and Design	1,804		1,804
386	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Unspecified Minor Construction	2,923		2,923
387	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Planning and Design	11,225	2,622	13,847
388	Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Planning and Design	1,503	150	1,653
389	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Planning and Design	5,483	3,314	8,807
390	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	5,263		5,263
391	Worldwide Unspecified	DFAS	Unspecified Worldwide	Unspecified Minor Construction	1,497		1,497
392	Worldwide Unspecified	DFAS	BRAC IV	Base Realignment & Closure	246,116		246,116
393	Worldwide Unspecified	TJS	Unspecified Worldwide	Unspecified Minor Construction	7,214		7,214
394	Worldwide Unspecified	Other	Unspecified Worldwide	Energy Conservation Improvement Program	60,000	(10,000)	50,000
395	Worldwide Unspecified	Other	Unspecified Worldwide	Unspecified Minor Construction	3,000		3,000
396	Worldwide Unspecified	Other	Unspecified Worldwide	Planning and Design	22,216		22,216

Military Construction Authorizations for Fiscal Year 2005  
(Dollars in Thousands)

Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005		FY 2005	
					Authorization Request	Committee Change	Authorization Request	Committee Change
397	Worldwide Unspecified	Other	Unspecified Worldwide	Contingency Construction	10,000		10,000	
398	Worldwide Unspecified	Other	Unspecified Worldwide	NATO Security Investment Program	165,800		165,800	
399	Worldwide Unspecified	DODEA	Unspecified Worldwide	Unspecified Minor Construction	746		746	
400	Worldwide Unspecified	TMA	Unspecified Worldwide	Unspecified Minor Construction	3,002		3,002	
401	Worldwide Unspecified	TMA	Unspecified Worldwide	Planning and Design	29,400		29,400	
402	Alaska	Army	Ft Richardson	Family Housing Replacement Construction	42,000		42,000	
403	Alaska	Army	Ft Wainwright	Family Housing New Construction	41,000		41,000	
404	Alaska	Army	Ft Wainwright	Family Housing Replacement Construction	37,000		37,000	
405	Alaska	Army	Ft Wainwright	Family Housing Replacement Construction	46,000		46,000	
406	Arizona	Army	Ft Huachuca	Family Housing Replacement Construction	41,000		41,000	
407	Arizona	Army	Yuma PG	Family Housing Replacement Construction	14,900		14,900	
408	Arizona	Air Force	Davis-Monthan AFB	Replace Family Housing, Phase 6	48,500		48,500	
409	California	Air Force	Edwards AFB	Replace Family Housing	41,202		41,202	
410	California	Air Force	Vandenberg AFB	Replace Family Housing, Phase 8	30,906		30,906	
411	Florida	Air Force	MacDill AFB	Construct Housing Maintenance Facility	1,250		1,250	
412	Florida	Air Force	MacDill AFB	Replace Family Housing, Phase 6	21,723		21,723	
413	Idaho	Air Force	Mountain Home AFB	Replace Family Housing, Phase 6	39,333		39,333	
414	Kansas	Army	Ft Riley	Family Housing Replacement Construction	33,000		33,000	
415	Mississippi	Air Force	Columbus AFB	Family Housing Management Facility	711		711	
416	Missouri	Air Force	Whiteman AFB	Replace Family Housing, Phase 6	37,087		37,087	
417	Montana	Air Force	Malmstrom AFB	Replace Family Housing	29,910		29,910	
418	New Mexico	Air Force	White Sands Missile Range	Family Housing Replacement Construction	31,000		31,000	
419	North Carolina	Navy	MCAS Cherry Point	Replace SLOCUM Village, Phase 3	27,002		27,002	
420	North Carolina	Air Force	Seymour Johnson AFB	Replace Family Housing, Phase 8	32,693		32,693	
421	North Dakota	Air Force	Grand Forks AFB	Replace Family Housing, Phase H	26,169		26,169	
422	North Dakota	Air Force	Minot AFB	Replace Family Housing, Phase 11	37,087		37,087	
423	Oklahoma	Army	Ft Sill	Family Housing Replacement Construction	47,000		47,000	
424	South Carolina	Air Force	Charleston AFB	Construct Hunley Park Fire Station	1,976		1,976	
425	South Dakota	Air Force	Ellsworth AFB	Replace Family Housing, Phase 4	21,482		21,482	
426	Texas	Air Force	Dyess AFB	Replace Family Housing, Phase 5	28,664		28,664	
427	Texas	Air Force	Goodfellow AFB	Construct Military Family Housing, Phase 1	20,604		20,604	
428	Virginia	Army	Ft Lee	Family Housing Replacement Construction	46,000		46,000	
429	Virginia	Army	Ft Monroe	Family Housing Replacement Construction	16,000		16,000	

Military Construction Authorizations for Fiscal Year 2005  
(Dollars in Thousands)

Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005		FY 2005	
					Authorization Request	Committee Change	Committee Authorization	Committee Authorization
430	Germany	Air Force	Ramstein AB	Replace Family Housing	57,691		57,691	
431	Italy	Air Force	Aviano AB	Replace Housing Office	2,542		2,542	
432	Korea	Air Force	Osan AB	Construct Family Housing, Phase 3	46,834		46,834	
433	United Kingdom	Air Force	RAP Lakenheath	Replace Family Housing	43,976		43,976	
434	Worldwide Unspecified	Army	Unspecified Worldwide	Services Account	36,174		36,174	
435	Worldwide Unspecified	Army	Unspecified Worldwide	Maintenance of Real Property	402,060	(2,400)	399,660	
436	Worldwide Unspecified	Army	Unspecified Worldwide	Construction Improvements	211,990		211,990	
437	Worldwide Unspecified	Army	Unspecified Worldwide	Furnishings Account	37,411		37,411	
438	Worldwide Unspecified	Army	Unspecified Worldwide	Management Account	74,895		74,895	
439	Worldwide Unspecified	Army	Unspecified Worldwide	Privatization Support	26,644		26,644	
440	Worldwide Unspecified	Army	Unspecified Worldwide	Utilities Account	132,356		132,356	
441	Worldwide Unspecified	Army	Unspecified Worldwide	Miscellaneous Account	1,333		1,333	
442	Worldwide Unspecified	Army	Unspecified Worldwide	Leasing Account	218,033		218,033	
443	Worldwide Unspecified	Army	Unspecified Worldwide	Interest Payments	1		1	
444	Worldwide Unspecified	Army	Unspecified Worldwide	Planning and Design	29,209		29,209	
445	Worldwide Unspecified	Army	Unspecified Worldwide	Utilities Account	137,226		137,226	
446	Worldwide Unspecified	Navy	Unspecified Worldwide	Services Account	57,691		57,691	
447	Worldwide Unspecified	Navy	Unspecified Worldwide	Leasing Account	136,883		136,883	
448	Worldwide Unspecified	Navy	Unspecified Worldwide	Miscellaneous Account	654		654	
449	Worldwide Unspecified	Navy	Unspecified Worldwide	Management Account	81,859		81,859	
450	Worldwide Unspecified	Navy	Unspecified Worldwide	Furnishings Account	20,756		20,756	
451	Worldwide Unspecified	Navy	Unspecified Worldwide	Privatization Support	16,991		16,991	
452	Worldwide Unspecified	Navy	Unspecified Worldwide	Interest Payments	61		61	
453	Worldwide Unspecified	Navy	Unspecified Worldwide	Construction Improvements	112,105		112,105	
454	Worldwide Unspecified	Navy	Unspecified Worldwide	Maintenance of Real Property	252,383	(8,200)	244,183	
455	Worldwide Unspecified	Navy	Unspecified Worldwide	Interest Payments	38		38	
456	Worldwide Unspecified	Air Force	Unspecified Worldwide	Leasing Account	119,908		119,908	
457	Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning and Design	38,266		38,266	
458	Worldwide Unspecified	Air Force	Unspecified Worldwide	Furnishings Account	44,459	(2,500)	41,959	
459	Worldwide Unspecified	Air Force	Unspecified Worldwide	Services Account	26,070		26,070	
460	Worldwide Unspecified	Air Force	Unspecified Worldwide	Miscellaneous Account	2,396		2,396	
461	Worldwide Unspecified	Air Force	Unspecified Worldwide	Privatization Support	39,104		39,104	
462	Worldwide Unspecified	Air Force	Unspecified Worldwide	Maintenance of Real Property	435,782	(230)	435,552	

Military Construction Authorizations for Fiscal Year 2005  
(Dollars in Thousands)

Line	Location	Service/Agency/Program	Installation	Project Title	FY 2005 Authorization Request	FY 2005 Committee Change	FY 2005 Committee Authorization
463	Worldwide Unspecified	Air Force	Unspecified Worldwide	Utilities Account	125,459		125,459
464	Worldwide Unspecified	Air Force	Unspecified Worldwide	Construction Improvements	238,353		238,353
465	Worldwide Unspecified	Air Force	Unspecified Worldwide	Management Account	70,680	(6,500)	64,180
466	Worldwide Unspecified	DLA	Unspecified Worldwide	Maintenance of Real Property	397		397
467	Worldwide Unspecified	DLA	Unspecified Worldwide	Management Account	293		293
468	Worldwide Unspecified	DLA	Unspecified Worldwide	Services Account	76		76
469	Worldwide Unspecified	DLA	Unspecified Worldwide	Furnishings Account	36		36
470	Worldwide Unspecified	DLA	Unspecified Worldwide	Utilities Account	419		419
471	Worldwide Unspecified	NSA	Unspecified Worldwide	Leasing Account	11,257		11,257
472	Worldwide Unspecified	NSA	Unspecified Worldwide	Miscellaneous Account	53		53
473	Worldwide Unspecified	NSA	Unspecified Worldwide	Utilities Account	471		471
474	Worldwide Unspecified	NSA	Unspecified Worldwide	Management Account	13		13
475	Worldwide Unspecified	NSA	Unspecified Worldwide	Maintenance of Real Property	1,939		1,939
476	Worldwide Unspecified	NSA	Unspecified Worldwide	Services Account	381		381
477	Worldwide Unspecified	NSA	Unspecified Worldwide	Furnishings Account	116		116
478	Worldwide Unspecified	NSA	Unspecified Worldwide	Construction Improvements	49		49
479	Worldwide Unspecified	DIA	Unspecified Worldwide	Leasing Account	30,199		30,199
480	Worldwide Unspecified	DIA	Unspecified Worldwide	Furnishings Account	3,925		3,925
481	Worldwide Unspecified	Other	Unspecified Worldwide	Family Housing Improvement Fund	2,500		2,500
<b>Total Authorization of Appropriations</b>					<b>9,480,475</b>	<b>450,000</b>	<b>9,930,475</b>

## TITLE XXI—ARMY

## SUMMARY

The budget request contained \$1,771,285,000 for Army military construction and \$1,565,006,000 for family housing for fiscal year 2005. The committee recommends authorization of \$1,866,209,000 for military construction and \$1,562,606,000 for family housing for fiscal year 2005.

## ITEMS OF SPECIAL INTEREST

## Planning and Design

The committee recommends that, within authorized amounts for planning and design, the Secretary of the Army complete planning and design activities for the following projects: \$750,000 for an aircraft maintenance hangar at Cairns Army Air Field, Fort Rucker, Alabama; \$561,000 for a runway extension at Amedee Army Airfield, Sierra Army Depot, California; \$2,250,000 for a receptee barracks expansion at Fort Benning, Georgia; \$310,000 for a law enforcement complex at Fort Gordon, Georgia; \$365,000 for a consolidated shipping center at Bluegrass Depot, Kentucky; \$278,000 for a child development center at Tobyhanna, Pennsylvania; \$486,000 for a military operations on unbanized terrain collective training facility at Fort A.P. Hill, Virginia; and \$500,000 for access roads at Fort Belvoir, Virginia.

## LEGISLATIVE PROVISIONS

## Section 2101—Authorized Army Construction and Land Acquisition Projects

This section contains the list of authorized Army construction projects for fiscal year 2005. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

## Section 2102—Family Housing

This section would authorize new construction and planning and design of family housing units for the Army for fiscal year 2005.

## Section 2103—Improvements to Military Family Housing Units

This section would authorize new improvements to existing units of family housing for fiscal year 2005.

## Section 2104—Authorization of Appropriations, Army

This section would authorize specific appropriations for each line item contained in the Army's budget for fiscal year 2005. This section also provides an overall limit on the amount the Army may spend on military construction projects.

Section 2105—Modification of Authority to Carry Out Certain  
Fiscal Year 2004 Projects

This section would amend the table in section 2101 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136) to increase the amounts authorized for construction at Fort Stewart, Georgia, and Fort Drum, New York.

Section 2106—Modification of Authority to Carry Out Certain  
Fiscal Year 2003 Project

This section would amend the table in section 2101 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314) to increase the amount authorized for construction at Fort Sill, Oklahoma.

## TITLE XXII—NAVY

### SUMMARY

The budget request contained \$1,060,455,000 for Navy military construction and \$843,611,000 for family housing for fiscal year 2005. The committee recommends authorization of \$1,077,862,000 for military construction and \$835,411,000 for family housing for fiscal year 2005.

### ITEMS OF SPECIAL INTEREST

#### Planning and Design

The committee recommends that, within authorized amounts for planning and design, the Secretary of the Navy complete planning and design activities for the following projects: \$250,000 for an advanced sensors integration facility at Naval Air Weapons Station China Lake, California; \$268,000 for physical gate security enhancements at Marine Corps Air Station Miramar, California; \$150,000 for phase two of an aircraft parking apron at Naval Air Station Jacksonville, Florida; \$150,000 for a consolidated operations support facility at Naval Air Station Jacksonville, Florida; and \$1,032,000 for improvements to machine shops at Norfolk Naval Shipyard Detachment, Philadelphia, Pennsylvania.

### LEGISLATIVE PROVISIONS

#### Section 2201—Authorized Navy Construction and Land Acquisition Projects

This section contains the list of authorized Navy construction projects for fiscal year 2005. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

#### Section 2202—Family Housing

This section would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2005.

#### Section 2203—Improvements to Military Family Housing Units

This section would authorize new improvements to existing units of family housing for fiscal year 2005.

#### Section 2204—Authorization of Appropriations, Navy

This section would authorize specific appropriations for each line item contained in the Navy's budget for fiscal year 2005. This section also provides an overall limit on the amount the Navy may spend on military construction projects.

### TITLE XXIII—AIR FORCE

#### SUMMARY

The budget request contained \$663,964,000 for Air Force military construction and \$1,710,855,000 for family housing for fiscal year 2005. The committee recommends authorization of \$792,054,000 for military construction and \$1,701,625,000 for family housing for fiscal year 2005.

#### ITEMS OF SPECIAL INTEREST

##### Planning and Design

The committee recommends that, within authorized amounts for planning and design, the Secretary of the Air Force complete planning and design activities for the following projects: \$880,000 for a security forces operational facility at Patrick Air Force Base, Florida; \$8,000,000 for a consolidated Central Command facility at MacDill Air Force Base, Florida; \$1,340,000 for a logistics readiness center at Mountain Home Air Force Base, Idaho; \$1,332,000 for a consolidated mobility processing center at McConnell Air Force Base, Kansas; \$890,000 for alteration of a fuel cell dock at Minot Air Force Base, North Dakota; \$497,000 for runway repair at Offutt Air Force Base, Nebraska; \$837,000 for a fire and crash rescue station at Nellis Air Force Base, Nevada; and \$670,000 for a mission support complex at Fairchild Air Force Base, Washington.

#### LEGISLATIVE PROVISIONS

##### Section 2301—Authorized Air Force Construction and Land Acquisition Projects

This section contains the list of authorized Air Force construction projects for fiscal year 2005. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

##### Section 2302—Family Housing

This section would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2005.

Section 2303—Improvements to Military Family Housing Units

This section would authorize new improvements to existing units of family housing for fiscal year 2005.

Section 2304—Authorization of Appropriations, Air Force

This section would authorize specific appropriations for each line item contained in the Air Force's budget for fiscal year 2005. This section also provides an overall limit on the amount the Air Force may spend on military construction projects.

## TITLE XXIV—DEFENSE AGENCIES

### SUMMARY

The budget request contained \$699,437,000 for defense agency military construction and \$49,624,000 for family housing for fiscal year 2005. The budget request also included \$81,886,000 for chemical demilitarization construction projects in a separate title. The committee recommends including chemical demilitarization construction in Title XXIV. Therefore, the committee recommends authorization of \$790,823,000 for military construction and \$49,624,000 for family housing for defense agencies for fiscal year 2005.

### LEGISLATIVE PROVISIONS

Section 2401—Authorized Defense Agencies Construction and Land Acquisition Projects

This section contains the list of authorized defense agencies construction projects for fiscal year 2005. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Section 2402—Improvements to Family Housing Units

This section would authorize improvements to existing units of family housing for fiscal year 2005.

Section 2403—Energy Conservation Projects

This section would authorize the Secretary of Defense to carry out energy conservation projects.

Section 2404—Authorization of Appropriations, Defense Agencies

This section would authorize specific amounts for each line item contained in the defense agencies' budgets for fiscal year 2005. This section also provides an overall limit on the amount the defense agencies may spend on military construction projects.

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

### SUMMARY

The budget request contained \$165,800,000 for the North Atlantic Treaty Organization (NATO) infrastructure fund (NATO Security Investment Program) for fiscal year 2005. The committee recommends authorization of \$165,800,000 for fiscal year 2005.

### LEGISLATIVE PROVISIONS

#### Section 2501—Authorized NATO Construction and Land Acquisition Projects

This section would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this bill and the amount of recoupment due to the United States for construction previously financed by the United States.

#### Section 2502—Authorization of Appropriations, NATO

This section would authorize \$165,800,000 as the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

### SUMMARY

The budget request contained \$619,936,000 for military construction of guard and reserve facilities for fiscal year 2005. The committee recommends authorization for fiscal year 2005 of \$839,845,000 to be distributed as follows:

Army National Guard .....	\$393,225,000
Air National Guard .....	184,620,000
Army Reserve .....	116,955,000
Naval and Marine Corps Reserve .....	30,955,000
Air Force Reserve .....	114,090,000
Total .....	839,845,000

### ITEMS OF SPECIAL INTEREST

#### Planning and Design, Air National Guard

The committee recommends that, within authorized amounts for planning and design, the Secretary of the Air Force complete planning and design activities for the following projects: \$772,000 for a composite operations and training facility at Montgomery, Alabama; \$509,000 for a space warning system squadron support facility at Greeley Air National Guard Station, Colorado; \$300,000 for the relocation of the base entrance at Capital Municipal Airport, Illinois; \$650,000 for a fire and crash rescue station at Rosecrans Memorial Airport, Missouri; \$990,000 for a pararescue complex at

Francis S. Gabreski Airport, New York; and \$501,000 for a fire and crash rescue station at Stewart International Airport, New York.

#### Planning and Design, Air Reserve

The committee recommends that, within authorized amounts for planning and design, the Secretary of the Air Force complete planning and design activities for the following project: \$954,000 for phase one of a joint services lodging facility at Youngstown Air Reserve Station, Ohio.

#### Planning and Design, Army National Guard

The committee recommends that, within authorized amounts for planning and design, the Secretary of the Army complete planning and design activities for the following projects: \$789,000 for a joint armed forces reserve center at Daytona Beach, Florida; \$844,000 for a armed forces reserve center at Gary, Indiana; \$614,000 for a national guard and reserve center building at Lincoln Airbase, Nebraska; \$485,000 for a readiness center at Hermitage, Pennsylvania; \$1,999,000 for phase two of a readiness center addition and alteration at Nashville, Tennessee; \$935,000 for a joint armed forces reserve center at Smyrna, Tennessee; \$530,000 for a readiness center at Winchester, Virginia; and \$2,014,000 for a readiness center at Fort Lewis, Washington.

#### Planning and Design, Army Reserve

The committee recommends that, within authorized amounts for planning and design, the Secretary of the Army complete planning and design activities for the following project: \$843,000 for a reserve center at Garden Grove, California.

#### Unspecified Minor Construction, Army National Guard

The committee recommends that, within authorized amounts for unspecified minor construction, the Secretary of the Army execute the following project: \$2,700,000 for a wastewater treatment facility at Camp Shelby, Mississippi.

### LEGISLATIVE PROVISION

#### Section 2601—Authorized Guard and Reserve Construction and Land Acquisition Projects

This section would authorize appropriations for military construction for the guard and reserve by service component for fiscal year 2005. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

## TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

### LEGISLATIVE PROVISIONS

#### Section 2701—Expiration of Authorizations and Amounts Required to be Specified by Law

This section would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization infrastructure program, and guard and reserve projects will expire on October 1, 2007, or the date of enactment of an act authorizing funds for military construction for fiscal year 2008, whichever is later. This expiration would not apply to authorizations for which appropriated funds have been obligated before October 1, 2007, or the date of enactment of an act authorizing funds for military construction for fiscal year 2008, whichever is later.

#### Section 2702—Extension of Authorizations of Certain Fiscal Year 2002 Projects

This section would extend fiscal year 2002 military construction authorizations until October 1, 2005, or the date of enactment of an act authorizing funds for military construction for fiscal year 2006, whichever is later. The extended authorization applies to the following projects: \$23,000,000 for construction of a power plant cooling tower at Fort Wainwright, Alaska; \$1,500,000 for Parker Ranch land acquisition at Pohakuloa Training Area, Hawaii; \$11,400,000 for construction of family housing at Buckley Air Force Base, Colorado; and \$7,300,000 to replace family housing at Barksdale Air Force Base, Louisiana.

#### Section 2703—Extension and Renewal of Authorizations of Certain Fiscal Year 2001 Projects

This section would extend certain fiscal year 2001 military construction authorizations until October 1, 2005, or the date of enactment of an act authorizing funds for military construction for fiscal year 2006, whichever is later. The extended authorizations apply to the following projects: \$250,000 for construction of family housing at Fort Jackson, South Carolina; \$7,400,000 for Defense Finance and Accounting Service building renovation at Kleber Kaserne, Germany; and \$843,000 for an elementary school classroom addition at Osan Air Base, Korea.

#### Section 2704—Effective Date

This section would provide that titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this bill shall take effect on October 1, 2004, or the date of enactment of this Act, whichever is later.

## TITLE XXVIII—GENERAL PROVISIONS

## ITEMS OF SPECIAL INTEREST

## Base Realignment and Closure

By May 16, 2005, the Secretary of Defense must present recommendations for base closures and realignments to Congress and the base closure commission. With this deadline approximately one year away, the committee is increasingly concerned by the significant number of uncertainties and ongoing turbulent events that will dramatically affect the Department's infrastructure requirements both during and after the base closure process.

For example, the demands of the global war on terrorism continue to change, the manpower and infrastructure requirements related to the effort to rebuild Iraq continue to evolve, the Department has not yet completed a global review of its overseas military installations, each of the military services is in the midst of force transformation, end strength requirements of the services continue to be unsettled issues, and the infrastructure and force requirements for the Department to meet homeland security missions have not yet been determined.

Therefore, the committee includes a provision to require the Department to report to Congress on a number of unresolved infrastructure-related issues. Pending submission of these reports, the provision would suspend the base closure process until 2007.

The committee notes that a two-year postponement of the base closure and realignment round would have several benefits. First, postponement would allow the Department to stabilize force and funding requirements related to Iraq, Afghanistan, the war against terrorism, and homeland security before making base closure and realignment recommendations. Second, postponement would allow DOD to understand the impact of, and in some cases resolve, significant infrastructure-related issues such as global basing and transformation before making irreversible base closure decisions. Finally, base closure actions historically result in significant up-front costs with net savings not occurring for several years after closure activities. Delay of the base closure round until 2007 would provide relief to significant budgetary pressures on the Department during the next five years.

The committee also includes a provision to amend and codify the criteria used by the Department to make base closure and realignment recommendations. The committee's recommended changes address many of the comments that the Department received during the public comment period on the selection criteria.

Department of Defense and Veterans Affairs Health Care Facility  
Sharing

The committee continues to support efforts by the Department of Defense and the Department of Veterans Affairs (VA) to design, construct, maintain, and operate health care facilities in a joint manner, and encourages the Department and VA to take advantage of opportunities to share health care facilities whenever possible. The committee report (H. Rept. 108–106) accompanying the National Defense Authorization Act for Fiscal Year 2004, advocated

DOD participation in and contribution to the VA's plans to build a new hospital at the site of the closed Fitzsimons Army Hospital in Colorado. The committee reiterates its support for a joint DOD-VA hospital at the Fitzsimons Hospital site, and encourages the Department of Defense to contribute funds, at a level representative of its medical requirements, to design and construct such a facility.

#### Housing Requirements Analyses

The committee is aware that recent changes to methodology used in Housing Requirements Analyses have resulted in significant decreases to on-base housing requirements at many military installations, including McChord Air Force Base, Washington and Travis Air Force Base, California. Military Housing Privatization Initiative authorities do not prohibit privatized housing maintenance or construction in excess of the minimum requirement. As such, the committee encourages the services to inform housing privatization bidders of this point, particularly for those installations that have experienced significant decreases in on-base housing requirements as a result of the new housing methodology. In the specific case of McChord Air Force Base, the committee encourages the Secretary of the Air Force to explore joint efforts with the Army and the national guard to ensure that the privatized housing initiative at McChord is responsive to the needs of all active-duty military personnel in the region.

#### Military Housing Privatization Program

The committee continues to support the Department of Defense's efforts to privatize military family and unaccompanied housing. By the end of fiscal year 2004, the Department anticipates having used the privatization program to leverage private investments to provide quality housing to more than 90,000 military families. The success of this program to date validates the committee's recommendation to eliminate the \$850.0 million statutory ceiling on government investment in privatization projects (section 2806), effective October 1, 2005.

Furthermore, the committee believes that the housing privatization model may be a viable means of providing housing to military personnel at enduring overseas installations. As such, the committee urges the Department to consider the feasibility of expanding housing privatization authorities to permit overseas military family housing privatization.

Finally, the committee notes that some local taxation authorities have chosen to levy real property taxes upon privatized housing projects. By taxing these properties, local authorities divert resources from reinvestment into military family housing facilities and cause significant reductions in the level of educational impact aid provided to communities with military dependents. Of particular concern are those cases where local taxation authorities have chosen to tax privatized family housing even though the local government is not providing municipal services such as trash collection and fire and police protection. The committee reminds local and state taxation authorities that taxation of privatized military family housing facilities has a direct effect on the quality of life of

military personnel stationed in their communities, and urges such authorities to repeal and refrain from real property taxation of such projects.

## LEGISLATIVE PROVISIONS

### SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

#### Section 2801—Increase in Certain Thresholds for Carrying Out Unspecified Minor Military Construction Projects

This section would amend section 2805(b) of title 10, United States Code, to increase from \$750,000 to \$1,000,000 the threshold at which service secretaries must approve the use of operation and maintenance funds for unspecified minor construction projects. This section would also amend section 2805(c) to establish a single limit of \$1,500,000 at which operation and maintenance funds may be used for unspecified minor construction projects.

#### Section 2802—Assessment of Vulnerability of Military Installations to Terrorist Attack and Annual Report on Military Construction Requirements Related to Antiterrorism and Force Protection

This section would require the Secretary of Defense to establish guidance for the military services on appropriate levels of antiterrorism and force protection requirements for facilities construction and perimeter defenses (including gate and fence line construction). This section would also require the Secretary to certify that all major Department installations have been assessed for vulnerabilities to terrorist attack since September 11, 2001. Finally, this section would require the Department of Defense to provide an annual list of unfunded antiterrorism and force-protection military construction requirements.

#### Section 2803—Change in Threshold for Congressional Notification Regarding Use of Operation and Maintenance Funds for Facility Repair

This section would amend section 2811(d) of title 10, United States Code, to lower the threshold at which congressional notification is required for facility repairs using operation and maintenance funds from \$10,000,000 to \$7,500,000.

#### Section 2804—Reporting Requirements Regarding Military Family Housing Requirements for General Officers and Flag Officers

This section would require the Department of Defense to conduct an analysis of general and flag officer housing requirements in the national capital region by March 30, 2005. This analysis must be based upon available housing in the local housing market as well as requirements for key and essential personnel to be housed in secure locations.

The military services maintain more than 170 general and flag officer quarters in the national capital region. Although the committee recognizes the value of military family housing to quality of life, it is difficult to justify the high costs of building, operating, and maintaining a sizeable inventory of large general and flag offi-

cer quarters in the region. Therefore, this section would ensure that the Department determines whether the current number of such homes is appropriate.

This section would also require the Department to report to Congress, by March 30, 2005, on its inventory of general and flag officer housing, including annual expenditures of each house for operations, utilities, and maintenance and repair over the past five years. The committee notes with concern the large expenditures on maintenance, repair, operations, and utilities on general and flag officers quarters reported in the fiscal year 2005 budget justification documents. This section is intended to provide the Congress with an historical perspective of the number and costs associated with general and flag officer quarters.

Finally, this section would require the Department to provide as part of its annual budget justification documents, by March 30 of each year, a detailed list of each general and flag officer quarters for which operations, utilities, and maintenance and repair costs, in sum, are anticipated to exceed \$20,000 in the coming year. Currently, annual appropriations laws require congressional notification prior to the expenditure of more than \$35,000 for maintenance and repair for any single general or flag officer quarters. This section would enhance congressional oversight of total costs associated with general and flag officer housing.

#### Section 2805—Congressional Notification of Deviations from Authorized Cost Variations for Military Construction Projects and Military Family Housing Projects

This section would amend section 2853(c)(3) of title 10, United States Code, to shorten the notice and wait period for significant project cost increases or scope decreases from 21 days to 14 days, if notification is provided in an electronic format to Congress.

#### Section 2806—Repeal of Limitation on Use of Alternative Authority for Acquisition and Improvement of Military Family Housing

This section would amend section 2883 of title 10, United States Code, to repeal the limitation on budget authority for contracts and investments in military housing privatization projects, effective October 1, 2005.

#### Section 2807—Temporary Authority to Accelerate Design Efforts for Military Construction Projects Carried Out Using Design-Build Selection Procedures

This section would establish a demonstration program to allow the Department of Defense to enter into a design-build construction contract using design funds made available under sections 2807 and 18233 of title 10, United States Code, prior to the authorization of the project. Contracts entered into under this demonstration program must be selected using existing design-build contract procedures. In addition, the federal government's liability for termination for convenience of any such contract may not exceed the project's design cost. This section would permit the Department to enter into 36 contracts through September 30, 2008, and would require a report to Congress on the value of the program by March 1, 2007.

Section 2808—Exchange or Sale of Reserve Component Facilities to Acquire Replacement Facilities

This section would amend section 18233 of title 10, United States Code, to provide the Secretary of Defense the authority to receive facilities, cash, or a combination of facilities and cash for existing reserve component facilities. Existing law only permits the Secretary to exchange reserve facilities for replacement facilities.

Section 2809—One-Year Extension of Temporary, Limited Authority to Use Operation and Maintenance Funds for Construction Projects Outside the United States

This section would extend for one year the authority provided by section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to permit the Secretary of Defense to utilize operation and maintenance funds to construct facilities necessary for temporary operational requirements related to a declaration of war, national emergency, or contingency.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

Section 2811—Increase in Certain Thresholds for Reporting Real Property Transactions

This section would amend section 2662 of title 10, United States Code, to increase from \$750,000 to \$1,500,000 the thresholds at which the military services must report to Congress real property transactions. This section would also make adjustments to annual reporting requirements for minor real property transactions.

Section 2812—Reorganization of Existing Administrative Provisions Relating to Real Property Transactions

This section would consolidate and reorganize sections of chapter 159 of title 10, United States Code.

Section 2813—Treatment of Money Rentals from Golf Course at Rock Island Arsenal, Illinois

This section would amend section 2667 of title 10, United States Code, to allow 50 percent of lease receipts from the Rock Island Arsenal Golf Club, a community club that leases and operates the arsenal's golf course for the general public and local military personnel, to be placed into the Rock Island Arsenal morale, welfare, and recreation fund.

Section 2814—Number of Contracts Authorized Department-Wide Under Demonstration Program on Reduction in Long-Term Facility Maintenance Costs

This section would amend section 2814 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) to adjust the number of contracts permitted under the building commissioning program. The existing program allows each military department to enter into 12 contracts for the construction and short-term maintenance of a facility. This section would adjust the limit to allow a total of 36 contracts for the Department of Defense.

Section 2815—Repeal of Commission on Review of Overseas  
Military Facility Structure of the United States

This section would repeal section 128 of the Military Construction Appropriations Act, 2004 (Public Law 108–132), which established the Commission on the Review of Overseas Military Facility Structure of the United States.

Section 2816—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

This section would designate the Airmen Leadership School at Luke Air Force Base, Arizona, the John J. Rhodes Airmen Leadership School in honor of the former minority leader of the House of Representatives, Congressman John J. Rhodes. Congressman Rhodes served in the United States Army Air Corps, served in the Arizona National Guard as a staff judge advocate, and represented the congressional district containing Luke Air Force Base for the majority of his service in the House of Representatives.

Section 2817—Elimination of Reversionary Interests Clouding  
United States Title to Property Used as Navy Homeports

This section would authorize the Secretary of the Navy to enter into agreements with holders of reversionary interests at Navy homeports to secure permanent title to the properties for the Navy. In exchange, the Navy may provide in-kind consideration including forfeiture of existing agreements that require payment to the Navy for real property improvements. The committee believes that such an exchange is in the interest of all parties, and would ensure that disposal of property at these homeports, should they be closed, realigned, or otherwise declared excess to Navy needs, is conducted in a manner that does not place local communities and developers at a disadvantage to locations which do not have reversionary agreements in place.

Section 2818—Report on Real Property Disposal at Marine Corps  
Air Station, El Toro, California

This section would require the Secretary of the Navy, within 180 days of enactment, to report to Congress on the effort to dispose of real property at Marine Corps Air Station El Toro, California, anticipated future uses of the property, and requests received from other federal agencies for property at the air station.

SUBTITLE C—BASE CLOSURE AND REALIGNMENT

Section 2821—Two-Year Postponement of 2005 Base Closure and  
Realignment Round and Submission of Reports Regarding Fu-  
ture Infrastructure Requirements for the Armed Forces

This section would amend current base realignment and closure law to postpone the 2005 base closure and realignment round until 2007, pending receipt of several reports on significant infrastructure issues.

First, this section would require the Department of Defense to study and report to Congress on the following issues: the Depart-

ment's Integrated Global Basing Strategy, including basing locations, rotational plans and policies, and overseas and domestic infrastructure requirements associated with that strategy; a study of the infrastructure requirements associated with force transformation efforts; a report on infrastructure requirements related to changes to the active and reserve personnel mixtures of the services; a study of the infrastructure requirements resulting from the Secretary of Defense's "10-30-30" objective; a reassessment of excess infrastructure capacity that is based upon infrastructure, facility, and space requirements of current, future, and surged military forces; and a definition of, and infrastructure requirements associated with, "surge requirements" as determined by the Secretary as required by section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136). These reports must be submitted between January 1, 2006, and March 15, 2006, or the authority to conduct an additional round of base closures would be terminated.

In order to permit sufficient time for congressional review of these documents and to allow the Department to incorporate the findings of these reports into base closure and realignment recommendations, this section would suspend the base realignment and closure process until 2007.

Finally, this section would require resubmission of a force structure plan based on an assessment of probable threats to national security during the 20 year period beginning with fiscal year 2007, including anticipated endstrength and force units necessary to meet those threats. It would also require the Secretary of Defense to certify the need for an additional round of base closures as part of the fiscal year 2007 budget justification materials.

The committee notes that a two-year postponement of the base closure and realignment round would have several benefits. First, postponement would allow the Department to stabilize force and funding requirements related to Iraq, Afghanistan, the war against terrorism, and homeland security before making base closure and realignment recommendations. Second, postponement would allow DOD to understand the impact of, and in some cases resolve, significant infrastructure-related issues such as global basing and transformation before making irreversible base closure decisions. Finally, base closure actions historically result in significant upfront costs with net savings not occurring for several years after closure activities. Delay of the base closure round until 2007 would provide relief to significant budgetary pressures on the Department during the next five years.

#### Section 2822—Establishment of Specific Deadline for Submission of Revisions to Force-Structure Plan and Infrastructure Inventory for Next Base Closure Round

This section would amend section 2912(a)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended) to establish March 15 of the base closure round year as the final deadline for revision of the force structure plan or infrastructure inventory. The Secretary of Defense published an initial force structure plan and infrastructure inventory, as required by base closure law, in March 2004. This force structure plan and infrastructure inventory, along with selec-

tion criteria, will be used by the Secretary to make base closure and realignment recommendations. While section 2912(a)(4) of the Defense Base Closure and Realignment Act of 1990 permits the Secretary to revise the plan and inventory by submitting such a revision to Congress as part of the budget justification documents for fiscal year 2006, existing law does not include a specific deadline for submission. This section would establish March 15, of the base closure round year as the deadline, thereby ensuring that any revision to the force structure plan and infrastructure inventory is made with sufficient time to permit congressional review and Department of Defense implementation.

#### Section 2823—Specification of Final Selection Criteria for Next Base Closure Round

This section would amend and codify the criteria that will be used by the Secretary of Defense in making recommendations for the closure or realignment of military installations inside the United States during the next base closure round.

The Secretary published draft selection criteria in the Federal Register on December 23, 2003. Following a public comment period, during which the Secretary received comments relating to approximately 200 areas of concern, the final selection criteria were published on February 12, 2004. Despite the number of public comments and criticisms, the final published selection criteria were identical to the initial proposal. This section would modify the selection criteria to incorporate many of the comments and concerns received by the Department of Defense during the comment period and would codify the amended criteria into base closure law.

#### Section 2824—Requirement for Unanimous Vote of Defense Base Closure and Realignment Commission to Add to or Otherwise Expand Closure and Realignment Recommendations made by Secretary of Defense

This section would amend section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended) to require a unanimous vote of the base closure commission to recommend closure, realignment, or expanded realignment of an installation not recommended for closure or realignment by the Secretary of Defense.

#### Section 2825—Adherence to Certain Authorities on Preservation of Military Depot Capabilities During Any Subsequent Round of Base Closures and Realignments

This section would amend the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended) to require that base closure and realignment actions comply with provisions of title 10, United States Code, that address government-owned, government-operated depot-level maintenance, repair, and logistics capabilities within the Department of Defense. In addition, this section would prohibit any base closure or realignment action from including a waiver to sections 2464 or section 2466 of title 10, United States code, relating to the preservation of government-owned, government-operated depot facilities and the annual percentage of military department funding for depot level

maintenance and repair activities that may be expended on private sector depot activities.

#### SUBTITLE D—LAND CONVEYANCES

##### PART I—ARMY CONVEYANCES

###### Section 2831—Transfer of Administrative Jurisdiction, Defense Supply Center, Columbus, Ohio

This section would authorize the Secretary of the Army to transfer, without consideration, administrative jurisdiction over approximately 20 acres of real property to the Secretary of Veterans' Affairs to be used for the location of a veterans' outpatient clinic.

###### Section 2832—Land Conveyance, Fort Hood, Texas

This section would authorize the Secretary of the Army to convey approximately 662 acres at Fort Hood, Texas, to the Texas A&M University system of the state of Texas for the purpose of establishing Texas A&M University, Central Texas. In exchange, the Army shall receive fair market value in cash or in-kind consideration for the property. Finally, conveyance of the property is contingent upon the Secretary of the Army's determination that use of the land as a university will not adversely impact operations at Fort Hood's Robert Gray Army Airfield.

###### Section 2833—Land Conveyance, Army National Guard Facility, Seattle, Washington

This section would authorize the Secretary of the Army to convey, without consideration, approximately 10 acres of real property, including a portion of a national guard facility, to the state of Washington to support relocation of a guard unit.

##### PART II—NAVY CONVEYANCES

###### Section 2841—Transfer of Jurisdiction, Nebraska Avenue Naval Complex, District of Columbia

This section would transfer jurisdiction of the Nebraska Avenue Naval Complex in Washington, D.C., from the Navy to the Administrator of General Services for the purpose of accommodating the Department of Homeland Security. The initial costs incurred by the Navy as a result of the transfer, including move-out costs and first-year lease costs, shall be paid for by the Department of Homeland Security, subject to appropriations.

The section would also express the sense of Congress that long-term relocation costs incurred by the Navy, to include final relocation costs and permanent construction, shall be paid for from federal sources outside of the Department of Defense. In addition, the provision would require the President, after consultation with the chairmen and ranking members of the committees on Armed Services and Appropriations, to certify within three years of the transfer whether the Navy's costs related to its departure from the complex have been fully compensated. If the Navy's costs have not been fully compensated, the property shall revert to the jurisdiction of

the Navy, which must then dispose of the property by competitive sale.

Section 2842—Land Conveyance, Navy Property, Former Fort Sheridan, Illinois

This section would authorize the Secretary of the Navy to convey, without consideration, a parcel of environmentally sensitive property to a nonprofit land conservation organization for the purpose of ensuring permanent protection of the lands.

Section 2843—Land Exchange, Naval Air Station, Patuxent River, Maryland

This section would authorize the Secretary of the Navy to convey approximately five acres of real property at Naval Air Station, Patuxent River, Maryland, to the state of Maryland. In exchange, the Navy shall receive approximately 1.5 acres of property of an equal value to the conveyance.

PART III—AIR FORCE CONVEYANCES

Section 2851—Land Exchange, Maxwell Air Force Base, Alabama

This section would authorize the Secretary of the Air Force to convey the Maxwell Heights Housing site at Maxwell Air Force Base, Alabama, to the city of Montgomery, Alabama. In exchange, the Air Force shall receive approximately 35 acres of land contiguous to Maxwell Air Force Base.

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

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

OVERVIEW

The budget request contained \$16,797.6 million for the national security activities of the Department of Energy for fiscal year 2005. Of this amount, \$9,048.7 million is for the programs of the National Nuclear Security Administration, and \$7,748.9 million is for environmental and other defense activities. The committee recommends \$16,700.6 million, a decrease of \$97.0 million.

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
<b>Weapons Activities</b>					
Directed stockpile work (DSW)					
B61 life extension program.....	117,927	(39,000)		(39,000)	117,927
W76 life extension program.....	213,111				213,111
W80 life extension program.....	146,400				146,400
W87 life extension program.....					
B61 stockpile systems.....	91,256				91,256
W62 stockpile systems.....	16,401				16,401
W76 stockpile systems.....	137,527				137,527
W78 stockpile systems.....	44,313				44,313
W80 stockpile systems.....	49,507				49,507
B83 stockpile systems.....	44,995				44,995
W84 stockpile systems.....	6,119				6,119
W87 stockpile systems.....	94,884				94,884
W88 stockpile systems.....	49,093				49,093
Retired warheads stockpile systems.....	65,258				65,258
Stockpile services research & development certification and safety.....	157,986				157,986
Stockpile services management, technology and production.....	133,101				133,101
Stockpile services advanced concepts.....	9,000				9,000
Stockpile services robust nuclear earth penetrator.....	27,557				27,557
<b>Total, Directed stockpile work.....</b>	<b>1,406,435</b>	<b>(39,000)</b>		<b>(39,000)</b>	<b>1,367,435</b>
<b>Campaigns</b>					
Science campaigns					
Primary assessment technology.....	81,473			(19,500)	19,973
Dynamic materials properties.....	91,521				91,521
Advanced radiography.....	62,371				62,371
Secondary assessment technologies.....	65,597				65,597
<b>Total, Science campaigns.....</b>	<b>300,962</b>	<b>(19,500)</b>		<b>(19,500)</b>	<b>281,462</b>
Engineering campaign					
Enhanced surety.....	36,121				36,121
Weapons system engineering assessment technology.....	27,270				27,270
Nuclear survivability.....	24,460				24,460
Enhanced surveillance.....	99,879				99,879

Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
Microsystems and engineering sciences (MESA) other project costs (OPC)	4,600				4,600
Microsystems and engineering sciences					
Application (MESA) construction	48,654	20,000	20,000		68,654
Total, Engineering campaign	242,984	20,000	20,000		262,984
Inertial confinement fusion ignition and high yield campaign					
Ignition	76,437				76,437
Support of stockpile program	36,987				36,987
NIF diagnostics, cryogenics and experiment support	44,023				44,023
Pulsed power inertial confinement fusion	10,080				10,080
University grants/other support	7,776				7,776
Facility operations and target production	63,056				63,056
Inertial fusion technology					
NIF demonstration program	113,700				113,700
High-energy petawatt laser development	7,975				7,975
NIF other project costs (OPC)					
NIF construction	130,000				130,000
Total, Inertial confinement fusion ignition and high yield campaign	482,034				482,034
Advanced simulation and computing campaign		(20,000)		(20,000)	
Advanced application development	150,793				150,793
Verification and validation	49,780				49,780
Materials and physics modeling	72,062				72,062
Problem solving environment (PSE)	45,072				45,072
Distance computing (DisCom)	17,068				17,068
Pathfinder	18,000				18,000
Visual interactive environment for weapons simulation (VIEWS)	61,635				61,635
Physical infrastructure & platforms	140,000				140,000
Computational systems	64,081				64,081
Simulation support	59,413				59,413
Advanced architecture	3,000				3,000
University partnerships	47,980				47,980
ASCII integration	9,148				9,148
Construction projects	3,228				3,228
Total, Advanced simulation and computing campaign	741,260	(20,000)		(20,000)	721,260

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
Pit manufacturing and certification campaign.....	336,473				336,473
<b>Readiness Campaign</b>					
Stockpile readiness.....	45,812				45,812
High explosives and weapon operations.....	34,220				34,220
Non-nuclear readiness.....	35,457				35,457
Tritium readiness.....	58,850				58,850
Tritium readiness construction.....	21,000				21,000
Advanced design & production technologies.....	84,788				84,788
Construction:					
Total, Readiness campaign.....	280,127				280,127
<b>Readiness in technical base and facilities (RTBF)</b>					
Operations of facilities					
Kansas City Plant.....	101,775	5,000	5,000		106,775
LLNL.....	54,765	8,000	8,000		62,765
LANL.....	318,913				318,913
Nevada Test Site.....	70,180				70,180
Pantex Plant.....	97,741	19,000	19,000		116,741
Sandia National Laboratories.....	150,710	18,000	48,000		168,710
Savannah River Site.....	95,173				95,173
Y-12 National Security Complex.....	98,194	18,000	18,000		116,194
Institutional site support.....	30,106				30,106
Program readiness.....	106,204				106,204
Special projects.....	20,534				20,534
Material recycle and recovery.....	86,965				86,965
Containers.....	17,910				17,910
Storage.....	18,982				18,982
Subtotal, operations & maintenance	1,268,152	66,000	66,000		1,336,152
Construction					
05-D-140 Project engineering design various locations	11,600				11,600
05-D-401 Building 12-64 production bays upgrades Pantex Plant, Amarillo, TX	25,100				25,100
05-D-402 Beryllium capability (BEC) project, Y-12 National Security Complex, Oakridge, TN	3,627				3,627
04-D-103 Project engineering and design, (PED) various locations	1,500				1,500

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM.....	24,000				24,000
04-D-126 Building 12-44 production cell upgrade, Pantex plant, Amarillo, TX.....	2,600				2,600
03-D-102 LANL Administration Building (LANL).....	37,348				37,348
03-D-103 Project engineering and design (PED) various locations.....	15,275				15,275
03-D-123 Special nuclear materials component recertification facility, Pantex plant, Amarillo, TX.....	4,602				4,602
02-D-103 Project engineering and design, various locations.....	5,250				5,250
02-D-105 Engineering technology complex upgrade (ETCU), LLNL, Livermore, CA.....	5,400				5,400
01-D-103 Project engineering and design (PED) various locations.....	6,000				6,000
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN.....	64,000				64,000
Total, Construction.....	206,302				206,302
Total, Readiness in technical base and facilities.....	1,474,454	68,000	68,000		1,542,454
<b>Secure transportation asset</b>					
Operations and equipment.....	143,873				143,873
Program direction.....	57,427				57,427
Subtotal, Secure transportation asset.....	201,300				201,300
Total, Secure transportation asset.....	201,300				201,300
<b>Nuclear weapons incident response</b>					
Emergency response.....	93,119				93,119
Emergency management.....	6,090				6,090
Total, nuclear weapons incident response.....	99,209				99,209
<b>Facilities and infrastructure recapitalization program</b>					
Operation and maintenance.....	291,543				291,543
Construction.....					
05-D-160 Facilities and infrastructure recapitalization program (FIRP), project engineering and design (PED).....	8,700				8,700
05-D-601 Compressed air upgrades project (CAUP), Y-12, National security complex, Oakridge, TN.....	4,400				4,400
05-D-602 Power grid infrastructure upgrade (PGIU), Los Alamos National Laboratory, Los Alamos, NM.....	10,000				10,000
05-D-603 New master substation (NMSU) SNL.....	600				600
04-D-203 Facilities and infrastructure recapitalization program (FIRP), project engineering design (PED).....	981				981
Total, Construction.....	24,681				24,681
Total, Facilities and infrastructure recapitalization program.....	316,224				316,224
<b>Safeguards and security</b>					

**TIME XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
Physical security.....	589,491				589,491
Cyber Security.....	80,500				80,500
Subtotal, operations and maintenance.....	669,991				669,991
Construction:					
05-D-170 Project engineering and design, various locations	17,000				17,000
05-D-701 Security perimeter project, Los Alamos, National Laboratory, Los Alamos, NM	20,000				20,000
Subtotal, construction.....	37,000				37,000
Total, Safeguards and security.....	706,991				706,991
<b>Subtotal, Weapons Activities.....</b>	<b>6,598,453</b>	<b>9,500</b>	<b>88,000</b>	<b>(78,500)</b>	<b>6,607,953</b>
Adjustments					
Use of prior year balances.....					
Less security charge for reimbursable work.....	(30,000)				(30,000)
Total, Adjustments.....	(30,000)				(30,000)
<b>Total, Weapons Activities.....</b>	<b>6,568,453</b>	<b>9,500</b>	<b>88,000</b>	<b>(78,500)</b>	<b>6,547,953</b>
<b>Defense Nuclear Nonproliferation</b>					
Nonproliferation and verification R&D	220,000				220,000
Operation and maintenance.....					
Nonproliferation and international security.....	124,000				124,000
IAEA Safeguards and Nonproliferation Policy					
Nuclear Noncompliance Verification.....					
Nonproliferation programs with Russia					
International nuclear materials protection and cooperation.....	238,000	(10,500)		(10,500)	227,500
Russian transition initiatives.....	41,000				41,000
HEU transparency implementation.....	20,960				20,960
International nuclear safety and cooperation.....					
Elimination of weapons-grade plutonium production program.....	50,097				50,097
Fissile materials disposition					
U S surplus materials disposition.....	184,700				184,700
Russian surplus materials disposition.....	64,000				64,000
Total, Fissile materials disposition.....	248,700				248,700
Construction:					

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
99-D-141 Pit disassembly and conversion facility, Savannah River, SC	32,300				32,300
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	368,000				368,000
Total, Construction	400,300				400,300
Total, Fissile materials disposition	649,000				649,000
Total, Nonproliferation programs with Russia	999,047	(10,500)		(10,500)	988,547
Offsite source recovery project	5,600				5,600
<b>Subtotal, Defense Nuclear Nonproliferation</b>	<b>1,348,647</b>	<b>(10,500)</b>		<b>(10,500)</b>	<b>1,338,147</b>
Adjustments:					
Use of prior year balances					
Total, Adjustments					
<b>Total, Defense Nuclear Nonproliferation</b>	<b>1,348,647</b>	<b>(10,500)</b>		<b>(10,500)</b>	<b>1,338,147</b>
<b>Naval Reactors</b>					
Naval reactors development					
Operation and maintenance	761,211				761,211
Construction:					
05-N-900 Materials development facility building, Schenectady, NY	6,200				6,200
90-N-102 Expanded core facility dry cell project, Naval Reactors Facility, ID	989				989
Total, Construction	7,189				7,189
Total, Naval reactors development	768,400				768,400
Program direction	29,500				29,500
Subtotal, Naval Reactors	797,900				797,900
<b>Total, Naval Reactors</b>	<b>797,900</b>				<b>797,900</b>
<b>Office Of The Administrator</b>					
Office of the Administrator	333,700				333,700
<b>Total, Office of the Administrator</b>	<b>333,700</b>				<b>333,700</b>
<b>Defense Site Acceleration Completion (Defense Facilities Closure Projects)</b>					
2006 Accelerated completions					
Operation and maintenance	1,251,799				1,251,799

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
<b>2012 Accelerated Completions</b>					
Operation and maintenance.....	1,437,001				1,437,001
Construction:					
04-D-414 Project engineering and design, various locations.....	3,000				3,000
04-D-423 3013 container surveillance capability in 235-F, SR.....	20,640				20,640
01-D-416 Waste treatment and immobilization plant, RL.....	690,000				690,000
Total, Construction.....	713,640				713,640
Total, 2012 Accelerated Completions.....	2,150,641				2,150,641
<b>2035 Accelerated Completions</b>					
Operation and maintenance.....	1,849,512				1,849,512
Construction:					
04-D-408 Glass waste storage building #2, SR.....	43,827				43,827
Total, Construction.....	43,827				43,827
Total, 2035 Accelerated Completions.....	1,893,339				1,893,339
Safeguards and security.....	265,059				265,059
<b>High level waste legislative proposal</b>					
Operation and maintenance.....	249,442	(100,000)		(100,000)	(100,000)
Construction:					
05-D-401 Salt waste processing facility, Savannah River.....	52,000				52,000
04-D-414 04-02 PED: Sodium bearing waste treatment, Idaho.....	24,900				24,900
03-D-414 PED: salt waste processing facility alternative, Savannah River.....	23,658				23,658
Total, Construction.....	100,558				100,558
Total, High level waste legislative proposal.....	350,000	(100,000)			250,000
Technology development and deployment.....	60,142	6,000	6,000		66,142
Hammer.....					
<b>Subtotal, Defense Site Acceleration Completion.....</b>	<b>5,970,980</b>	<b>(94,000)</b>	<b>6,000</b>	<b>(100,000)</b>	<b>5,876,980</b>
Use of prior year balances.....					
Less security charge for reimbursable work.....	(143)				(143)
<b>Total, Defense Site Acceleration Completion.....</b>	<b>5,970,837</b>	<b>(94,000)</b>	<b>6,000</b>	<b>(100,000)</b>	<b>5,876,837</b>

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
<b>Defense Environmental Services</b>					
Community and regulatory support.....	60,547				60,547
Federal contribution to the uranium enrichment.....	463,000	4,000			467,000
Non-closure environmental activities.....			4,000		
Operation and maintenance.....	187,864				187,864
Program direction.....	271,059				271,059
Subtotal, Defense Environmental Services.....	982,470	4,000	4,000		986,470
Use of prior year balances.....					
<b>Total, Defense Environmental Services.....</b>	<b>982,470</b>	<b>4,000</b>	<b>4,000</b>		<b>986,470</b>
<b>Other Defense Activities</b>					
Energy security and assurance					
Energy security.....	6,100				6,100
Program direction.....	4,500				4,500
<b>Total, Energy security and assurance.....</b>	<b>10,600</b>				<b>10,600</b>
Office of Security					
Nuclear safeguards and security.....	143,197				143,197
Security investigations.....	53,554				53,554
Program direction.....	58,350				58,350
<b>Total, Office of Security.....</b>	<b>255,101</b>				<b>255,101</b>
Independent oversight and performance assurance.....	24,669				24,669
Civilian radioactive waste management					
Spent nuclear fuel management.....	21,190				21,190
Program direction.....	1,060				1,060
<b>Total, Civilian radioactive waste management</b>	<b>22,250</b>				<b>22,250</b>
Environment, safety & health					
Environment, safety and health (defense).....	99,105				99,105
Program direction.....	20,414				20,414
<b>Total Environment, safety and health.....</b>	<b>119,519</b>				<b>119,519</b>

Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
Office of Legacy Management					
Legacy management.....	19,194				19,194
Worker and community transition	2,500	(2,500)		(2,500)	13,201
Program direction.....	13,201				32,395
Total, Office of Legacy Management.....	34,895	(2,500)		(2,500)	
Nuclear energy					
Infrastructure					
Idaho facilities management					
INEEL infrastructure O&M.....	20,866	1,500	1,500		22,366
Idaho sitewide safeguards and security	58,103				58,103
Total, Infrastructure.....	78,969	1,500	1,500		80,469
Program direction.....	33,858				33,858
Total, Nuclear energy.....	112,847	1,500	1,500		114,347
Defense related administrative support.....	92,440				92,440
Office of hearings and appeals.....	4,318				4,318
Office of Future Liabilities					
Future Liabilities.....	5,000	(5,000)		(5,000)	
Subtotal, Other defense activities.....	681,639	(6,000)	1,500	(7,500)	675,639
Adjustments:					
Use of prior year balances.....	(15,000)				(15,000)
Less security charge for reimbursable work (SO).....	(2,021)				(2,021)
Less security charge for reimbursable work (NE)	(17,021)				(17,021)
Total Adjustments.....	664,618	(6,000)	1,500	(7,500)	658,618
Total, Other Defense Activities.....					
Defense Nuclear Waste Disposal					
Defense nuclear waste disposal.....	131,000				131,000

**Title XXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

Account	FY 2005 Request	Committee Change	Committee Increase	Committee Decrease	Committee Authorization
<b>Atomic Energy Defense Activities</b>					
National Nuclear Security Administration:					
Weapons activities.....	6,568,453	9,500	88,000	(78,500)	6,577,953
Defense nuclear nonproliferation.....	1,348,647	(10,500)		(10,500)	1,338,147
Naval reactors.....	797,900				797,900
Office of the administrator.....	333,700				333,700
Total, National Nuclear Security Administration.....	9,048,700	(1,000)	88,000	(89,000)	9,047,700
Environmental and other defense activities:					
Defense site acceleration completion.....	5,970,837	(94,000)	6,000	(100,000)	5,876,837
Defense environmental services.....	882,470	4,000	4,000		886,470
Other defense activities.....	664,618	(6,000)	1,500	(7,500)	658,618
Defense nuclear waste disposal.....	131,000				131,000
Total, Environmental & other defense activities.....	7,748,925	(96,000)	11,500	(107,500)	7,652,925
<b>Total, Atomic Energy Defense Activities.....</b>	<b>16,797,625</b>	<b>(97,000)</b>	<b>99,500</b>	<b>(196,500)</b>	<b>16,700,625</b>
Defense Nuclear Facilities Safety Board	20,268	1,000	1,000		21,268
Formerly Utilized Sites Remedial Action Program - Corps of Engineers	[140,000]				
<b>Total, Department of Energy (053)</b>	<b>16,817,893</b>	<b>(96,000)</b>	<b>100,500</b>	<b>(196,500)</b>	<b>16,721,893</b>

## ITEMS OF SPECIAL INTEREST

## NATIONAL NUCLEAR SECURITY ADMINISTRATION

## Overview

The budget request contained \$9,048.7 million for the National Nuclear Security Administration for fiscal year 2005. The committee recommends \$9,047.7 million, a decrease of \$1.0 million.

## Adjustments to the Budget Request

*Reductions**Directed stockpile work*

The budget request contained \$1,406.4 million for directed stockpile work.

The committee notes that the nuclear weapon stockpile requirements that guide the stockpile life extension programs are under review by the Department of Defense as part of a periodic assessment of the Nuclear Posture Review. The committee also notes that it is difficult for the committee to support increases in funding for individual warhead life extension programs until this assessment is completed and forwarded to the congressional defense committees.

The committee recommends \$1,367.4 million, a decrease of \$39.0 million.

*Campaigns*

The budget request contained \$301.0 million for the science campaign.

The committee notes with concern that the National Nuclear Security Administration (NNSA) reported mixed results in meeting the fiscal year 2003 science campaign performance targets contained in the NNSA Future-Year Nuclear Security Program.

The committee recommends \$281.5 million, a decrease of \$19.5 million. This funding level represents an increase of \$18.0 million over the fiscal year 2004 appropriation.

The budget request contained \$741.3 million for the Advanced Simulation and Computing (ASC) campaign. The committee notes that the ASC campaign has experienced cost growth and schedule slippage. The committee also notes that the campaign is apparently procuring a considerably larger set of computers than originally envisioned.

The committee recommends \$721.3 million, a decrease of \$20.0 million. This funding represents funding at the fiscal year 2004 level.

*International nuclear materials protection and cooperation*

The budget request contained \$43.0 million within the International Nuclear Materials Protection and Cooperation program for security enhancements at the MinAtom Weapons complex.

The committee understands that the National Nuclear Security Administration (NNSA) has had limited success in completing security upgrades at these sites due to MinAtom not granting access. While the committee supports the goals of this program, it does not

support authorizing funds for projects where NNSA does not have the access required to accomplish program objectives.

The committee recommends \$32.5 million, a decrease of \$10.5 million. The recommended funding is equivalent to the amount appropriated in fiscal year 2004. The committee directs the Administrator of the NNSA to submit a report with the fiscal year 2006 budget request on the status of NNSA access, as of the end of fiscal year 2004, to those MinAtom sites where Congress has authorized and appropriated funds for security upgrades.

#### *Increases*

##### *Engineering campaign*

The budget request contained \$48.7 million in the engineering campaign for construction of the Microsystems and Engineering Sciences Application (MESA) complex at Sandia National Laboratories (project 01-D-108).

The committee notes that when complete, MESA will be a significant facility for modernizing the electrical, optical, and mechanical components of the nuclear stockpile using computationally enabled micro-technologies. Accelerated construction of the MESA complex will ensure timely availability of critical tools for stockpile stewardship.

The committee recommends \$68.7 million, an increase of \$20.0 million for further acceleration of MESA construction. The NNSA Administrator is directed to submit a revised MESA construction baseline with the fiscal year 2006 budget request that reflects congressional funding increases through the end of fiscal year 2005.

##### *Readiness in technical base and facilities*

The budget request contained \$1,474.5 million for Readiness in Technical Base and Facilities.

The committee has been encouraged by the progress made in the reduction of deferred maintenance backlogs in the defense nuclear complex.

The committee recommends an increase of \$50.0 million for replacement of aging equipment, correction of deferred maintenance, and disposition of legacy materials consistent with the National Nuclear Security Administration approved 10 year comprehensive site plan as follows: \$5.0 million at the Kansas City Plant, \$8.0 million at Lawrence Livermore National Laboratory, \$19.0 million at Pantex and \$18.0 million at the Y-12 plant.

The committee is aware that accelerated construction and delivery of the Z Petawatt laser will add significant radiographic diagnostic capabilities to the stockpile stewardship campaign. The committee recommends an increase of \$13.0 million for the Z Petawatt laser.

The committee is aware that adding a second operations shift to the Z facility will meet the increased demand for experiments conducted on the Z machine. The committee recommends an increase of \$5.0 million to fund a second shift operation at the Z facility.

##### *Advanced Concepts and Robust Nuclear Earth Penetrator*

The committee supports the budget request of \$9.0 million for Advanced Concepts and \$27.6 million for completion of the 6.2/2A

Air Force-led study on the Robust Nuclear Earth Penetrator (RNEP). The committee strongly reaffirms the importance of these two initiatives and authorizes the full amount of the request.

The committee notes that the Administrator of the National Nuclear Security Administration (NNSA) has stated in testimony before the committee that the RNEP study was being conducted at the request of the Department of Defense. The committee also takes note that a recent Defense Science Board Task Force study on Future Strategic Strike Forces specifically recommended that research be initiated on nuclear weapons that produce much lower collateral damage than those weapons in the existing nuclear stockpile. The committee also reminds the NNSA that any efforts beyond a study could only be pursued if the President approves and funds are authorized and appropriated by Congress.

#### Advanced Technology Research and Development

The committee notes that the budget requests funds for advanced technology research and development in several activities within the National Nuclear Security Administration. The committee encourages the Administrator to review individual advanced technology research and development programs to ensure they are coordinated with, and do not duplicate, other similar research and development efforts.

#### Los Alamos Public Schools

The committee report on H.R. 1588 (H. Rept. 108–106) stated the concern that little progress has been made in developing an exit strategy for the Department of Energy to discontinue funding for the Los Alamos Public Schools system. The fiscal year 2005 budget request contained no funding for the Los Alamos Public Schools, ending a practice whereby for many years this school district was the only one receiving assistance from the Department.

The Department, in its February 2004 report, "Support for Public Education in the Vicinity of Los Alamos National Laboratory, New Mexico," concluded that the Los Alamos Public School District must receive stable financial support if the Los Alamos Public School District is to maintain the standard of educational excellence that the Los Alamos National Laboratory staff demands. According to the report, this support to the public schools is required in order for the laboratory to attract and retain the talented and highly educated individuals required to execute its national security mission. One option the report recommended for supplementing the resources of the Los Alamos Public Schools was to allow the management and operating contractor for Los Alamos National Laboratory to support the Los Alamos Public Schools within the confines of the existing operating contract.

The committee understands the need to attract and retain highly talented personnel for the national laboratory complex. Therefore, the committee directs the Department, from within those funds authorized for Department activities at Los Alamos National Laboratory, to provide \$8.0 million per year out of site contractor overhead, to support the Los Alamos Public School District.

### Mixed Oxide Fuel Fabrication Facility

The committee notes the National Nuclear Security Administration's (NNSA) recent announcement of a delay until the summer of 2005 for starting construction of the Mixed Oxide Fuel Fabrication Facility (MOX) in the Russian Federation due to delays in resolving a government-to-government liability agreement. Recent discussions with the NNSA indicate that the 2005 commencement date may also be in jeopardy. The committee notes that the projected start of construction has slipped four years since the project began in fiscal year 2000.

While the committee fully supports the MOX program objective of conversion of weapons grade plutonium into fuel for commercial reactors, it is concerned with these delays and does not want to further add to the existing uncommitted balances in the NNSA nonproliferation accounts. The committee directs the Administrator of the NNSA to notify the congressional defense committees within 30 days of any decision that construction of the MOX facility will not begin by the end of fiscal year 2005.

### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

#### Overview

The budget request contained \$7,748.9 million for environmental and other defense activities. The committee recommends \$7,652.9 million, a decrease of \$96.0 million.

#### Adjustments to the Budget Request

##### *Reductions*

##### *Waste incidental to reprocessing*

The budget request contained \$350.0 million for a High Level Waste Proposal program within the Defense Site Acceleration Completion account to address a contingency for "Waste Incidental to Reprocessing." The budget materials state that these funds will only be requested to the extent that legal uncertainty concerning certain reprocessing wastes is satisfactorily resolved through pending litigation or by new legislation. This uncertainty was raised by a 2003 federal district court ruling that the Department of Energy's reclassification of waste streams generated by reprocessing of spent nuclear fuel violated the Nuclear Waste Policy Act (*Natural Resources Defense Council v. Spencer Abraham*, District Court of Idaho, 2003).

The committee understands that this request concerns matters that are both pending the outcome of litigation and the subject of negotiations with individual states. The committee has not received formal transmittal of a legislative proposal. However, the committee notes that the Department is actively working with the states to achieve consensus on a legislative proposal that would clarify the law and allow cleanup activities to proceed. The committee also notes it does not appear that the federal court decision requires a cessation of all current waste cleanup activities and that the budget request contains \$3,368.0 million for Defense Site Acceleration Completion for sites in Idaho, South Carolina, and Washington.

The committee notes that some of the activities proposed to be funded in the High Level Waste Proposal may either be precluded by or imprudent to conduct under the federal district court ruling. The committee urges the Department to proceed with those clean-up activities that are not prevented by the federal district court ruling or are not otherwise deemed inappropriate due to the legal uncertainty resulting from the court ruling. The committee directs the Secretary of Energy to submit a report to the congressional defense committees by January 1, 2005 stating which of those activities listed under the High Level Waste Proposal can proceed consistent with the current legal determination and those that cannot, clearly stating the rationale for each such determination. The committee also urges the Department to submit a legislative proposal at the earliest opportunity to clarify the law on Waste Incidental to Reprocessing in order to facilitate long-term cleanup plans across all defense sites.

The committee recognizes the significant costs and schedule impacts for future defense site acceleration cleanup plans in the event the district court ruling stands and the Nuclear Waste Policy Act is not amended. The committee includes a legislative provision calling for a National Academy of Sciences study of the Department's plans to manage and treat prior to final disposal the high-level radioactive waste at the Savannah River Site, South Carolina, the Idaho National Engineering Laboratory, Idaho and the Hanford Reservation, Washington.

The committee recommends \$250.0 million, a decrease of \$100.0 million. Should funds in excess of the amount authorized be required for site cleanup activities under the High Level Waste Proposal in fiscal year 2005, the Department of Energy is directed to submit a request for reprogramming of funds to the congressional defense committees.

#### *Worker and community transition*

The budget request contained \$2.5 million for worker and community transition within the Office of Legacy Management.

The committee notes that the budget request states that the need for worker transition assistance has considerably diminished in recent years and that there is no estimated need for community transition assistance during fiscal year 2005.

The committee recommends no funds for worker and community transition and recommends the Department of Energy terminate the program.

#### *Office of future liabilities*

The budget contained \$5.0 million for the Office of Future Liabilities. The committee notes that the Office of Future Liabilities was just recently established by the Department of Energy to fund and manage environmental liabilities not assigned to the Office of Environmental Management or other organizations within the Department. The committee also notes that the Department had previously established a new Office of Legacy Management in 2003.

While the committee is encouraged that the Office of Environmental Management is taking a long term view of future management issues, it appears premature to establish an Office of Future

Liabilities when the current Defense Site Acceleration Completion activities are scheduled to continue through fiscal year 2035.

The committee recommends no funds for the Office of Future Liabilities and encourages the Department to perform those functions within the Office of Environmental Management or Office of Legacy Management.

*Increases*

*2035 defense site accelerated completions*

The budget request contains no funds for the Hazardous Materials Management and Emergency Response Training and Education (HAMMER) center.

The committee is aware that the HAMMER center provides valuable training for emergency response personnel. The committee is also aware that the Department of Energy is reviewing whether the HAMMER center should be operated by the Office of Environmental Management or by the Office of Energy Security and Assurance.

The committee recommends an increase of \$6.0 million for operation of the HAMMER center. The committee also urges the Secretary to make a determination as to what office within the Department should have long-term responsibility for operation of the HAMMER center.

*Non-closure environmental activities*

The budget request contained \$187.9 million for non-closure environmental activities.

The committee is aware of a need to fund newly generated waste requirements and ground water cleanup activities at Lawrence Livermore National Laboratory.

The committee recommends \$191.9 million, an increase of \$4.0 million for newly generated waste requirements and ground water cleanup activities at Lawrence Livermore National Laboratory (Project HQ-SW-0013Y).

*Idaho facilities management-other defense activities*

The budget request contained \$20.9 million for Idaho Facilities Management-Other Defense Activities.

The committee is aware that spent nuclear fuel, a portion of which is the responsibility of the Department of Energy through contracts by the Department and its predecessor federal agencies, is in long-term storage in aluminum canisters at the Lynchburg Technology Center operated by BWX Technologies in Lynchburg, Virginia. The committee also notes that both the Department and BWX Technologies have indicated that inspections, and possibly repackaging, of the stored spent nuclear fuel are required to ensure proper long-term storage.

The committee recommends \$22.4 million, an increase of \$1.5 million, for the Office of Nuclear Energy, Science and Technology to inspect and repackage, as appropriate, its spent nuclear fuel stored in outside storage wells at the Lynchburg Technology Center in Lynchburg, Virginia. After the spent nuclear fuel is inspected and appropriate repackaging is completed, it is to be replaced in refurbished storage wells. The specific spent nuclear fuel covered by

this requirement is that spent nuclear fuel described in the storage contract (DE-AC02-02NE23429) between the Department, as administered by the Office of Nuclear Energy, Science, and Technology, and BWX Technologies. The committee intends for this work to start in fiscal year 2005 and conclude no later than the end of fiscal year 2007.

#### Technology Deployment and Development

The committee notes that several high-level waste separation technologies under development could potentially reduce costs and shorten schedules for high-level waste remediation. The committee encourages the Department, within funds authorized under Defense Site Acceleration Completion for technology deployment and development, to fund technology demonstrations that provide alternative solutions for high-level waste separation.

#### Energy Employees Occupational Illness Compensation Program

The committee is concerned with the lack of progress the Department of Energy has made in processing the backlog of defense nuclear worker claims under Subtitle D of the Energy Employees Occupational Illness Compensation Act. The committee notes that recent Department statistics reflect that 2,257 cases have been completed out of the 23,996 applications received for health-related claims under the Act. However, the committee also notes that only a handful of workers determined to have valid health-related claims have actually received any compensation. The committee also understands that a recent GAO report notes that the lack of a “willing payer” of workers’ compensation benefits for some workers means that some workers with valid defense nuclear complex health claims may receive no compensation.

While the Department has made some progress in processing the claims, the committee notes that further improvements to processing are required to ensure that claims can be processed with proper physician advice in a manner that is both speedy and medically sound. The committee notes that the Department has requested increased funding and has requested legislative remedies that may improve the efficiency of the physician review panels.

The committee remains concerned that these and possibly other improvements are needed to achieve timely physician review panel determinations and urges the Department to work with the committee to identify any additional actions required to expedite processing and payment of claims. The committee also urges the Department to continue to work with federal agencies and other organizations to propose solutions for the “willing payer” problems.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

##### Section 3101—National Nuclear Security Administration

This section would authorize funds for the National Nuclear Security Administration for fiscal year 2005, including funds for weapons activities, defense nuclear nonproliferation programs, naval reactor programs, and the Office of the Administrator.

### Section 3102—Defense Environmental Management

This section would authorize funds for defense environmental management activities for fiscal year 2005, including funds for defense site acceleration completion and defense environmental services.

### Section 3103—Other Defense Activities

This section would authorize funds for other defense activities for fiscal year 2005.

### Section 3104—Defense Nuclear Waste Disposal

This section would authorize funds for defense nuclear waste disposal for fiscal year 2005.

## SUBTITLE B—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

### Section 3111—Extension of Authority for Appointment of Certain Scientific, Engineering and Technical Personnel

This section would amend section 4601 of the Atomic Energy Defense Act (50 USC 2701) to extend authority for appointment of certain scientific, engineering, and technical personnel.

### Section 3112—Requirements for Baseline of Projects under Facilities and Infrastructure Recapitalization Program

This section would amend section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to give the NNSA Administrator greater flexibility in adding projects or updating priorities to projects within the Facilities and Infrastructure Recapitalization Program.

## SUBTITLE C—OTHER MATTERS

### Section 3131—Transfers and reprogrammings of National Nuclear Security Administration funds

Title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (50 USC 2401), otherwise known as the “NNSA Act”) established the National Nuclear Security Administration (NNSA). In passing the Act, Congress created the NNSA as a semi-autonomous agency within the Department of Energy. The mission of the NNSA is to enhance national security through the military application of nuclear energy, reduce global danger from weapons of mass destruction, and promote international nuclear safety. The cornerstone of this Act is a significant level of autonomy for the NNSA.

Among the various functions assigned in the Act, the NNSA Administrator has authority over, and is responsible for, all programs and activities of the NNSA including budget formulation, guidance and execution, and other financial matters (50 USC 2402). The NNSA Act also provides for separate treatment of the NNSA budget request within the President’s budget request (50 USC 2451) and for the Administrator to establish procedures for planning, programming, budgeting, and financial activities (50 USC 2452).

The committee is concerned that execution of the NNSA budget process may not reflect the degree of autonomy intended in the NNSA Act. In order to carry out the above budget functions as intended by Congress, this provision directs the Administrator for Nuclear Security specifically to submit notifications and requests for reprogramming directly to the congressional defense committees, with the only role of the Department of Energy being for the Chief Financial Officer to certify whether funds covered by the notice or request are available. This provision is necessary to ensure responsive oversight and to safeguard the autonomy of the Administration.

The committee remains concerned that there may be additional areas of the budget process in which the autonomy intended by Congress is not being exercised. The committee encourages the Administrator to review the budget and programming process to ensure NNSA is in complete compliance with the letter and spirit of the NNSA Act.

Section 3132—National Academy of Sciences study on management by Department of Energy of high-level radioactive waste

This section would require the Secretary of Energy to enter into an agreement with the National Academy of Sciences to complete a study of the Department's "residual" waste streams management plans. These streams are from the Department's high-level waste tanks, which are not planned for disposal into a high-level waste repository.

This study should provide an explicit assessment of the waste streams that are planned for disposal in place in the tanks or that result from the processing of retrieved tank wastes at the Hanford Reservation in Washington, the Idaho National Engineering and Environmental Laboratory in Idaho, and the Savannah River Site in South Carolina. The examination should address the full range of "residual wastes" including, among others, the high-level waste tank remainders that the Department considers incidental to reprocessing, the streams from tank waste processing, such as saltstone at the Savannah River Site, and tank waste the Department plans to immobilize and ship for disposal to the Waste Isolation Pilot Plant.

The National Academy of Sciences should deliver an interim report on the waste planned for disposal in place in the tanks to the committee and the Secretary six months after entering into the agreement to undertake this study. A final report addressing the remainder of the task objectives should be issued twelve months after funding is received. Within funds allocated for defense environmental management the Department authorizes up to \$1,500,000 for the study.

Section 3133—Contract to Review Waste Isolation Pilot Plant, New Mexico

The current five-year Congressional authorization for Independent Waste Isolation Pilot Plant Oversight expires at the end of fiscal year 2004. This section would direct the Secretary of Energy to enter into a new contract for independent reviews of the de-

sign, construction and operations of the Waste Isolation Pilot Plant in New Mexico.

## TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### LEGISLATIVE PROVISIONS

#### Section 3201—Authorization

This section would authorize \$21.3 million for the Defense Nuclear Facilities Safety Board for fiscal year 2005, an increase of \$1.0 million to fund cost-of-living pay increases for permanent staff and to hire outside consultants as needed for technical oversight of new Department of Energy projects.

## TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

### LEGISLATIVE PROVISIONS

#### Section 3301—Authorized Uses of National Defense Stockpile Funds

This section would authorize \$59.7 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2005. The provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after Congress receives notification.

#### Section 3302—Revision of Limitations on Required Disposals of Certain Materials in National Defense Stockpile

This section would amend section 3306 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) by authorizing the Secretary of Defense to dispose of 100,000 short tons of high carbon manganese ferro of the highest grade during fiscal year 2005, rather than 50,000 short tons as currently authorized.

#### Section 3303—Authority to Dispose of Certain Materials in National Defense Stockpile

This section would amend section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) to authorize the Secretary of Defense to dispose of materials in the National Defense Stockpile so as to result in \$785.0 million in receipts by the end of fiscal year 2005, and \$870.0 million in receipts by the end of fiscal year 2009.

## TITLE XXXIV—NAVAL PETROLEUM RESERVES

### LEGISLATIVE PROVISION

#### Section 3401—Authorization of Appropriations

This section would authorize \$20.0 million for fiscal year 2005 for the operation and maintenance of the Naval Petroleum and Oil Shale Reserves.

## TITLE XXXV—MARITIME ADMINISTRATION

### LEGISLATIVE PROVISIONS

#### Section 3501—Authorization of Appropriations for Maritime Administration for Fiscal Year 2005

This section would authorize a total of \$149.1 million for fiscal year 2005, an increase of \$13.4 million above the budget request for the Maritime Administration. Of the funds authorized, \$109.3 million would be for operations and training programs, \$4.8 million would be for administrative expenses related to providing loan guarantees authorized by title XI of the Merchant Marine Act, 1936, as amended, (46 App. United States Code 1271 et seq.), and \$35 million would be for the disposal of obsolete ships in the National Defense Reserve Fleet. Within the funds provided for the disposal of obsolete vessels, the committee includes \$2 million to begin the decommissioning, removal, and disposal of the nuclear reactor and hazardous materials aboard the Nuclear Ship Savannah, which is located at the James River facility in Virginia.

#### Section 3502—Extension of Authority to Provide War Risk Insurance for Merchant Marine Vessels

This section would extend for five years the authority of the Secretary of Transportation to provide war risk insurance and reinsurance relating to merchant marine vessels. This section would also modify the existing provision to reflect the current Department of the Treasury practice of investing in public debt securities of the United States, with maturities and interest rates suitable to the needs of the fund.

## DEPARTMENTAL DATA

The Department of Defense requested legislation, in accordance with the program of the President, as illustrated by the correspondence set out below:

## DEPARTMENT OF DEFENSE AUTHORIZATION REQUEST

DEPARTMENT OF DEFENSE,  
OFFICE OF GENERAL COUNSEL,  
*Washington, DC, March 11, 2004.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: The Department of Defense requests that the Congress enact the enclosed National Defense Authorization Bill for Fiscal Year 2005.

The purpose of each proposal is stated in the accompanying section-by-section analysis.

In the coming weeks, the Department will propose a few additional legislative initiatives for inclusion in the same Bill.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presenting of these legislative proposals for your consideration and the consideration of the Congress.

Sincerely,

WILLIAM J. HAYNES II,  
*General Counsel.*

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 COMMITTEE POSITION

On May 12, 2004 the Committee on Armed Services, a quorum being present, approved H.R. 4200, as amended, by a vote of 60-0.

## COMMUNICATIONS FROM OTHER COMMITTEES

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EDUCATION AND THE WORKFORCE,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,*  
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN HUNTER: Thank you for working with me in your development of H.R. 4200, the "National Defense Authorization Act for Fiscal Year 2005," specifically:

(1) Section 590. Continuation of impact aid assistance on behalf of dependents of certain members despite change in state of member.

(2) Section 595. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

(3) Section 596. Senior Reserve Officer Training Corps and recruiter access at institutions of higher education.

(4) Section 904. Modification of obligated service requirements under National Security Education Program.

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 4200, the Committee does hold an

interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 4200 and look forward to working with you on these issues in the future.

Sincerely,

JOHN BOEHNER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. JOHN BOEHNER,  
*Chairman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Education and the Workforce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Education and the Workforce is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN HUNTER: On May 12, 2004, the Committee on Armed Services ordered reported H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. As ordered reported by the Committee on Armed Services, this legislation contains a number of provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

These provisions include the following:

Section 596. Reserve Senior Officer Training Corps and recruiter access at institutions of higher education.

Section 601. Increase in basic pay for fiscal year 2005.

Section 3111. Extension of authority for appointment of certain scientific, engineering, and technical personnel.

Section 3112. Requirements for baseline of projects under Facilities and Infrastructure Recapitalization Program.

Section 3131. Transfers and reprogrammings of National Nuclear Security Administration funds.

Section 3132. National Academy of Sciences study on management by Department of Energy of high-level radioactive waste.

Section 3133. Contract to review Waste Isolation Pilot Plant, New Mexico.

Section 3201. Defense Nuclear Facilities Safety Board authorization.

Recognizing your interest in bringing this legislation before the House expeditiously, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee on Energy and Commerce does not waive its jurisdiction over these provisions or any other provisions of the bill that may fall within its jurisdiction. In addition, the Committee on Energy and Commerce reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference, and asks for your support in being accorded such conferees.

I request that you include this letter as part of the report on H.R. 4200 and as part of the Congressional Record during consideration of this bill by the House.

Sincerely,

JOE BARTON, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. JOE BARTON,  
*Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN: On May 12, 2004, the Committee on Armed Services ordered reported H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. As you know, the H.R. 4200, as

reported, contains a number of provisions within the jurisdiction of the Committee on Government Reform under Rule X of the Rules of the House of Representatives. These provisions implicate the committee's jurisdiction on a number of subject including: the disposition of Federal property, the Freedom of Information Act, the Federal civil service, and procurement.

Because of your willingness to consult with this Committee, and because of your desire to move this legislation expeditiously, I will waive consideration of the bill by the Committee on Government Reform. By agreeing to waive its consideration of the bill, the Committee does not waive its jurisdiction over H.R. 4200. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request for conferees by the Committee on H.R. 4200 or similar legislation.

I request that you include this letter and your response in the Committee Report and in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. TOM DAVIS,  
*Chairman, Committee on Government Reform,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Government Reform has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Government Reform is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC, May 11, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I write with respect to the export control provisions of this year's proposed National Defense Authorization Act (NDAA), H.R. 4200, which your Committee is preparing to mark up and report in the near future. I request that you include

in H.R. 4200 those provisions in Title XIV, Subtitle A, relating to export controls. These provisions would strengthen military export controls in areas in which the Department of Defense plays a major role, often alongside U.S. private firms regulated under section 38 of the Arms Export Control Act. Other provisions would reinforce the role and responsibility of Congress to provide appropriate oversight in these areas.

These provisions complement and reinforce the policy that the Committee on International Relations has long followed in these areas and are fully consistent with provisions in H.R. 1950 (the State Department Authorization Act), which the House passed last year during the first session of the 108th Congress. In particular, I am very sympathetic to purposes which the NDAA export control provisions would advance concerning: (1) the need to strengthen (not relax) military export controls in the context of the global war on terror, and (2) to set high (not reduced) standards internationally for other governments to follow multilaterally, as well as in the administration of their national systems, regarding the control of weapons technology and military systems and equipment. Similarly, at a time when our European allies are seeking increasingly greater access to the United States defense procurement market and to our weapons technology in order to help meet their defense commitments to NATO, while simultaneously pursuing a process to expand weapons technology transfers to the People's Republic of China, it behooves our Government to ensure that fundamental principles of U.S. law and policy are upheld. This includes, above all, the right of the United States to consent to the re-export or re-transfer of U.S. weapons technology by a foreign government or person to any third party or person, including the government of another country, before such a re-export or retransfer may take place.

For the foregoing reasons, I strongly support adoption by your Committee of these provisions in the proposed NDAA.

With best wishes, I am  
Sincerely,

HENRY J. HYDE, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I understand that on Wednesday, May 12, 2004, the Committee on Armed Services ordered favorably reported H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. The bill includes a number of provisions that fall within the legislative jurisdiction of the Committee on International Relations pursuant to Rule X(k) of the House of Representatives.

With respect to Section 1202, Assistance to Military or Security Forces of Iraq and Afghanistan, I will request from the Speaker a referral of H.R. 4200, should this provision not be removed from the bill before it is filed.

Additional provisions within our Committee's jurisdiction are: (1) Section 811, Defense Trade Reciprocity; (2) Section 1013, Authority to Transfer Specified Former Naval Vessels to Certain Foreign Countries; (3) Section 1027, Encouragement of Agreements with Foreign Countries; (4) Section 1031, Continuation of Authority to Use Department of Defense Funds for Unified Counter-Drug and Counter-Terrorism Campaign in Colombia; (5) Section 1204, Status of Iraqi Security Forces; (6) Section 1211, Assignment of Allied Naval Personnel to Submarine Safety Programs; (7) Section 1212, Expansion of Entities of the People's Republic of China Subject to Certain Presidential Authorities When Operating in the United States; (8) Section 1213, Report by the President on Global Peace Operations Initiative; (9) Section 1214, Procurement Sanctions Against Foreign Persons that Transfer Certain Defense Articles and Services to the People's Republic of China; (10) Title XIII, Cooperative Threat Reduction with the States of the Former Soviet Union; and (11) Title XIV, Export Controls and Counter-Proliferation Matters.

Pursuant to Chairman Dreier's announcement that the Committee on Rules will move expeditiously to consider a rule for H.R. 4200 and your desire to have the bill considered on the House floor next week, the Committee on International Relations will not seek a sequential referral of the bill as a result of including these provisions, without waiving or ceding now or in the future this Committee's jurisdiction over the provisions in question. I will seek to have conferees appointed for these provisions during any House-Senate conference committee.

In that regard, I am particularly concerned about certain provisions in Title XIV, Subtitle B and C, regarding counter-proliferation matters and initiatives related to the former Soviet Union. I look forward to working with you regarding my concerns about these provisions as H.R. 4200 moves forward in the legislative process.

I would appreciate your including this letter as a part of the report on H.R. 4200 and as part of the record during consideration of the bill by the House of Representatives.

With best wishes,  
Sincerely,

HENRY J. HYDE, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC, May 13, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN HUNTER: In recognition of the desire to expedite floor consideration of H.R. 4200, the Department of Defense authorization bill, the Committee on the Judiciary hereby waives consideration of the bill. This waiver is made with the understanding that proposed sections that have been reviewed by the Committee on the Judiciary relating to the bankruptcy treatment of certain military bonuses and pay incentives, compensating employees who were exposed to radiation in certain government programs, and the

title to sunken military ships (to the extent such provision contained matter within the jurisdiction of the Committee on the Judiciary) will not be included in the bill. These sections contain matters within the Committee on the Judiciary's Rule X jurisdiction.

I further understand that proposed sections that have been reviewed by the Committee on the Judiciary relating to the misuse of civilian medals, Federal Tort Claims Act coverage for volunteers performing volunteer duties at sea and for committee members of the Employee Support for the Guard and Reserve, waivers of DOJ prison reviews for several land conveyances, state tax preemption for the Non-Appropriated Fund Health Benefits Programs, trademark licensing of military slogans and the like, military legal assistance, a public-private employee exchange program, and allowing assignment of contract claims to sureties will be included in the bill. If these sections are added to the bill, I will not seek a sequential referral based on inclusion.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your Committee's report on H.R. 4200 and the Congressional Record during consideration of the legislation on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,  
*Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. F. JAMES SENSENBRENNER, Jr.,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
 Washington, DC, May 14, 2004.

Hon. DUNCAN HUNTER,  
 Chairman, Committee on Armed Services,  
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

Our Committee recognizes the importance of H.R. 4200 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over a number of provisions of the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, that every effort will be made to include any agreements worked out by staff of our two Committees in amendments as the bill is taken to the House Floor, and that a copy of this letter and of your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON ARMED SERVICES,  
 Washington, DC, May 14, 2004.

Hon. DON YOUNG,  
 Chairman, Committee on Transportation and Infrastructure,  
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON VETERANS' AFFAIRS,  
*Washington, DC, May 11, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I wish to inform the Committee on Armed Services that the Committee on Veterans' Affairs hereby waives any jurisdiction it has over the provisions of section 2831 of H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, regarding "Transfer of Administrative Jurisdiction, Defense Supply Center, Columbus, Ohio." Our Committee does not desire referral of these provisions, a copy of which is enclosed.

Sincerely,

CHRISTOPHER H. SMITH, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. CHRISTOPHER H. SMITH,  
*Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Veterans' Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Veterans' Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE ON INTELLIGENCE,  
*Washington, DC, May XX, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to consideration of H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. Certain provisions of this important legislation are within the jurisdiction of the House Permanent Select Committee on Intelligence (HPSCI). I support the legislation and share your desire to have it considered expeditiously by the House; hence, I do not intend to seek referral of this legislation to the HPSCI.

However, I do so only with the understanding that this procedural route should not be construed to prejudice this Committee's

valid jurisdictional interests and prerogatives on these provisions or any other similar legislation. Likewise, this should not be considered as precedent for consideration of matters of jurisdictional interest to the HPSCI in the future. Furthermore, should these provisions or similar provisions be included in any Senate amendments and considered in a conference with the Senate, I would request that the Speaker appoint Members of the HPSCI as conferees on those provisions. Finally, I would ask that you include a copy of our exchange of letters on this matter in your report to accompany the bill. I thank you for your consideration.

Sincerely,

PORTER GOSS, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. PORTER GOSS,  
*Chairman, Permanent Select Committee on Intelligence,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Permanent Select Committee on Intelligence has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Permanent Select Committee on Intelligence is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC, May 11, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: It has come to my attention that a new section has been added to the Defense Authorization Act for Fiscal Year 2005, incorporating the text of H.R. 3966, the "ROTC and Military Recruiter Equal Access to Campus Act of 2004." As noted in my previous letter dated, March 19, 2004, provisions of H.R. 3966 directly impact the programs and operations of the Department of Homeland Security by limiting its ability to distribute funds to institutions of higher education by grant or contract. Although I believe that these provisions fall within the jurisdiction of the Select Committee under H. Res. 5, I will not seek a sequential referral given the importance of expediting passage of this bill, which I co-sponsored and strongly support.

The Select Committee on Homeland Security takes this action with the understanding that its jurisdiction over the provision as

included in the Defense Authorization Act for Fiscal Year 2005 is in no way diminished or altered. I would appreciate your including this letter in the Committee Report on the bill. Thank you for your consideration.

Sincerely,

CHRISTOPHER COX, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. CHRISTOPHER COX,  
*Chairman, Select Committee on Homeland Security,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Select Committee on Homeland Security has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Select Committee on Homeland Security is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

## FISCAL DATA

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 2005 and each of the following five fiscal years. The results of such efforts are reflected in the committee cost estimate, which is included in this report pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives.

### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Under clause 3(c)(3) of rule XIII of the House of Representatives and 402 of the Congressional Budget Act of 1974, the committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

### COMMITTEE COST ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the committee of the costs which would be incurred in carrying out this bill.

H.R. 4200 would authorize appropriations of \$418.5 billion for fiscal year 2005 for the activities of the Department of Defense (DOD) and the national security programs of the Department of Energy (DOE). The budget authority implication of the authorization of appropriations in H.R. 4200 is \$422.1 billion. It would also

authorize an additional \$25 billion emergency appropriation for fiscal year 2005 to support Operations Iraqi Freedom and Enduring Freedom.

The committee estimates that enacting H.R. 4200 would not increase mandatory budget authority for fiscal year 2004 or the following five years. In terms of discretionary and mandatory budget authority, H.R. 4200 is within the allocation provided by H. Con. Res. 393, as passed by the House on March 25, 2004, which establishes the Congressional budget for the United States Government for fiscal year 2005 and sets forth appropriate budgetary levels for fiscal years 2004 and 2005 through 2009.

The committee has been in close and constant consultation with the Congressional Budget Office and has provided copies of H.R. 4200 as ordered reported on May 12, 2004, to develop an estimate and comparison as required under section 402 of the Congressional Budget Act of 1974. The committee expects to receive this letter prior to the consideration of H.R. 4200 by the House of Representatives.

#### OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X and are reflected in the body of this report.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The bill does, however, authorize appropriations. Other fiscal features of this legislation are addressed in the estimate prepared by the committee under clause 3(d)(2) of rule XIII of the Rules of the House of Representatives.

#### GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, this legislation would address several general and outcome-related performance goals and objectives. The general goal and objective of this legislation is to improve the quality of life for military personnel and their families, military readiness, the modernization and eventual transformation of the armed forces, to enhance the development of ballistic missile defenses, and to improve the condition of military housing and facilities.

With respect to the outcome-related goal of improving the quality of life for military personnel and their families, the objective of this legislation is to:

- (1) Add 10,000 Army personnel and 3,000 Marine Corps personnel each year in fiscal years 2005, 2006, and 2007, enabling the military services to begin meeting long-standing manpower shortages, as well as new manning requirements;
- (2) Provide every military service member an across-the-board pay raise of 3.5 percent effective January 1, 2005; and

(3) Eliminate out-of-pocket housing costs for military personnel.

With respect to the outcome-related goal of improving force protection for our troops, the objective of this legislation is to:

(1) Provide over \$2.0 billion for force protection initiatives, including armor for vehicles, new munitions and surveillance programs; and

(2) Establish a streamlined acquisition process in order to respond in a timely manner to urgent requests for combat equipment by commanders in the battlefield.

With respect to the outcome-related goal of successfully prosecuting continuing operations in Iraq and Afghanistan, the objective of this legislation is to:

(1) Provide an additional \$25.0 billion in emergency contingency operations supplemental funding to be appropriated for fiscal year 2005 to support the war on terrorism's operational costs, personnel expenses and the procurement of new equipment; and

(2) Support the Army's efforts to transform the structure of its divisions into smaller organizations and create additional combat relevant units. This reorganization known as "modularity" will contribute to the reduction of stress on our troops due to the high operational tempo of operations in Southwest Asia.

With respect to the outcome-related goal of improving military housing and facilities, the objective of this legislation is to:

(1) Provide \$9.9 billion for military construction and military family housing programs; and

(2) Eliminate the statutory ceiling for the military housing privatization program, allowing the Department of Defense to leverage private sector investments and business interests to build and revitalize family housing at domestic military bases.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XIII, clause 3(d)(1) of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, Section 8 of the United States Constitution.

#### STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104-4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no federal intergovernmental mandates.

#### RECORD VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, record and voice votes were taken with respect to the committee's consideration of H.R. 4200. The record of these votes is attached to this report.

The committee ordered H.R. 4200 reported to the House with a favorable recommendation by a vote of 60-0, a quorum being present.

**COMMITTEE ON ARMED SERVICES  
108TH CONGRESS  
ROLL CALL**

Motion to Close

Date: 05/12/04

Voice Vote      Ayes      Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter	X			Mr. Skelton	X		
Mr. Weldon	X			Mr. Spratt	X		
Mr. Hefley	X			Mr. Ortiz	X		
Mr. Saxton	X			Mr. Evans	X		
Mr. McHugh	X			Mr. Taylor	X		
Mr. Everett	X			Mr. Abercrombie	X		
Mr. Bartlett	X			Mr. Meehan			
Mr. McKeon				Mr. Reyes			
Mr. Thornberry	X			Mr. Snyder	X		
Mr. Hostettler	X			Mr. Turner (TX)			
Mr. Jones	X			Mr. Smith	X		
Mr. Ryun (KS)	X			Ms. Sanchez	X		
Mr. Gibbons	X			Mr. McIntyre	X		
Mr. Hayes	X			Mr. Rodriguez	X		
Mrs. Wilson (NM)	X			Ms. Tauscher	X		
Mr. Calvert	X			Mr. Brady	X		
Mr. Simmons	X			Mr. Hill	X		
Mrs. Davis (VA)	X			Mr. Larson (CT)	X		
Mr. Schrock	X			Ms. Davis (CA)	X		
Mr. Akin	X			Mr. Langevin	X		
Mr. Forbes	X			Mr. Israel	X		
Mr. Miller (FL)	X			Mr. Larsen (WA)	X		
Mr. Wilson (SC)	X			Mr. Cooper	X		
Mr. LoBiondo	X			Mr. Marshall	X		
Mr. Cole	X			Mr. Meek	X		
Mr. Bradley	X			Ms. Bordallo	X		
Mr. Bishop	X			Mr. Alexander	X		
Mr. Turner (OH)	X			Mr. Ryan (OH)	X		
Mr. Kline	X						
Mrs. Miller (MI)							
Mr. Gingrey	X						
Mr. Rodgers	X						
Mr. Franks	X						

Roll Call Vote Total:

56 Aye    0 Nay    Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

Amendment Number: 83

Date: 05/12/04

Description: Hefley substitute  
to Langevin

Offered by: Hefley

Voice Vote         Ayes         Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter	X			Mr. Skelton		X	
Mr. Weldon	X			Mr. Spratt		X	
Mr. Hefley	X			Mr. Ortiz		X	
Mr. Saxton	X			Mr. Evans		X	
Mr. McHugh		X		Mr. Taylor		X	
Mr. Everett	X			Mr. Abercrombie		X	
Mr. Bartlett	X			Mr. Meehan		X	
Mr. McKeon	X			Mr. Reyes			
Mr. Thornberry	X			Mr. Snyder		X	
Mr. Hostettler	X			Mr. Turner (TX)		X	
Mr. Jones	X			Mr. Smith		X	
Mr. Ryun (KS)	X			Ms. Sanchez		X	
Mr. Gibbons	X			Mr. McIntyre		X	
Mr. Hayes	X			Mr. Rodriguez		X	
Mrs. Wilson (NM)	X			Ms. Tauscher		X	
Mr. Calvert	X			Mr. Brady		X	
Mr. Simmons		X		Mr. Hill		X	
Mrs. Davis (VA)	X			Mr. Larson (CT)		X	
Mr. Schrock	X			Ms. Davis (CA)		X	
Mr. Akin	X			Mr. Langevin		X	
Mr. Forbes	X			Mr. Israel		X	
Mr. Miller (FL)	X			Mr. Larsen (WA)		X	
Mr. Wilson (SC)	X			Mr. Cooper		X	
Mr. LoBiondo		X		Mr. Marshall		X	
Mr. Cole		X		Mr. Meek		X	
Mr. Bradley	X			Ms. Bordallo		X	
Mr. Bishop	X			Mr. Alexander			
Mr. Turner (OH)	X			Mr. Ryan (OH)		X	
Mr. Kline	X						
Mrs. Miller (MI)	X						
Mr. Gingrey	X						
Mr. Rodgers							
Mr. Franks	X						

Roll Call Vote Total:

     28 Aye         30 Nay         Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

Amendment Number: 36

Date: 05/12/04

Description: Transfer BMD funds  
to Patriot Missile

Offered by: Spratt

Voice Vote           Ayes           Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weldon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz	X		
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor			
Mr. Everett		X		Mr. Abercrombie	X		
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes			
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler		X		Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryan (KS)		X		Ms. Sanchez	X		
Mr. Gibbons				Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)		X		Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady	X		
Mr. Simmons		X		Mr. Hill	X		
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall	X		
Mr. Cole		X		Mr. Meek	X		
Mr. Bradley		X		Ms. Bordallo	X		
Mr. Bishop		X		Mr. Alexander	X		
Mr. Turner (OH)		X		Mr. Ryan (OH)	X		
Mr. Kline		X					
Mrs. Miller (MI)							
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

Roll Call Vote Total:

26 Aye    31 Nay      Present



**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

Amendment Number: 34

Date: 05/12/04

Description: Report on Near Field  
Infrared Experiment

Offered by: Sanchez

Voice Vote      Ayes      Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weldon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz	X		
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor	X		
Mr. Everett		X		Mr. Abercrombie	X		
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes			
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler		X		Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryun (KS)		X		Ms. Sanchez	X		
Mr. Gibbons		X		Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)		X		Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady	X		
Mr. Simmons		X		Mr. Hill	X		
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall		X	
Mr. Cole		X		Mr. Meek	X		
Mr. Bradley		X		Ms. Bordallo	X		
Mr. Bishop		X		Mr. Alexander	X		
Mr. Turner (OH)		X		Mr. Ryan (OH)	X		
Mr. Kline		X					
Mrs. Miller (MI)		X					
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

Roll Call Vote Total:

26 Aye 34 Nay Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Amendment Number: 41**                      **Date: 05/12/04**  
**Description: \$67 billion in**                      **Offered by: Cooper**  
**supplemental appropriations**

Voice Vote         **Ayes**         **Nays**

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weldon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz	X		
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor	X		
Mr. Everett		X		Mr. Abercrombie		X	
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes			
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler				Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryun (KS)		X		Ms. Sanchez	X		
Mr. Gibbons		X		Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)		X		Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady	X		
Mr. Simmons		X		Mr. Hill		X	
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall	X		
Mr. Cole		X		Mr. Meek	X		
Mr. Bradley		X		Ms. Boddallo	X		
Mr. Bishop		X		Mr. Alexander		X	
Mr. Turner (OH)		X		Mr. Ryan (OH)	X		
Mr. Kline		X					
Mrs. Miller (MI)		X					
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

**Roll Call Vote Total:**

     **24 Aye**         **35 Nay**                           **Present**

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Amendment Number: 44**                      **Date: 05/12/04**  
**Description: Revision of military**                      **Offered by: Sanchez**  
**sex offense laws**

Voice Vote         **Ayes**         **Nays**

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weldon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz	X		
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor	X		
Mr. Everett		X		Mr. Abercrombie	X		
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes			
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler		X		Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryun (KS)		X		Ms. Sanchez	X		
Mr. Gibbons		X		Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)		X		Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady	X		
Mr. Simmons		X		Mr. Hill	X		
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall	X		
Mr. Cole		X		Mr. Meek	X		
Mr. Bradley		X		Ms. Boddallo	X		
Mr. Bishop		X		Mr. Alexander	X		
Mr. Turner (OH)		X		Mr. Ryan (OH)	X		
Mr. Kline		X					
Mrs. Miller (MI)		X					
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

**Roll Call Vote Total:**

     **27 Aye**        **33 Nay**           **Present**

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Final Passage of H.R. 4200**  
**as Amended**

**Date: 05/12/04**

Voice Vote         Ayes         Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter	X			Mr. Skelton			
Mr. Weldon	X			Mr. Spratt	X		
Mr. Hefley	X			Mr. Ortiz	X		
Mr. Saxton	X			Mr. Evans	X		
Mr. McHugh	X			Mr. Taylor	X		
Mr. Everett	X			Mr. Abercrombie	X		
Mr. Bartlett	X			Mr. Meehan	X		
Mr. McKeon	X			Mr. Reyes	X		
Mr. Thornberry	X			Mr. Snyder	X		
Mr. Hostettler	X			Mr. Turner (TX)	X		
Mr. Jones	X			Mr. Smith	X		
Mr. Ryun (KS)	X			Ms. Sanchez	X		
Mr. Gibbons	X			Mr. McIntyre	X		
Mr. Hayes	X			Mr. Rodriguez	X		
Mrs. Wilson (NM)	X			Ms. Tauscher	X		
Mr. Calvert	X			Mr. Brady	X		
Mr. Simmons	X			Mr. Hill	X		
Mrs. Davis (VA)	X			Mr. Larson (CT)	X		
Mr. Schrock	X			Ms. Davis (CA)	X		
Mr. Akin	X			Mr. Langevin	X		
Mr. Forbes	X			Mr. Israel	X		
Mr. Miller (FL)	X			Mr. Larsen (WA)	X		
Mr. Wilson (SC)	X			Mr. Cooper	X		
Mr. LoBiondo	X			Mr. Marshall	X		
Mr. Cole	X			Mr. Meek	X		
Mr. Bradley	X			Ms. Bordallo	X		
Mr. Bishop	X			Mr. Alexander	X		
Mr. Turner (OH)	X			Mr. Ryan (OH)	X		
Mr. Kline	X						
Mrs. Miller (MI)	X						
Mr. Gingrey	X						
Mr. Rodgers	X						
Mr. Franks	X						

**Roll Call Vote Total:**

**60 Aye    0 Nay    Present**

CHANGES IN EXISTING LAW MADE BY THE BILL, AS  
REPORTED

The committee intends to take steps to make available the analysis of changes in existing law made by the bill, as required by clause 3(e) of rule XIII of the Rules of the House of Representatives.

## ADDITIONAL VIEWS OF IKE SKELTON

The 2005 defense authorization is a good bill that makes advances on a variety of issues. I am pleased that the committee worked largely in accordance with its nonpartisan traditions, and that important initiatives from each side were considered seriously and often adopted. A few of the bill's provisions are worthy of special mention.

When the surviving spouse of a military retiree, usually a widow, becomes eligible for Social Security at the age of 62, her spousal survivor benefits drop from 55 percent of her spouse's retired pay to 35 percent. Democrats have consistently called for legislation to eliminate this "Widow's Tax" in the Survivors Benefit Program (SBP), and urged the committee to address this issue. I therefore applaud the inclusion of legislation in this bill to eliminate the SBP offset over a five-year period, beginning on October 1, 2005. I will continue to work to ensure that this legislative victory is preserved in conference with the Senate.

I remain concerned by events in Iraq. June 30 is quickly approaching, and much remains unsettled about the transition of sovereignty to the Iraqis and the role of U.S. Armed Forces after the transition. The recent revelations of prisoner abuse at Abu Ghraib compound these difficulties, and point to a clear need for better congressional oversight over both the goals and conduct of U.S.-Iraqi policies.

Several amendments to strengthen congressional oversight were adopted, including two that I offered. One is a progress report on Iraqi Security Forces, and the other is to require the Department of Defense to respond more expeditiously to congressional requests. Rep. Abercrombie successfully offered an amendment to better account for and manage civilian contractors in Iraq. The unsettling news of the alleged involvement of contractors in the prison abuses and the grisly beheading of an American businessman highlight the need for a better awareness of the number and role of contractors in Iraq. We need to ensure that their roles are appropriate and that their safety can be reasonably secured.

Despite the adoption of these and other related amendments, I am not satisfied that Congress has the access to information to conduct proper oversight, nor am I confident that the civilian and military leadership at the Pentagon has access to all the information they need to make critical policy decisions. Rep. Meek introduced and withdrew an amendment regarding how critical information is relayed in the military chain of command. I look forward to working with him and others during consideration of the bill on the floor to ensure that both the Legislative and Executive branches of our government are fully informed of important events in Iraq and can provide more vigorous oversight and leadership.

While Democrats also support the inclusion of a \$25 billion authorization of an emergency supplemental for ongoing military operations in Iraq and Afghanistan, I am disappointed that the committee did not accept an amendment offered by Reps. Jim Cooper and Tim Ryan to authorize \$67 billion. The Cooper-Ryan Amendment represents a more realistic, good-faith estimate of the likely cost, and would better ensure that Iraq and Afghanistan operations are not “cash-flowed” from regular Department of Defense appropriations. “Cash-flowing” involves using regular operations and maintenance and military personnel appropriations for contingency operations, and this practice invariably leads to disruptions in readiness levels, training, base operations, equipment maintenance, and other important peace-time military activities. The \$25 billion supplemental will serve as a useful “bridge” to a future supplemental, but the Cooper-Ryan amendment was a more responsible approach both militarily and fiscally.

A positive aspect of the \$25 billion supplemental was that it also included much needed end-strength increases for the Army and Marine Corps. The stress on our ground forces has been tremendous. I know of soldiers who have returned home from one year of operations in Afghanistan, only to be told three months later that they will be deployed to Iraq for a year. The supplemental authorizes the end-strength increases (10,000 annually for three years) that the Secretary of Defense indicated was needed by the Army to conduct their transformational activities while still meeting their operational requirements. It also provides a necessary increase for the Marine Corps (3,000 annually for three years) to meet their mission requirements.

Finally, this Committee in 1989 laid the foundation for joint officer development and joint professional military education as it exists today. Recent combat experience demonstrates that the services have generally achieved a remarkable integration in executing joint operations. However, as the nature of warfare evolves, future operations will become more complex and joint at lower levels than before, and the framework for developing persons skilled in joint matters must also evolve. Our committee is again improving military education by raising joint military education requirements with a corresponding increase in joint military education opportunities. This is the first step in developing joint officers ready to face the challenge of 21st century warfare.

America is a nation at war. The fiscal 2005 defense authorization recognizes that exigency and provides those who protect America the tools they need to do the job. I look forward to improving the bill even further as the legislative process proceeds.

IKE SKELTON.

#### ADDITIONAL VIEWS OF SOLOMON P. ORTIZ

The United States must take care to use a policy of impartial diplomacy in our future relations with both the Republic of China (Taiwan) and the People's Republic of China, at all levels of our diplomatic relationship. The Pacific Rim is an area of enormous economic trade with the United States. The One-China policy is a fundamental fixture of our international policy, and we must reinforce that at all levels of our government.

As a Member of Congress who has traveled extensively in that area on military and trade missions, I have come to love the people of both China and Taiwan. They are so similar, yet so unique. People of both nations are peace-loving, yet anxious about their national character.

Taiwan is currently finding their way through the emotional aftermath of a divisive 2004 presidential election, which has only worked to further strain their relationship with the People's Republic of China. This is a difficult moment for the U.S. as tensions simmer between our friends on the Pacific Rim. The United States has much at stake when it comes to a peaceful relationship between Taiwan and the People's Republic of China.

As one of the few Americans who has traveled to North Korea and talked to officials there, I want to note that we have multiple, dangerous, strategic military concerns in this region. We must focus our attention on diplomacy and the One-China policy. We must not step off that path. China helped to set up our meeting with North Korea, and continue to be an important intermediary between North Korea and us.

The United States, as a country, has long recognized the One-China policy. It is our long-term guiding principle, and we must tread carefully along the path of diplomacy as Taiwan and China confront and deal with their differences.

We must not implement policy that will fuel the fires of dissention that simmer between these two nations. Our obligation to the American people, and to peace in that region of the world, is to aid in the process of finding diplomatic solutions for our strategic interests through the One-China policy.

We continue to hope China and Taiwan will be able to get together to work out the differences between them. The U.S. needs to give them the time and space to do that. The world has a great stake in their coming together.

SOLOMON P. ORTIZ.

#### ADDITIONAL VIEWS OF STEVE ISRAEL

The FY 2005 defense authorization is important because it recognizes that the greatest investment we can make is in our troops, by developing the sometimes intangible qualities of leadership, education, judgment, initiative and historic knowledge. I am pleased that the authorization bill understands the centrality of foreign language and cultural expertise to the success of military operations in Operation Iraqi Freedom and Operation Enduring Freedom, as well as the Global War on Terrorism.

I commend the Committee and the Department of Defense for including legislative language in the bill that establishes a Defense Language Office within the Office of the Under Secretary of Defense for Personnel and Readiness to ensure a strategic focus on meeting present and future requirements for language and regional expertise. Other language directing the Secretary of Defense to conduct a study on how the military educates and trains our soldiers in language and culture will prove invaluable. The technological revolution that has made possible our recent successes must be accompanied by a similar progression in the way we wage war.

We must continue to build on the accomplishments of Representative Skelton and others on this committee who were instrumental in raising the standard of joint officer development and education that has been so critical to the success of our military. Faced with new challenges, we must recommit ourselves to creating the educational and training framework that will give our military the language and cultural expertise they need to succeed.

I also want to recognize the contribution of Major General Robert Scales. As a leading voice for re-shaping our military to deal with the challenges of the 21st Century, his testimony before the full committee was helpful in focusing the Committee's attention on this issue. With more than 30 years of experience in the military and former commandant of the Army War College, he would be a valuable resource for the Department of Defense when it begins its assessment of military education and training.

I look forward to working with my colleagues and the defense community to ensure that our men and women in uniform have the skill necessary to navigate the cultural and geopolitical complexities to conflict in the 21st century.

STEVE ISRAEL.

## ADDITIONAL VIEWS OF KENDRICK B. MEEK

There are many things about which to be proud in the 2005 defense authorization bill. I am very pleased that this bill will provide additional funds over the original Pentagon request to provide for the current necessities of our fighting men and women in Iraq and Afghanistan. From equipping our troops with signal-jamming equipment to replacement of damaged air and ground vehicles to the over \$700 million in added funds to completely up-armor our fleet of HMMWVs, the bill intends to outfit our troops in a manner befitting the heroes of a country with the greatest resources in the world.

However, merely supplying our troops with the means and methods to fight an asymmetrical war gives them only two-thirds of what they, and we, need for ultimate success in Iraq and Afghanistan. I am concerned that information necessary for proper strategic planning is not being utilized in high-level, decision-making processes. While this information appears to be available at the operations level, the most critical elements of it do not always rise to the policy level.

The United States finds itself in a quagmire resulting from detainee abuses at Abu Ghraib that not only complicates the stabilization of Iraq and the Middle East in general, but that brings into question the moral integrity of a country that has always fought hard, even within its own borders, for human rights. Unfortunately, had the Pentagon acted sooner, there is reason to believe this situation could have been at least contained, if not avoided altogether.

In late August of 2003 and again in mid-October, Allied Forces Commander, Lt. General Ricardo Sanchez, commissioned two separate evaluation and assessment investigations of the detention and interrogation situation in Iraq. Both reports contained admonishments that policies were lacking, training subpar, and oversight non-existent. Among the similarities in the two reports:

That there were no authorities or procedures in place to affect a unified strategy to detain and interrogate internees in Iraq;

That there was a lack of active control of the internees within the detention environment, and flawed use-of-force procedures;

That the general prison population was inappropriately commingled with EPWs;

That the soldier to detainee ratio was critically deficient;

That there was indication the MPs were actively, though indirectly engaged in interrogation actions despite Army Regulations to the contrary.

Any one of these items is worthy of command level discussion and subsequent briefing to the Pentagon. Taken together, they constituted a warning shot over the bow. In fact, in the Article 15-6 Investigation performed by MG Taguba, the IO specifically states,

“Unfortunately, many of the systemic problems that surfaced during MG Ryder’s team’s assessment are the very same issues that are the subject of this investigation.” [Taguba Report, page 12, pg 2]. However, current Army regulations do not require the transmittal of such information up the chain of command beyond the commissioning authority [AR 15–6, ss 3–18, 3–19].

Currently, only Air Force HQ is aggressive in finding sensitive information and forwarding it up the chain of command, having done so since 1998. An office was set up within HQ whose sole purpose is to learn of sensitive information items and flag them. As part of the Air Force’s formal rules, personnel who learn of explosive matters- including those “with potential community reaction or press coverage”—must inform the office for briefing to the Secretary of the Air Force. The Navy also has a limited version of the Air Force’s program, though it is less ambitious.

Secretary Rumsfeld said last week that it would be difficult for him to reach down through the myriad of legal cases climbing through the military justice system and find those that are potentially explosive in nature. I would counter that with the right guidance he would not have to reach down, but could expect that information to be pushed up, even before it reaches the criminal investigation stage.

Military leadership has always required critical elements of information to make sound, timely, and informed decisions on the battlefield. Determining the information needed to make these decisions is crucial to a commander’s ability to act decisively in the course of battle. That same depth and speed of information is necessary for the Pentagon to direct policy and decision-making in the course of stabilization efforts afterwards.

The amendment that I offered during committee intends to move mission-critical information from the commissioning authority up to the highest-levels in short order when that information portends events or situations detrimental to our strategic plan. The language merely required that the Secretary give guidance to all Department of Defense personnel with authority to commission assessments, evaluations or investigations on what types of information would be necessary to pass up the chain of command. This guidance would specifically target those items of such potentially volatile nature as to give even the layman a reason to raise a red flag.

Were it that MG Miller’s assessment had been even a topic of discussion around the water cooler at the Pentagon, we might have been able to avoid the events at Abu Ghraib. Had more intense conversation happened after MG Ryder’s investigation, we would have at least had the opportunity to contain the situation, develop a strategy for correcting the problem, and alert the world in a far less internationally embarrassing fashion. Instead of the issue being a part of Pentagon discussions in the summer and fall of 2003, it was left to a courageous specialist to try to put a stop to the vile episodes at Abu Ghraib in 2004, some five months after official reports highlighted conditions for a serious problem.

It is not enough to arm our soldiers with the means and methods of war fighting. We must arm them with strategic planning. Proper planning is the offspring of proper information gathering and proc-

essing at the decision-making level. It is ironic that there are suggestions that we seek more information on seeking more information before we act. I hope that before the defense authorization bill leaves the House of Representatives we are able to improve an excellent bill even more by addressing this pertinent and timely issue.

KENDRICK B. MEEK.

## ADDITIONAL VIEWS OF REPRESENTATIVE MIKE D. ROGERS

As the Committee moves forward with H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, I want to share my concern over the Department of Defense's use of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The Air Force, Army, and Navy each utilize the LEED standard in some respects in its building projects. Although sustainable building design can be a valuable goal, the Department's use of the LEED standard is troubling.

First, the LEED rating system clearly discriminates against the use of renewable wood products. Through several of its specific credits for steel and concrete, certain wood products are put at a significant disadvantage. It does not recognize that wood is among the most environmentally benign of all building materials, because, among other things, it is a renewable resource that sequesters huge amounts of carbon.

Second, LEED discriminates against wood products manufactured in the United States. The LEED rating system provides a specific credit only for forest products that have been certified by the Forest Stewardship Council (FSC), a standard initially developed by international environmental groups to combat tropical deforestation. It is predominately recognized in Europe. FSC-certified products manufactured from wood grown in the U.S. are not readily available. However, products from other credible third party certification programs are readily available. No credits are given for wood products produced by companies independently third-party certified to the Sustainable Forestry Initiative (SFI) Program standard or the American Tree Farm System®—the two largest sustainable forest management systems in the U.S.

Third, LEED has not been developed through a consensus process open to all interested parties. The process used by the U.S. Green Building Council to create and operate LEED does not meet any generally accepted definition of a voluntary consensus standard. For example, the USGBC fails to satisfy the measures of the voluntary consensus standards development process set out by the American National Standards Institute (ANSI).

And fourth, a recent National Institute of Standards and Technology (NIST) study, while recognizing that the LEED standard does have beneficial elements, concluded that it does not properly rate products based on environmental criteria. In the study, NIST was especially critical of LEED's arbitrary thresholds, its emphasis on cost rather than environmental impact measures, the lack of appropriate baselines and measures of improvement, and the program's inability to compare buildings in different locations on equal terms.

To address this issue, I urge the committee to accept in conference the following report language from Title XXVIII of the Senate version of the bill, S. 2400:

*Use of sustainable design standards by the Department of Defense*

Congress encourages the Department of Defense to utilize sustainable building design and construction methods to maximize the efficient use of renewable, recycled, and environmentally sound materials. However, concerns have been expressed that certain rating systems adopted by the Department to assess the standards of sustainable design and construction of facilities may unfairly discriminate against domestic producers of wood construction products. Therefore, the committee directs the Secretary of Defense to submit a report to the committee by June 1, 2005 which describes:

(1) the standards used by each military department to assess the use of sustainable design and construction methods, including credits provided for products made from renewable materials, as well as recycled materials;

(2) the extent to which such standards comply with the requirements of Section 6002 of the Resource Conservation and Recovery Act, section 6962 of title 42, United States Code, Executive Order 13101, Office of Management and Budget Circular A-119, and other applicable requirements of law and regulation; and

(3) the extent to which the standards adopted by each military department unfairly discriminate against the use of products and materials manufactured in the United States.

The committee expects the Secretary to take appropriate action to address any noncompliance with applicable requirements of law or regulation and any unfair discrimination against any U.S. manufactured materials identified during the course of this review.

MIKE D. ROGERS.

ADDITIONAL VIEWS OF REPRESENTATIVES VIC SNYDER  
AND MAC THORNBERRY

We find ourselves in disagreement with the actions of the Committee regarding the delay contained in the bill of the Base Realignment and Closure (BRAC) process. The Chairman of the Readiness Subcommittee included in his mark language that essentially delayed the BRAC process for two years by demanding that a series of reports be submitted late in 2005 and that the process then hold for 18 months until the committee had a chance to consider the amendments.

During the full committee markup process, an amendment was offered to cancel the entire BRAC process, to which a second degree amendment was offered reinstating the two year delay. This amendment was passed, although a number of members spoke against both amendments.

Arguments were made that the process should be delayed, and several reports be submitted, because there is a war currently going on. During debate on the amendments, the argument was advanced that the process should be cancelled because the Department of Defense has not yet been able to nominate directly to Congress any individual base that should be closed, and that, should the Department do this, Congress is perfectly capable of voting to close or realign individual bases. In my opinion, both of these arguments represent seriously wrong approaches.

We were pleased to see the committee reject the second argument. The BRAC process was created to ensure that politics and the self-interest of an individual district or member are removed from the process of base closure. To have the Department of Defense begin nominating bases and Congress voting to close individual bases would immediately cause even more tension in Congress and accusations of partisan bias in the system. This would result in gridlock and an utter failure to take needed action.

The former argument, that the process should be delayed due to the current issues in Iraq, is similarly flawed. There will never be a time during which sufficient peace and stability reign for us to carry out the BRAC process. Many people regard the 1990s as a time of relative peace, forgetting that during this window of stability the U.S. military carried out actions in Panama, Iraq, Bosnia, Kosovo, and Somalia, to say nothing of scores of other minor military engagements. Simply put, we almost always have been, and probably always will be, bemoaning the disorder that seems to constantly reign supreme. In addition, the BRAC process is as much about realignment as it is closure, and the realignment is needed to assist the Department of Defense in carrying out the very changes in the military that are designed to allow us to better address the current chaos.

There is a valid argument that the reports requested by the Committee in the provision contained in the bill should be submitted. We agree that the Committee should be better informed about the Global Posture Review, under which DoD is adjusting our overseas basing, and its diplomatic and military effects. Similarly, it would be beneficial to know more about the effects of homeland security missions and military transformation on basing. Nothing stops the Committee from demanding these reports now, and we believe that it would be entirely appropriate to do so. If we did so, presumably DoD could be ordered to produce the information by the spring of 2005 at the latest, which would give the Committee, and Congress as a whole, 6 months to consider the reports, digest the information, and hold hearings. Nothing is stopping us from carrying out this needed oversight but our own timidity, but the reports do not require delaying a much needed process by two years.

In conclusion, while the Committee has asked for much needed information, it has also delayed a needed process. It is my hope that the whole House, or at least the whole Congress acting through the conference committee, will reject the delay contained in the House bill and proceed with the process currently in law. Hoping for a respite in the current global environment is not only unrealistic, but does the military itself no favors.

VIC SNYDER.  
MAC THORNBERRY.

ADDITIONAL VIEWS OF REPRESENTATIVES JIM COOPER  
AND TIM RYAN

We commend Chairman Hunter for including a detailed authorization for \$25 billion in this year's National Defense Authorization Act, but we are gravely concerned that this down payment on the cost of the wars in Afghanistan and Iraq in 2005 fails to tell the whole truth to the American people.

During committee consideration of the authorization bill, we offered an amendment authorizing a full-year supplemental appropriation of \$67 billion. This larger figure reflects a realistic, detailed analysis of the likely total cost of the wars in Afghanistan and Iraq in 2005. This amendment included funding for all of the commendable items in the Chairman's bill, including funding for critical force protection equipment, deferred vehicle maintenance, new counter-terrorism technology, replacement vehicles for those destroyed in combat operations, and additional combat troops for the Army and Marine Corps. However, it also provided sufficient funds for combat operations in Iraq and Afghanistan for all of fiscal year 2005, not just the few months of funding that the Chairman's bill authorized.

We offered this amendment because we believe the House bill should reflect the true costs of these wars. Piecemeal funding of these critical military efforts sends the wrong signal to our adversaries, the American people, and U.S. troops in the field. Our adversaries are watching our actions closely, and a robust full-year authorization would have sent the signal that despite the significant challenges we face in Iraq and Afghanistan, the United States is committed to victory. To Americans here at home, a full-year authorization would demonstrate that Congress takes seriously its duty to be honest with the American people, and that when it comes to providing funding for our troops in the field, politics should truly take a backseat. Finally, our troops in the field look to Congress to provide them what they need to accomplish the missions they are assigned. Authorization of a full-year supplemental would leave no doubt that Congress supports them and is willing to provide whatever is needed to win.

We were disappointed that no Republican members of our committee chose to support our amendment. We believe the American people will continue to support the wars in Iraq and Afghanistan where critical U.S. interests are at stake, but only if we are honest about the cost.

JIM COOPER.  
TIM RYAN.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2005

\_\_\_\_\_  
MAY 20, 2004.—Ordered to be printed  
\_\_\_\_\_

Mr. HUNTER, from the Committee on Armed Services,  
submitted the following

**SUPPLEMENTAL REPORT**

[To accompany H.R. 4200]

The supplemental report shows changes in existing law made by the bill (H.R. 4200), as reported. The material contained in this supplemental report was omitted in the report submitted on May 14, 2004 (H. Rept. 108-491).

**CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2004**

**DIVISION A—DEPARTMENT OF  
DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

\* \* \* \* \*

**Subtitle B—Army Programs**

\* \* \* \* \*

**[SEC. 126. PILOT PROGRAM FOR FLEXIBLE FUNDING OF CRUISER CONVERSIONS AND OVERHAULS.**

[(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of conversions and overhauls of cruisers of the Navy in accordance with this section.

[(b) AUTHORITY.—Under the pilot program, the Secretary may, subject to subsection (d), transfer amounts described in subsection (c) to the appropriation for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide funds for any conversion or overhaul of a cruiser of the Navy for which funds were initially provided from the appropriation to which transferred.

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

[(1) For procurement, as follows:

[(A) For shipbuilding and conversion.

[(B) For weapons procurement.

[(C) For other procurement.

[(2) For operation and maintenance.

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

[(A) An increase in the size of the workload for conversion or overhaul to meet existing requirements for the cruiser.

[(B) A new conversion or overhaul requirement resulting from a revision of the original baseline conversion or overhaul program for the cruiser.

[(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

[(A) The purpose of the transfer.

[(B) The amounts to be transferred.

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

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

[(E) Each account to which the funds are to be transferred.

[(F) A discussion of the implications of the transfer for the total cost of the cruiser conversion or overhaul program for which the transfer is to be made.

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

[(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under this section is in addition to any other authority provided by law to transfer appropriated funds and

is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

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

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

\* \* \* \* \*

## Subtitle D—Air Force Programs

\* \* \* \* \*

### SEC. 134. AIRCRAFT FOR PERFORMANCE OF AERIAL REFUELING MISSION.

(a) \* \* \*

\* \* \* \* \*

(c) INTERPRETATION.—*Nothing in subsection (b) or section 1111 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1215) is intended to prohibit the Secretary of the Air Force from executing the program described in section 135(a) of this Act and section 116 of the National Defense Authorization Act for Fiscal Year 2005.*

### SEC. 135. PROCUREMENT OF TANKER AIRCRAFT.

(a) \* \* \*

[(b) MULTIYEAR PROCUREMENT AUTHORITY.—(1) Beginning with the fiscal year 2004 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the purchase of tanker aircraft necessary to meet the requirements of the Air Force for which leasing of tanker aircraft is provided for under the multiyear aircraft lease pilot program but for which the number of tanker aircraft leased under the authority of subsection (a) is insufficient.

[(2) The total number of tanker aircraft purchased through a multiyear contract under this subsection may not exceed 80.

[(3) Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this subsection may be for any period not in excess of 10 program years.

[(4) A multiyear contract under this subsection may be initiated or continued for any fiscal year for which sufficient funds are available to pay the costs of such contract for that fiscal year, without regard to whether funds are available to pay the costs of such contract for any subsequent fiscal year. Such contract shall provide, however, that performance under the contract during the subsequent year or years of the contract is contingent upon the appropriation of funds and shall also provide for a cancellation payment to be made to the contractor if such appropriations are not made.]

\* \* \* \* \*

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

\* \* \* \* \*

**Subtitle C—Defense Acquisition and Support Workforce Flexibility**

\* \* \* \* \*

**SEC. 832. ELIMINATION OF ROLE OF OFFICE OF PERSONNEL MANAGEMENT.**

(a) WORKFORCE QUALIFICATION REQUIREMENTS AND EXAMINATIONS.—Section 1725 of [such title] *title 10, United States Code*, is repealed.

\* \* \* \* \*

**SEC. 834. CONSOLIDATION OF CERTAIN EDUCATION AND TRAINING PROGRAM REQUIREMENTS.**

(a) CONSOLIDATION OF AUTHORITY.—Section 1742 of [such title] *title 10, United States Code*, is amended to read as follows:

\* \* \* \* \*

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

\* \* \* \* \*

**Subtitle D—Other Matters**

**SEC. 931. AUTHORITY FOR ASIA-PACIFIC CENTER FOR SECURITY STUDIES TO ACCEPT GIFTS AND DONATIONS.**

(a) AUTHORIZED SOURCES OF GIFTS AND DONATIONS.—Subsection (a) of section 2611 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “foreign gifts [and donations] *or donations*” and inserting “gifts and donations from sources described in paragraph (2)”;

\* \* \* \* \*

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2004”.

**TITLE XXI—ARMY**

\* \* \* \* \*

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$5,500,000
Alaska	Fort Richardson	\$2,500,000
	Fort Wainwright	\$138,800,000
Colorado	Fort Carson	\$2,150,000
Georgia	Fort Benning	\$34,500,000
	Fort Gordon	\$4,350,000
	Fort Stewart/Hunter Army Air Field	【\$113,500,000】 \$114,450,000
Hawaii	Helemano Military Reservation	\$1,400,000
	Schofield Barracks	\$128,100,000
Kansas	Fort Leavenworth	\$115,000,000
	Fort Riley	\$40,000,000
Kentucky	Fort Knox	\$13,500,000
Louisiana	Fort Polk	\$72,000,000
Maryland	Fort Meade	\$9,600,000
Massachusetts	Soldier Systems Center, Natick	\$5,500,000
New Jersey	Naval Air Engineering Center, Lakehurst	\$2,250,000
	Picatinny Arsenal	\$8,000,000
New York	Fort Drum	【\$130,700,000】 \$135,700,000
North Carolina	Fort Bragg	\$125,400,000
Oklahoma	Fort Sill	\$5,500,000
Texas	Fort Bliss	\$5,400,000
	Fort Hood	\$49,800,000
Virginia	Fort Belvoir	\$7,000,000
	Fort Lee	\$3,850,000
	Fort Myer	\$9,000,000
Washington	Fort Lewis	\$3,900,000
	Total	【\$1,037,200,000】 \$1,043,150,000

\* \* \* \* \*

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) \* \* \*

\* \* \* \* \*

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**— Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) \* \* \*

(2) **[\$32,000,000]** *\$32,950,000* (the balance of the amount authorized under section 2101(a) for construction of a barracks, Fort Stewart/Hunter Army Airfield, Georgia).

\* \* \* \* \*

(4) **[\$43,000,000]** *\$48,000,000* (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Wheeler Army Airfield, Fort Drum, New York).

\* \* \* \* \*

**TITLE XXII—NAVY**

\* \* \* \* \*

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) \* \* \*

\* \* \* \* \*

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**— Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) \* \* \*

(2) \$25,690,000 (the balance of the amount authorized under **[section 2101(a)]** *section 2201(a)* for construction of a tertiary sewage treatment facility, Marine Corp Base, Camp Pendleton, California).

(3) \$58,190,000 (the balance of the amount authorized under **[section 2101(a)]** *section 2201(a)* for construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois).

(4) \$96,980,000 (the balance of the amount authorized under **[section 2101(a)]** *section 2201(a)* for construction of a general purpose berthing pier, Naval Weapons Station Earle, New Jersey).

(5) \$118,170,000 (the balance of the amount authorized under **[section 2101(a)]** *section 2201(a)* for construction of the Pier 11 replacement, Naval Station, Norfolk, Virginia).

(6) \$28,750,000 (the balance of the amount authorized under **[section 2101(a)]** *section 2201(a)* for construction of out-

lying landing field facilities, various locations in the continental United States).

\* \* \* \* \*

**TITLE XXVIII—GENERAL PROVISIONS**

\* \* \* \* \*

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

\* \* \* \* \*

**SEC. 2808. TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.**

(a) TEMPORARY AUTHORITY.—During [fiscal year 2004] *fiscal years 2004 and 2005*, the Secretary of Defense may use this section as authority to obligate appropriated funds available for operation and maintenance to carry out a construction project outside the United States that the Secretary determines meets each of the following conditions:

(1) \* \* \*

\* \* \* \* \*

(c) LIMITATION ON USE OF AUTHORITY.—(1) The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed \$200,000,000 [in fiscal year 2004] *in a fiscal year*.

\* \* \* \* \*

(d) QUARTERLY REPORT.—Not later than 30 days after the end of each fiscal-year quarter of [fiscal year 2004] *fiscal years 2004 and 2005*, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a report on the worldwide obligation and expenditure during that quarter of appropriated funds available for operation and maintenance for construction projects.

\* \* \* \* \*

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

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

\* \* \* \* \*

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

\* \* \* \* \*

**SEC. 3114. TECHNICAL BASE AND FACILITIES MAINTENANCE AND RECAPITALIZATION ACTIVITIES.**

(a) DEADLINE FOR INCLUSION OF PROJECTS IN FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—(1) The Administrator for Nuclear Security shall complete the selection of a *baseline* of projects for inclusion in the Facilities and Infrastructure Recapitalization Program of the National Nuclear Security Administration not later than December 31, 2004.

[(2) No project may be included in the Facilities and Infrastructure Recapitalization Program after December 31, 2004, unless such project has been selected for inclusion in that program as of that date.]

*(2)(A) After December 31, 2004, a project may be added to or removed from the Facilities and Infrastructure Recapitalization Program only after the Administrator submits to the congressional defense committees a notice that the Administrator has identified such project for addition or removal and has approved such addition or removal as a modification to the baseline for that program.*

*(B) The Administrator may not obligate funds for any project added under subparagraph (A) until a period of 60 days has elapsed after the date on which such committees receive the notice under subparagraph (A) with respect to that project.*

*(C) The authority of the Administrator to identify and approve under subparagraph (A) may not be delegated.*

\* \* \* \* \*

**TITLE 10—ARMED FORCES**

**Subtitle A—General Military Law**

**PART I—ORGANIZATION AND GENERAL MILITARY POWERS**

	* * * * *	
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106A. *Educational Assistance for Persons Enlisting for Active Duty* ..... 2141  
 107. *Professional Military Education* ..... 2151  
 \* \* \* \* \*

**CHAPTER 1—DEFINITIONS**

\* \* \* \* \*

**§ 101. Definitions**

(a) \* \* \*

\* \* \* \* \*

(e) **FACILITIES AND OPERATIONS.**—The following definitions relating to facilities and operations apply in this title:

(1) \* \* \*

\* \* \* \* \*

(3) **OPERATIONAL RANGE.**—The term “operational range” means a range that is under the jurisdiction, custody, or control of the [Secretary of Defense] *Secretary of a military department* and—

(A) \* \* \*

\* \* \* \* \*

**CHAPTER 2—DEPARTMENT OF DEFENSE**

Sec.

111. Executive department.

\* \* \* \* \*

113a. Transmission of annual defense authorization request.

113b. *Response to congressional inquiries.*

\* \* \* \* \*

**§ 113b. Response to congressional inquiries**

*Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the chairman of the Committee on Armed Services of the Senate or the chairman of the Committee on Armed Services of the House of Representatives to respond to a question or inquiry submitted by the chairman or another member of that committee pursuant to a committee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).*

\* \* \* \* \*

**§ 115. Personnel strengths: requirement for annual authorization**

(a) **ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS TO BE AUTHORIZED BY LAW.**—Congress shall authorize personnel strength levels for each fiscal year for each of the following:

(1) The end strength for each of the armed forces (other than the Coast Guard) for (A) active-duty personnel *unless on active duty pursuant to subsection (b)* who are to be paid from funds appropriated for active-duty personnel, and (B) active-

duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel *unless on active duty or full-time National Guard duty pursuant to subsection (b).*

*(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE AUTHORIZED BY LAW.—(1) Congress shall annually authorize the maximum number of members of a reserve component permitted to be on active duty or full-time National Guard duty at any given time who are called or ordered to—*

*(A) active duty under section 12301(d) of this title for the purpose of providing operational support, as prescribed in regulation issued by the Secretary of Defense;*

*(B) full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of providing operational support when authorized by the Secretary of Defense;*

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

*(D) active duty or retained on active duty under sections 12301(g) of this title while in a captive status; or*

*(E) active duty or retained on active duty under 12301(h) or 12322 of this title for the purpose of medical evaluation or treatment.*

*(2) A member of a reserve component who exceeds either of the following limits shall be included in the strength authorized under subparagraph (A) or subparagraph (B), as appropriate, of subsection (a)(1):*

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

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

*(3) In determining the period of active service under paragraph (2), the following periods of active service performed by a member shall not be included:*

*(A) All periods of active duty performed by a member who has not previously served in the Selected Reserve of the Ready Reserve.*

*(B) All periods of active duty or full-time National Guard duty for which the member is exempt from strength accounting under paragraphs (1) through (7) of subsection (i).*

**[(b)] (c) LIMITATION ON APPROPRIATIONS FOR MILITARY PERSONNEL.—**No funds may be appropriated for any fiscal year to or for—

(1) the use of active-duty personnel or full-time National Guard duty personnel of any of the armed forces (other than the Coast Guard) unless the end strength for such personnel of that armed force for that fiscal year has been authorized by law; **[or]**

(2) the use of the Selected Reserve of any reserve component of the armed forces unless the end strength for the Selected Reserve of that component for that fiscal year has been authorized by law**[,]**; or

(3) *the use of reserve component personnel to perform active duty or full-time National Guard duty under subsection (b) unless the strength for such personnel for that reserve component for that fiscal year has been authorized by law.*

【(c)】 (d) MILITARY TECHNICIAN (DUAL STATUS) END STRENGTHS TO BE AUTHORIZED BY LAW.—Congress shall authorize for each fiscal year the end strength for military technicians (dual status) for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician (dual status) during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title. In each budget submitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual status) for each reserve component of the Army and Air Force shall be specifically set forth.

【(d)】 (e) END-OF-QUARTER STRENGTH LEVELS.—(1) The Secretary of Defense shall prescribe and include in the budget justification documents submitted to Congress in support of the President’s budget for the Department of Defense for any fiscal year the Secretary’s proposed end-of-quarter strengths for each of the first three quarters of the fiscal year for which the budget is submitted, in addition to the Secretary’s proposed fiscal-year end-strengths for that fiscal year. Such end-of-quarter strengths shall be submitted for each category of personnel for which end strengths are required to be authorized by law under 【subsection (a) or (c)】 *subsection (a) or (d)*. The Secretary shall ensure that resources are provided in the budget at a level sufficient to support the end-of-quarter and fiscal-year end-strengths as submitted.

(2)(A) After annual end-strength levels required by 【subsections (a) and (c)】 *subsections (a) and (d)* are authorized by law for a fiscal year, the Secretary of Defense shall promptly prescribe end-of-quarter strength levels for the first three quarters of that fiscal year applicable to each such end-strength level. Such end-of-quarter strength levels shall be established for any fiscal year as levels to be achieved in meeting each of those annual end-strength levels authorized by law in accordance with subsection (a) (as such levels may be adjusted 【pursuant to subsection (e)】 and subsection (c)】 *pursuant to subsection (f) and subsection (d)*.

(B) At least annually, the Secretary of Defense shall establish for each of the armed forces (other than the Coast Guard) the maximum permissible variance of actual strength for an armed force at the end of any given quarter from the end-of-quarter strength established pursuant to subparagraph (A). Such variance shall be such that it promotes the maintaining of the strength necessary to achieve the end-strength levels authorized in accordance with subsection (a) (as adjusted 【pursuant to subsection (e)】 and subsection (c)】 *pursuant to subsection (f) and subsection (d)*.

\* \* \* \* \*

【(e)】 (f) AUTHORITY FOR SECRETARY OF DEFENSE VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE 【END】 STRENGTHS.—Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may—

(1) \* \* \*

(2) increase the end strength authorized pursuant to subsection (a)(1)(B) for a fiscal year for any of the armed forces by a number equal to not more than 2 percent of that end strength; **and**

(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength**]; and**

*(4) increase the maximum strength authorized pursuant to subsection (b)(1) for a fiscal year for certain reserves on active duty for any of the reserve components by a number equal to not more than 10 percent of that strength.*

**[(f)] (g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY END STRENGTHS.**—Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary. Any such increase for a fiscal year—

(1) \* \* \*

(2) shall be counted as part of the increase for that armed force for that fiscal year authorized under **[(subsection (e)(1)] subsection (f)(1).**

**[(g)] (h) ADJUSTMENT WHEN COAST GUARD IS OPERATING AS A SERVICE IN THE NAVY.**—The authorized strength of the Navy under subsection (a)(1) is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.

**[(h) CERTAIN ACTIVE-DUTY PERSONNEL EXCLUDED FROM COUNTING FOR ACTIVE-DUTY END STRENGTHS.**—In counting active-duty personnel for the purpose of the end-strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

**[(1) Members of the Ready Reserve ordered to active duty under section 12302 of this title.**

**[(2) Members of the Selected Reserve of the Ready Reserve ordered to active duty under section 12304 of this title.**

**[(3) Members of the National Guard called into Federal service under section 12406 of this title.**

**[(4) Members of the militia called into Federal service under chapter 15 of this title.**

**[(5) Members of reserve components on active duty for training.**

**[(6) Members of reserve components on active duty for 180 days or less to perform special work.**

**[(7) Members on full-time National Guard duty for 180 days or less.**

**[(8) Members of the Selected Reserve of the Ready Reserve on active duty for more than 180 days to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(b)).**

[(9) Members of reserve components (not described in paragraph (8)) on active duty for more than 180 days but less than 271 days to perform special work in support of the combatant commands, except that—

[(A) general and flag officers may not be excluded under this paragraph; and

[(B) the number of members of any of the armed forces excluded under this paragraph may not exceed the number equal to 0.2 percent of the end strength authorized for active-duty personnel of that armed force under subsection (a)(1)(A).

[(10) Members of reserve components on active duty to prepare for and to perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.

[(11) Members on full-time National Guard duty to prepare for and perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.]

(i) *CERTAIN PERSONNEL EXCLUDED FROM COUNTING FOR ACTIVE-DUTY END STRENGTHS.*—*In counting personnel for the purpose of the end strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:*

(1) *Members of a reserve component ordered to active duty under section 12301(a) of this title.*

(2) *Members of a reserve component in an active status ordered to active duty under section 12301(b) of this title.*

(3) *Members of the Ready Reserve ordered to active duty under section 12302 of this title.*

(4) *Members of the Selected Reserve of the Ready Reserve or members of the Individual Ready Reserve mobilization category described in section 10144(b) of this title ordered to active duty under section 12304 of this title.*

(5) *Members of the National Guard called into Federal service under section 12406 of this title.*

(6) *Members of the militia called into Federal service under chapter 15 of this title.*

(7) *Members of reserve components on active duty for training.*

(8) *Members of the Selected Reserve of the Ready Reserve on active duty to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b)).*

(9) *Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out drug interdiction and counter-drug activities under section 112 of title 32.*

(10) *Members of a reserve component on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.*

(11) *Members of the National Guard on full-time National Guard duty for the purpose of providing command, administrative, training, or support services for the National Guard Challenge Program authorized by section 509 of title 32.*

(i) *CERTAIN FULL-TIME NATIONAL GUARD DUTY PERSONNEL EXCLUDED FROM COUNTING FOR FULL-TIME NATIONAL GUARD DUTY*

*END STRENGTHS.—In counting full-time National Guard duty personnel for the purpose of end-strengths authorized pursuant to subsection (a)(1), persons involuntarily performing operational activities under chapter 9 of title 32 shall be excluded.*

\* \* \* \* \*

**CHAPTER 3—GENERAL POWERS AND FUNCTIONS**

\* \* \* \* \*

**§ 130a. Major Department of Defense headquarters activities personnel: limitation**

(a) LIMITATION.—[Effective October 1, 2002, the] *The number of major headquarters activities personnel in the Department of Defense may not exceed 85 percent of the [baseline number.*

[(b) PHASED REDUCTION.—The number of major headquarters activities personnel in the Department of Defense—

[(1) as of October 1, 2000, may not exceed 95 percent of the baseline number; and

[(2) as of October 1, 2001, may not exceed 90 percent of the baseline number.

[(c) BASELINE NUMBER.—In this section, the term “baseline number” means the] number of major headquarters activities personnel in the Department of Defense as of October 1, 1999.

[(e)] (b) MAJOR HEADQUARTERS ACTIVITIES PERSONNEL.—In this section, the term “major headquarters activities personnel” means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in major headquarters activities.

[(d)] (c) MAJOR HEADQUARTERS ACTIVITIES.—(1) \* \* \*

\* \* \* \* \*

[(f)] (d) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, major headquarters activities in order to comply with this section, the Secretary of Defense and the Secretaries of the military departments may not reassign functions in order to evade the requirements of this section.

[(g) FLEXIBILITY.—(1) If during fiscal year 2001 or fiscal year 2002 the Secretary of Defense determines, and certifies to Congress, that the limitation under subsection (a), or a limitation under subsection (b), would adversely affect United States national security, the Secretary may take any of the following actions:

[(A) Increase the percentage specified in subsection (b)(1) by such amount as the Secretary determines necessary or waive the limitation under that subsection.

[(B) Increase the percentage specified in subsection (b)(2) by such amount as the Secretary determines necessary, not to exceed a cumulative increase of 7.5 percentage points.

[(C) Increase the percentage specified in subsection (a) by such amount as the Secretary determines necessary, not to exceed a cumulative increase of 7.5 percentage points.

[(2) Any certification under paragraph (1) shall include notice of the specific waiver or increases made pursuant to the authority provided in that paragraph.]

\* \* \* \* \*

**CHAPTER 5—JOINT CHIEFS OF STAFF**

Sec.	
151.	Joint Chiefs of Staff: composition; functions.
	* * * * *
156.	Assistants to the Chairman for National Guard members and for Reserve matters.
	* * * * *

**§ 156. Assistants to the Chairman for National Guard matters and for Reserve matters**

(a) *ESTABLISHMENT OF POSITIONS.*—The Secretary of Defense shall establish the following positions within the Joint Staff:

(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.

(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

(b) *SELECTION.*—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

(A) are recommended for such selection by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

(B) have had at least 10 years of federally recognized commissioned service in the National Guard; and

(C) are in a grade above the grade of colonel.

(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters shall be selected by the Chairman from officers of the Army Reserve, the Naval Reserve, the Marine Corps Reserve, or the Air Force Reserve who—

(A) are recommended for such selection by the Secretary of the military department concerned;

(B) have had at least 10 years of commissioned service in their reserve component; and

(C) are in a grade above the grade of colonel or, in the case of the Naval Reserve, captain.

(c) *TERM OF OFFICE.*—Each Assistant to the Chairman under subsection (a) serves at the pleasure of the Chairman for a term of four years and may be continued in that assignment in the same manner for one additional term. However, in time of war there is no limit on the number of terms.

(d) *GRADE.*—Each Assistant to the Chairman, while so serving, holds the grade of major general or, in the case of the Naval Reserve, rear admiral. Each such officer shall be considered to be serving in a position external to that officer's Armed Force for purposes of section 721 of title 10, United States Code, as added by section 501(a).

(e) *DUTIES.*—The Assistant to the Chairman for National Guard Matters is an adviser to the Chairman on matters relating

to the National Guard and performs the duties prescribed for that position by the Chairman. The Assistant to the Chairman for Reserve Matters is an adviser to the Chairman on matters relating to the reserves and performs the duties prescribed for that position by the Chairman.

(f) *OTHER RESERVE COMPONENT REPRESENTATION ON JOINT STAFF.*—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs, shall develop appropriate policy guidance to ensure that, to the maximum extent practicable, the level of reserve component officer representation within the Joint Staff is commensurate with the significant role of the reserve components within the Total Force.

\* \* \* \* \*

**CHAPTER 6—COMBATANT COMMANDS**

\* \* \* \* \*

**§ 168. Military-to-military contacts and comparable activities**

(a) \* \* \*

\* \* \* \* \*

[(f) **ACTIVE DUTY END STRENGTHS.**—(1) A member of a reserve component referred to in paragraph (2) shall not be counted for purposes of the following personnel strength limitations:

[(A) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to in paragraph (2).

[(B) The authorized daily average for members in pay grades E-8 and E-9 under section 517 of this title for the calendar year in which the member carries out such activities.

[(C) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

[(2) A member of a reserve component referred to in paragraph (1) is any member on active duty under an order to active duty for 180 days or more who is engaged in activities authorized under this section.]

(f) *ACTIVE DUTY END STRENGTHS.*—A member of a reserve component who is engaged in activities authorized under this section shall not be counted for purposes of the following personnel strength limitations:

(1) *The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to under this section.*

(2) *The authorized daily average for members in pay grades E-8 and E-9 under section 517 of this title for the calendar year in which the member carries out such activities.*

(3) *The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.*

**CHAPTER 7—BOARDS, COUNCILS, AND COMMITTEES**

- Sec.  
 171. Armed Forces Policy Council.  
 \* \* \* \* \*  
 186. *Defense Business System Management Committee.*

**§ 171. Armed Forces Policy Council**

(a) There is in the Department of Defense an Armed Forces Policy Council consisting of—

- (1) \* \* \*  
 \* \* \* \* \*

(14) *The Commandant of the Coast Guard, for discussion of matters pertaining to the Coast Guard.*

- \* \* \* \* \*

**§ 179. Nuclear Weapons Council**

(a) *ESTABLISHMENT; MEMBERSHIP.*—There is a **Joint** Nuclear Weapons Council (hereinafter in this section referred to as the “Council”) **composed of three members as follows:** *operated as a joint activity of the Department of Defense and the Department of Energy. The membership of the Council is comprised of the following officers of those departments:*

- (1) \* \* \*  
 \* \* \* \* \*

(4) *The Under Secretary of Defense for Policy.*

- (b) *CHAIRMAN; MEETINGS.*—(1) \* \* \*  
 \* \* \* \* \*

(c) *STAFF AND ADMINISTRATIVE SERVICES; STAFF DIRECTOR.*—  
 (1) \* \* \*

- \* \* \* \* \*  
 (3)(A) \* \* \*

(B) An individual **appointed** *designated* under subparagraph (A) shall possess substantial technical and policy experience relevant to the management and oversight of nuclear weapons programs.

(d) *RESPONSIBILITIES.*—The Council shall be responsible for the following matters:

- (1) \* \* \*  
 \* \* \* \* \*

(e) **In addition to the responsibilities set forth in subsection (d), the Council shall also** *REPORT ON DIFFICULTIES RELATING TO SAFETY OR RELIABILITY.*— *The Council shall* submit to Congress a report on any analysis conducted by the Council with respect to difficulties at nuclear weapons laboratories or nuclear weapons production plants that have significant bearing on confidence in the safety or reliability of nuclear weapons or nuclear weapon types.

(f) *ANNUAL REPORT.*—Each fiscal year, at the same time the President submits the budget pursuant to section 1105 of title 31, the Chairman of the Council, through the Secretary of Energy, shall submit to the **Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on**

Armed Services and the Committee on Appropriations of the House of Representatives] congressional defense committees a report, in classified form, on the following:

(1) \* \* \*  
\* \* \* \* \*

**§ 186. Defense business system management Committee**

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

(1) The Deputy Secretary of Defense, who shall serve as the chairman of the Committee.

(2) The Under Secretary of Defense for Acquisition, Logistics, and Technology.

(3) The Under Secretary of Defense for Personnel and Readiness.

(4) The Under Secretary of Defense (Comptroller).

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

(6) The Secretaries of the military departments and the heads of the Defense Agencies.

(7) Such additional personnel of the Department of Defense (including personnel assigned to the Joint Chiefs of Staff and combatant commands) as are designated by the Secretary of Defense.

(b) DUTIES.—(1) In addition to any other matters assigned to the Committee by the Secretary of Defense, the Committee shall—

(A) recommend to the Secretary of Defense policies and procedures necessary to effectively integrate the requirements of section 2222 of this title into all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the Department of Defense; and

(B) review and approve any major update of the defense business enterprise architecture developed under subsection (b) of section 2222 of this title, including evolving the architecture, and of defense business systems modernization plans.

(2) The Committee shall be responsible for coordinating defense business system modernization initiatives to maximize benefits and minimize costs for the Department of Defense and periodically report to the Secretary on the status of defense business system modernization efforts.

(3) The Committee shall ensure that funds are obligated for defense business system modernization in a manner consistent with section 2222 of this title.

(c) DEFINITIONS.—In this section, the terms “defense business system” and “defense business system modernization” have the meanings given such terms in section 2222 of this title.

\* \* \* \* \*

**CHAPTER 9—DEFENSE BUDGET MATTERS**

Sec. 221. Future-years defense program: submission to Congress; consistency in budgeting.

\* \* \* \* \*

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

\* \* \* \* \*

**§ 232. Operations and maintenance budget presentation**

(a) *IN GENERAL.*—*In this section*

(1) *The term “O&M justification documents” means Department of Defense budget justification documents with respect to accounts for operation and maintenance submitted to the congressional defense committees in support of the Department of Defense component of the President’s budget for any fiscal year.*

(2) *The term “President’s budget” means the budget of the President submitted to Congress under section 1105 of title 31 for any fiscal year.*

(3) *The term “current year” means the fiscal year during which the President’s budget is submitted in any year.*

(b) *IDENTIFICATION OF BASELINE AMOUNTS IN O&M JUSTIFICATION DOCUMENTS.*—*In any case in which the amount requested in the President’s budget for a fiscal year for a Department of Defense operations and maintenance program, project, or activity is different from the amount appropriated for that program, project, or activity for the current year, the O&M justification documents supporting that budget shall identify that appropriated amount and the difference between that amount and the amount requested in the budget, stated as an amount and as a percentage.*

(c) *PERSONAL SERVICE CONTRACTS.*—*In the O&M justification documents for any fiscal year, costs programmed in the budget for that fiscal year for Department of Defense for personal service contracts, and the number of personal service contractors to be used by the Department of Defense during that fiscal year who will be compensated at an annual rate in excess of the annual rate of salary of the Vice President under section 104 of title 3, shall be separately set forth and identified.*

(d) *NAVY SUBACTIVITIES FOR SHIP DEPOT MAINTENANCE AND FOR INTERMEDIATE SHIP MAINTENANCE.*—*In the O&M justification documents for the Navy for any fiscal year, amounts requested for ship depot maintenance and amounts requested for intermediate ship maintenance shall be set forth as separate budget subactivity groups.*

(e) *CIVILIAN AVERAGE SALARY COSTS.*—*In the O&M justification documents for any fiscal year, average civilian salary costs, shown by subactivity group, shall be set forth as a component of the personnel summary exhibit.*

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

(a) *REQUIREMENT.*—*Amounts for research, development, test, and evaluation for the United States Joint Forces Command shall be derived only from amounts made available to the Department of Defense for Defense-wide research, development, test, and evaluation.*

(b) *SEPARATE DISPLAY IN BUDGET.*—*Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal*

*year for research, development, test, and evaluation for the United States Joint Forces Command shall be set forth under the account of the Department of Defense for Defense-wide research, development, test, and evaluation.*

\* \* \* \* \*

**CHAPTER 21—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS**

\* \* \* \* \*

**SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES**

\* \* \* \* \*

**§ 431. Authority to engage in commercial activities as security for intelligence collection activities**

(a) **AUTHORITY.**—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after December 31, **[2004]** 2006.

\* \* \* \* \*

**§ 437. Congressional oversight**

(a) \* \* \*

\* \* \* \* \*

(c) **ANNUAL REPORT.**—Not later each year than the date provided in section 507 of the National Security Act of 1947 (50 U.S.C. 415b), the Secretary shall submit to the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a)) a report on all commercial activities authorized under this subchapter that were undertaken during the previous fiscal year. Such report shall include (with respect to the fiscal year covered by the report) the following:

(1) \* \* \*

\* \* \* \* \*

**CHAPTER 23—MISCELLANEOUS STUDIES AND REPORTS**

Sec.

480. Reports to Congress: submission in electronic form.

\* \* \* \* \*

489. *Annual report on Department of Defense operation and financial support for military museums.*

\* \* \* \* \*

**§ 487. Unit operations tempo and personnel tempo: annual report**

(a) \* \* \*

\* \* \* \* \*

(d) **[OTHER DEFINITIONS]** *INAPPLICABILITY TO COAST GUARD.*—In this section, the term “armed forces” does not include the Coast

Guard when it is not operating as a service in the Department of the Navy.

\* \* \* \* \*

**§ 489. Annual report on Department of Defense operation and financial support for military museums**

(a) *REPORT REQUIRED.*—As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 15 of each year, the Secretary of Defense shall submit a report identifying all museums that, during the preceding fiscal year—

(1) were operated by the Department of Defense or a military department; or

(2) were otherwise supported using funds appropriated to the Department of Defense.

(b) *CONTENT OF REPORT.*—For each museum identified in a report under this section, the Secretary of Defense shall include in the report the following:

(1) The purpose and functions of the museum and the justification for the museum

(2) A description of the facilities dedicated to the museum.

(3) An itemized listing of the funds appropriated to the Department of Defense that were obligated to support the museum during the fiscal year covered by the report, as well as any other Federal funds, funds from a nonappropriated fund instrumentality account of the Department of Defense, and non-Federal funds obligated to support the museum.

(4) The number of civilian employees of the Department of Defense who serve full-time or part-time at the museum.

(5) The number of members of the armed forces who serve full-time or part-time at the museum.

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 31—ENLISTMENTS**

Sec.						
501.	Definition.	*	*	*	*	*
511.	College First Program	*	*	*	*	*

**§ 503. Enlistments: recruiting campaigns; compilation of directory information**

(a) \* \* \*

\* \* \* \* \*

(c) **ACCESS TO SECONDARY SCHOOLS.**—(1)(A) \* \* \*

(B) A local educational agency may not release a student's name, address, and telephone listing under subparagraph (A)(ii) without the prior written consent of a parent of the student if the

student, or a parent of the student, has submitted a request to the local educational agency that the student's information not be released for a purpose covered by that subparagraph without prior written parental consent. Each local [education] educational agency shall notify parents of the rights provided under the preceding sentence.

\* \* \* \* \*

**§ 511. College First Program**

(a) *PROGRAM AUTHORITY.*—The Secretary of each military department may establish a program to increase the number of, and the level of the qualifications of, persons entering the armed forces as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service.

(b) *DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.*—The Secretary concerned may—

(1) exercise the authority under section 513 of this title—

(A) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of a reserve component, notwithstanding the scope of the authority under subsection (a) of that section, in the case of the Army National Guard of the United States or Air National Guard of the United States; and

(B) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within the maximum period of delay determined for that person under subsection (c); and

(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of that subsection, pay an allowance to a person accepted for enlistment under paragraph (1)(A) for each month of the period during which that person is enrolled in and pursuing a program described in paragraph (1)(B).

(c) *MAXIMUM PERIOD OF DELAY.*—The period of delay authorized a person under paragraph (1)(B) of subsection (b) may not exceed the 30-month period beginning on the date of the person's enlistment accepted under paragraph (1)(A) of such subsection.

(d) *ALLOWANCE.*—(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps with the corresponding number of years of participation under section 209(a) of title 37. The Secretary concerned may supplement that stipend by an amount not to exceed \$225 per month.

(2) An allowance may not be paid to a person under this section for more than 24 months.

(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section

10147(a)(1) of this title or section 502(a) of title 32. Satisfactory performance shall be determined under regulations prescribed by the Secretary concerned.

(4) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

(e) *RECOUPMENT OF ALLOWANCE.*—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

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

(3) A discharge of a person in bankruptcy under title 11 that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 does not discharge that person from a debt arising under paragraph (1).

(4) The Secretary concerned may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(f) *SPECIAL PAY AND BONUSES.*—Upon enlisting in the regular component of the member's armed force, a person who initially enlisted as a Reserve under this section may, at the discretion of the Secretary concerned, be eligible for all regular special pays, bonuses, education benefits, and loan repayment programs.

\* \* \* \* \*

#### **§ 517. Authorized daily average: members in pay grades E-8 and E-9**

(a) The authorized daily average number of enlisted members on active duty (other than for training) in an armed force in pay grades E-8 and E-9 in a fiscal year may not be more than 2.5 percent and 1 percent, respectively, of the number of enlisted members of that armed force who are on active duty (other than for training) on the first day of that fiscal year. In computing the limitations prescribed in the preceding sentence, there shall be excluded enlisted members of an armed force on active duty [(other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force.] as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.

\* \* \* \* \*

**CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION  
IN GRADE**

Sec.  
521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories.  
【522. Authorized total strengths: regular commissioned officers on active duty.】  
\* \* \* \* \*  
【525. Distribution of commissioned officers on active duty in general officer and flag officer grades.】  
525. *Distribution in grade: general and flag officers on active duty.*  
\* \* \* \* \*

**【§ 522. Authorized total strengths: regular commissioned officers on active duty**

【The authorized strengths of the Army, Navy, Air Force, and Marine Corps in regular officers (other than retired officers) in grades above chief warrant officer, (W-5), are as follows:

【Army .....	63,000
【Navy .....	55,000
【Air Force .....	80,000
【Marine Corps .....	17,000】

**§ 523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain**

(a)(1) \* \* \*

(b) Officers in the following categories shall be excluded in computing and determining authorized strengths under this section:

- 【(1) Reserve officers—
  - 【(A) on active duty for training;
  - 【(B) on active duty under section 10211, 10302 through 10305, or 12402 of this title or under section 708 of title 32;
  - 【(C) on active duty under section 12301(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;
  - 【(D) on active duty to pursue special work;
  - 【(E) ordered to active duty under section 12304 of this title; or
  - 【(F) on full-time National Guard duty.】
    - (A) *on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;*
    - (B) *on active duty under section 10211, 10302 through 10305, or 12402 of this title or under section 708 of title 32;*
    - or
    - (C) *on full-time National Guard duty.*

\* \* \* \* \*

(7) 【Reserve or retired officers】 *Retired officers* on active duty under section 10(b)(2) of the Military Selective Service Act

(50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

\* \* \* \* \*

**【§ 525. Distribution of commissioned officers on active duty in general officer and flag officer grades】**

**§ 525. Distribution in grade: general and flag officers on active duty**

【(a) No appointment may be made in a grade above brigadier general in the Army, Air Force, or Marine Corps if that appointment would result in more than 50 percent of the general officers of that armed force on active duty being in grades above brigadier general. No appointment may be made in a grade above rear admiral (lower half) in the Navy if that appointment would result in more than 50 percent of the flag officers of the Navy on active duty being in grades above rear admiral (lower half).】

【(b)(1) No appointment】 *(a) LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS IN SENIOR GRADES.—(1) No appointment may be made in a grade above major general in the Army or Air Force if that appointment would result in more than 15.7 percent of the general officers of that armed force on active duty being in grades above major general. Of the 15.7 percent of general officers of the Army or Air Force on active duty who may be serving in grades above major general, not more than 25 percent may be serving in the grade of general.*

\* \* \* \* \*

【(3) An officer】 *(b) SPECIAL RULES AND EXCEPTIONS.—(1) An officer while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff or as Chief of Staff to the President, if serving in the grade of general or admiral, is in addition to the number that would otherwise be permitted for his armed force for that grade under 【paragraph (1) or (2)】 subsection (a).*

【(4) (2)(A) An officer while serving in a position designated under subparagraph (B), if serving in the grade of lieutenant general or vice admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under 【paragraph (1) or (2)】 subsection (a).

\* \* \* \* \*

【(5) (3)(A) An officer while serving in a position specified in section 604(b) of this title, if serving in the grade of general or admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral, as the case may be, 【under the first sentence of paragraph (1) or (2), as applicable】 *under subsection (a).* Any increase by reason of the preceding sentence in the number of officers of an armed force serving on active duty in grades above major general or rear admiral may only be realized by an increase in the number of lieutenant generals or vice admirals, as the case may be, serving on active duty, and any such increase may not be construed as authorizing an increase in the limitation on the total number of general or flag officers for that armed force under section 526(a) of this title or in the

number of general and flag officers that may be designated under section 526(b) of this title.

\* \* \* \* \*

[(6)] (4) An officer while serving as Chief of the National Guard Bureau is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general under [paragraph (1)] subsection (a)(1).

[(7)] (5) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under [paragraph (1)] subsection (a)(1). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under [paragraph (1) or (2)] subsection (a)(2). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under [paragraph (1)] subsection (a)(1).

[(8)] (6) An officer while serving in a position designated by the Secretary of Defense as Senior Military Assistant to the Secretary of Defense, if serving in the grade of lieutenant general or vice admiral, is in addition to the number that otherwise would be permitted for that officer's armed force for that grade under [paragraph (1) or (2)] subsection (a). Only one officer may be designated as Senior Military Assistant to the Secretary of Defense for purposes of this paragraph.

[(c)(1)] (c) REALLOCATION AUTHORITY.—(1) Subject to paragraph (3), the President—

(A) may make appointments in the Army, Air Force, and Marine Corps in the grade of lieutenant general and in the Army and Air Force in the grade of general in excess of the applicable numbers determined under [subsection (b)(1)] subsection (a)(1), and may make appointments in the Marine Corps in the grade of general in addition to the Commandant and Assistant Commandant, if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under [subsection (b)(2)] subsection (a)(2) if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

\* \* \* \* \*

(3)(A) The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed the number equal to 10 percent of the total number of

officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under [subsection (b)] subsections (a) and (b).

\* \* \* \* \*

(d) *SPECIAL RULE FOR OFFICERS FORMERLY ON JOINT CHIEFS OF STAFF.*—An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.

\* \* \* \* \*

**CHAPTER 33—ORIGINAL APPOINTMENTS OF REGULAR OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES**

\* \* \* \* \*

**§ 531. Original appointments of commissioned officers**

[(a) Original appointments in the grades of second lieutenant through colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign through captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.]

*(a)(1) Original appointments in the grades of second lieutenant, first lieutenant, and captain in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy shall be made by the President alone.*

*(2) Original appointments in the grades of major, lieutenant colonel, and colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of lieutenant commander, commander, and captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.*

\* \* \* \* \*

**§ 532. Qualifications for original appointment as a commissioned officer**

(a) \* \* \*

\* \* \* \* \*

[(e) After September 30, 1996, no person may receive an original appointment as a commissioned officer in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps until that person has completed one year of service on active duty as a commissioned officer (other than a warrant officer) of a reserve component.]

*(f) The Secretary of Defense may waive the requirement of paragraph (1) of subsection (a) with respect to a person who has been lawfully admitted to the United States for permanent residence when the Secretary determines that the national security so re-*

quires, but only for an original appointment in a grade below the grade of major or lieutenant commander.

\* \* \* \* \*

**CHAPTER 33A—APPOINTMENT, PROMOTION, AND INVOLUNTARY SEPARATION AND RETIREMENT FOR MEMBERS ON THE WARRANT OFFICER ACTIVE-DUTY LIST**

\* \* \* \* \*

**§ 582. Warrant officer active-duty list: exclusions**

Warrant officers in the following categories are not subject to this chapter:

- [(1) Reserve warrant officers—
  - [(A) on active duty for training;
  - [(B) on active duty under section 12301(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;
  - [(C) on active duty to pursue special work;
  - [(D) ordered to active duty under section 12304 of this title; or
  - [(E) on full-time National Guard duty.]

- (1) Reserve warrant officers—
  - (A) on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title; or
  - (B) on full-time National Guard duty.

\* \* \* \* \*

**CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST**

\* \* \* \* \*

**SUBCHAPTER II—PROMOTIONS**

Sec. 619. Eligibility for consideration for promotion: time-in-grade and other requirements.

\* \* \* \* \*

619b. Eligibility for consideration for promotion: joint professional military education required before promotion to colonel or Navy captain; exceptions.

\* \* \* \* \*

**§ 619. Eligibility for consideration for promotion: time-in-grade and other requirements**

(a) \* \* \*

\* \* \* \* \*

(d) CERTAIN OFFICERS NOT TO BE CONSIDERED.—A selection board convened under section 611(a) of this title may not consider for promotion to the next higher grade any of the following officers:

(1) \* \* \*

\* \* \* \* \*

(5) *An officer of the Army, Air Force, or Marine Corps in the grade of captain, or of the Navy in the grade of lieutenant, who is not a citizen of the United States.*

**§ 619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions**

(a) GENERAL RULE.—An officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may not be appointed to the grade of brigadier general or rear admiral (lower half) unless—

(1) \* \* \*

(2) for appointments after September 30, [2007] 2008, the officer has been selected for the joint specialty in accordance with section 661 of this title.

(b) EXCEPTIONS.—Subject to subsection (c), the Secretary of Defense may waive paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a), in the following circumstances:

(1) \* \* \*

\* \* \* \* \*

(4) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment [if—  
 [(A) at least 180 days of that joint duty assignment have been completed on the date of the convening of that selection board; and

[(B) the officer's] *if the officer's* total consecutive service in joint duty assignments within that immediate organization is not less than two years.

\* \* \* \* \*

**§ 619b. Eligibility for consideration for promotion: joint professional military education required before promotion to colonel or Navy captain; exceptions**

(a) GENERAL RULE.—*After September 30, 2007, an officer on the active-duty list of the Army, Air Force, or Marine Corps may not be appointed to the grade of colonel, and an officer on the active-duty list of the Navy may not be appointed to the grade of captain, unless the officer has successfully completed a program of instruction approved by the Secretary as qualifying for credit as the Joint Professional Military Education Phase I or Phase II program of instruction.*

(b) EXCEPTIONS.—*Subject to subsection (c), the Secretary of Defense may waive subsection (a) in the following circumstances:*

(1) *When necessary for the good of the service.*

(2) *In the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist.*

(3) *In the case of—*

(A) *a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;*

- (B) a chaplain; or
- (C) a judge advocate.

(c) **WAIVER TO BE INDIVIDUAL.**—A waiver may be granted under subsection (b) only on a case-by-case basis in the case of an individual officer.

(d) **SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.**—In the case of a waiver under subsection (b)(1), the Secretary shall provide that the first duty assignment as a colonel or Navy captain of the officer for whom the waiver is granted shall be to a program of joint professional military education.

(e) **LIMITATION ON DELEGATION OF WAIVER AUTHORITY.**—The authority of the Secretary of Defense to grant a waiver under subsection (b) (other than under paragraph (1) of that subsection) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

(f) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (b)(2) those categories of officers for which selection for promotion to colonel or, in the case of the Navy, captain is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

\* \* \* \* \*

**SUBCHAPTER III—FAILURE OF SELECTION FOR PROMOTION AND RETIREMENT FOR YEARS OF SERVICE**

\* \* \* \* \*

**§ 632. Effect of failure of selection for promotion: captains and majors of the Army, Air Force, and Marine Corps and lieutenants and lieutenant commanders of the Navy**

(a) \* \* \*

\* \* \* \* \*

(c)(1) If a health professions officer described in paragraph [(2)] (3) is subject to discharge under subsection (a)(1) and, as of the date on which the officer is to be discharged [under that paragraph] *under that subsection*, the officer has not completed a period of active duty service obligation that the officer incurred under section 2005, 2114, 2123, or 2603 of this title, the officer shall be retained on active duty until completion of such active duty service obligation, and then be discharged under that subsection, unless sooner retired or discharged under another provision of law.

\* \* \* \* \*

**SUBCHAPTER V—ADDITIONAL PROVISIONS RELATING TO PROMOTION, SEPARATION, AND RETIREMENT**

\* \* \* \* \*

**§ 641. Applicability of chapter**

Officers in the following categories are not subject to this chapter (other than section 640 and, in the case of warrant officers, section 628):

- [(1) Reserve officers—

【(A) on active duty for training;

【(B) on active duty under section 3038, 5143, 5144, 8038, 10211, 10301 through 10305, 10502, 10505, 10506(a), 10506(b), 10507, or 12402 of this title or section 708 of title 32;

【(C) on active duty under section 12301(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;

【(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), if the call or order to active duty, under regulations prescribed by the Secretary concerned, specifies a period of three years or less and continued placement on the reserve active-status list;

【(E) on active duty to pursue special work;

【(F) ordered to active duty under section 12304 of this title;

【(G) on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System; or

【(H) on full-time National Guard duty.】

(1) *Reserve officers—*

(A) *on active duty authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;*

(B) *on active duty under section 3038, 5143, 5144, 8038, 10211, 10301 through 10305, 10502, 10505, 10506(a), 10506(b), 10507, or 12402 of this title or section 708 of title 32; or*

(C) *on full-time National Guard duty.*

## CHAPTER 38—JOINT OFFICER MANAGEMENT

Sec.	
661.	Management policies for joint specialty officers.
【662.	Promotion policy objectives for joint officers.
【663.	Education.】
662.	<i>Promotion policy objectives for joint officers on the active-duty list.</i>
633.	<i>Joint duty assignments after completion of joint professional military education.</i>

### § 661. Management policies for joint specialty officers

(a) ESTABLISHMENT.—The Secretary of Defense shall establish policies, procedures, and practices for the effective management of officers of the Army, Navy, Air Force, and Marine Corps 【on the active-duty list】 who are particularly trained in, and oriented toward, joint matters (as defined in section 668 of this title). Such officers shall be identified or designated (in addition to their principal military occupational specialty) in such manner as the Secretary of Defense directs. For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as having, or having been nominated for, the “joint specialty”.

(b) NUMBERS AND SELECTION.—(1) \* \* \*

(2) Officers shall be selected for the joint specialty by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. Each officer on the active-duty list on December 28,

2001, who has not before that date been nominated for the joint specialty by the Secretary of a military department, [and] each officer who is placed on the active-duty list after such date,, and each reserve component officer in an active status who is not on the active-duty list, who meets the requirements of subsection (c) shall automatically be considered to have been nominated for the joint specialty. From among those officers considered to be nominated for the joint specialty, the Secretary may select for the joint specialty only officers—

(A) \* \* \*

\* \* \* \* \*

**[§ 662. Promotion policy objectives for joint officers]**

**§ 662. Promotion policy objectives for joint officers on the active-duty list**

(a) QUALIFICATIONS.—The Secretary of Defense shall ensure that the qualifications of officers on the active-duty list assigned to joint duty assignments are such that—

(1) \* \* \*

\* \* \* \* \*

(b) ANNUAL REPORT.—Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the promotion rates during the preceding fiscal year of officers on the active-duty list who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of paragraphs (1), (2), and (3) of subsection (a). If such promotion rates fail to meet such objectives for any fiscal year, the Secretary shall include in the report for that fiscal year information on such failure and on what action the Secretary has taken or plans to take to prevent further failures.

\* \* \* \* \*

**[§ 663. Education**

**[(a) CAPSTONE COURSE FOR NEW GENERAL AND FLAG OFFICERS.—(1) Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new general and flag officers to work with the other armed forces.**

**[(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—**

**[(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;**

**[(B) when necessary for the good of the service;**

**[(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and**

**[(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.**

[(3) The authority of the Secretary of Defense to grant a waiver under paragraph (2) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.]

**§ 633. Joint duty assignments after completion of joint professional military education**

[(d) *POST-EDUCATION JOINT DUTY ASSIGNMENTS.*—(1) The] (a) JOINT SPECIALTY OFFICERS.—*The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer’s next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).*

[(2)(A) The Secretary] (b) *OTHER OFFICERS.*—(1) *The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized [in subparagraph (B)] in paragraph (2), as their second duty assignment after such graduation.*

[(B) The Secretary] (2) *The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the joint duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school.*

[(e) DURATION OF PRINCIPAL COURSE OF INSTRUCTION AT JOINT FORCES STAFF COLLEGE.—(1) The duration of the principal course of instruction offered at the Joint Forces Staff College may not be less than three months.

[(2) In this subsection, the term “principal course of instruction” means any course of instruction offered at the Joint Forces Staff College as Phase II joint professional military education.]

\* \* \* \* \*

**§ 667. Annual report to Congress**

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

(1) \* \* \*

\* \* \* \* \*

(18) *The implementation of authority under section 661 of this title to certify reserve component officers as joint specialty officers, together with the number of reserve component officers who were so certified during the reporting period.*

[(18)] (19) Such other information and comparative data as the Secretary of Defense considers appropriate to demonstrate the performance of the Department of Defense and

the performance of each military department in carrying out this chapter.

**§ 668. Definitions**

(a) \* \* \*

\* \* \* \* \*

(c) CLARIFICATION OF "TOUR OF DUTY".—For purposes of this chapter, a tour of duty in which an officer served in more than one joint duty assignment [within the same organization] without a break between such assignments shall be considered to be a single tour of duty in a joint duty assignment.

\* \* \* \* \*

**CHAPTER 39—ACTIVE DUTY**

\* \* \* \* \*

**§ 691. Permanent end strength levels to support two major regional contingencies**

(a) \* \* \*

(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

(1) \* \* \*

(2) For the Navy, [373,800] 365,900.

\* \* \* \* \*

(4) For the Air Force, [359,300] 359,700.

\* \* \* \* \*

**CHAPTER 40—LEAVE**

\* \* \* \* \*

**§ 704. Use of leave; regulations**

(a) \* \* \*

\* \* \* \* \*

(c) FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS.—The Secretary concerned shall prescribe regulations to facilitate the granting of leave to a member of the armed forces under the jurisdiction of that Secretary in a case in which—

(A) the leave is needed for the member to attend a hearing described in paragraph (2);

(B) the member is not serving in or with a unit deployed in a contingency operation; and

(C) the exigencies of military service (as determined by the Secretary concerned) do not otherwise require that such leave not be granted.

(2) COVERED HEARINGS.—Paragraph (1) applies to a hearing that is conducted by a court or pursuant to an administrative process established under State law, in connection with a civil action—

(A) to determine whether a member of the armed forces is a natural parent of a child; or

(B) to determine an obligation of a member of the armed forces to provide child support.

(3) DEFINITIONS.—In this subsection:

(A) The term “court” has the meaning given that term in section 1408(a) of this title.

(B) The term “child support” has the meaning given that term in section 459(i) of the Social Security Act (42 U.S.C. 659(i)).

\* \* \* \* \*

**§ 708. Educational leave of absence**

(a) Under such regulations as the Secretary of Defense may prescribe after consultation with the Secretary of Homeland Security and subject to subsection (b), the Secretary concerned may grant to any eligible member (as defined in subsection (e)) a leave of absence for a period of not to exceed ~~two~~ three years for the purposes of permitting the member to pursue a program of education.

\* \* \* \* \*

**CHAPTER 49—MISCELLANEOUS PROHIBITIONS AND PENALTIES**

Sec. 971. Service credit: officers may not count service performed while serving as cadet or midshipman.

\* \* \* \* \*

[977. Operation of commissary stores: assignment of active duty members generally prohibited.]

\* \* \* \* \*

**§ 972. Members: effect of time lost**

(a) \* \* \*

\* \* \* \* \*

(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial, *unless such confinement is excused as unavoidable*; or

\* \* \* \* \*

(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after February 10, 1996—

(1) \* \* \*

\* \* \* \* \*

(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial, *unless such confinement is excused as unavoidable*; or

\* \* \* \* \*

**§ 977. Operation of commissary stores: assignment of active duty members generally prohibited**

[(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

[(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

[(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Not more than 18 members (in addition to the officer referred to in subsection (b)) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subsection to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisors in the regional headquarters responsible for overseas commissaries and to veterinary specialists.

[(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy on active duty whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a nonreimbursable basis.

[(2) The number of such members assigned to the Defense Commissary Agency during any period may not exceed 400.]

\* \* \* \* \*

**§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies**

(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—(1) No funds described in subsection (d)(1) may be provided by contract or by grant [(including a grant of funds to be available for student aid)] to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect [prevents—] *prevents, either (or both) of the following:*

[(1) the] (A) *The* Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at that institution (or any subelement of that institution)[; or].

[(2) a] (B) A student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(2)(A) *Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005 and annually thereafter, the Secretary of Defense shall request from each institution of higher education that has students participating in a Senior Reserve Officer Training Corps program during the then-current academic year of that institution a certification that such institution, during the next academic year of the institution, will—*

(i) permit the Secretary of each military department to maintain a unit of the Senior Officer Training Corps (in accordance with subsection (a)) at that institution (or any subelement of that institution), should such Secretary elect to maintain such a unit; and

(ii) if the Secretary of the military department concerned elects not to establish or maintain a unit of the Senior Reserve Officer Training Corps at that institution, permit a student of that institution (or any subelement of that institution) to enroll in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(B) Any certification under subparagraph (A) shall be made by the president of the institution (or equivalent highest ranking administrative official) and shall be submitted to the Secretary of Defense no later than 90 days after receipt of the request from the Secretary.

(C) In the case of any institution from which a certification is requested under subparagraph (A), if the Secretary of Defense does not receive a certification in accordance with subparagraph (B), or if the certification does not state that the university will comply with both clauses (i) and (ii) of subparagraph (A) during its next academic year, the Secretary shall make a determination under paragraph (1) as to whether the institution has a policy or practice described in that paragraph.

(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in [subsection (d)(2)] subsection (d)(1) may be provided by contract or by grant [(including a grant of funds to be available for student aid)] to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department or Secretary of Homeland Security from gaining [entry to campuses] access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

\* \* \* \* \*

(d) COVERED FUNDS.—(1) [The limitation established in subsection (a) applies] Except as provided in paragraph (2), the limitations established in subsections (a) and (b) apply to the following:

(A) \* \* \*

(B) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

(C) Any funds made available for the Department of Homeland Security.

(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

(E) Any funds made available for the Department of Transportation.

(F) Any funds made available for the Central Intelligence Agency.

[(2) The limitation established in subsection (b) applies to the following:

[(A) Funds described in paragraph (1).

[(B) Any funds made available for the Department of Homeland Security.]

(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.

(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department and agency the funds of which are subject to the determination, and to Congress; and

\* \* \* \* \*

§ 986. Security clearances: limitations

(a) \* \* \*

\* \* \* \* \*

(c) PERSONS DISQUALIFIED FROM BEING GRANTED SECURITY CLEARANCES.—A person is described in this subsection if any of the following applies to that person:

(1) The person has been convicted in any court of the United States of a crime [and], was sentenced to imprisonment for a term exceeding one year, and was incarcerated as a result of that sentence for not less than one year.

\* \* \* \* \*

[(d) WAIVER AUTHORITY.—In a meritorious case, the Secretary of Defense or the Secretary of the military department concerned may authorize an exception to the prohibition in subsection (a) for a person described in paragraph (1) or (4) of subsection (c). The authority under the preceding sentence may not be delegated.]

(d) WAIVER AUTHORITY.—In a meritorious case, an exception to the prohibition in subsection (a) may be authorized for a person described in paragraph (1) or (4) of subsection (c) if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive order or other guidance issued by the President.

\* \* \* \* \*

CHAPTER 53—MISCELLANEOUS RIGHTS AND BENEFITS

Sec. 1031. Administration of oath.

\* \* \* \* \*

1060b. *Military ID cards: dependents and survivors of retirees; issuance of permanent ID card after attaining 70 years of age.*

\* \* \* \* \*

**§ 1044. Legal assistance**

(a) \* \* \*

\* \* \* \* \*

(e)(1) *Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.*

(2) *In this subsection, the term "military legal assistance" includes—*

- (A) *legal assistance provided under this section; and*
- (B) *legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.*

\* \* \* \* \*

**§ 1047. Allowance for civilian clothing**

(a) *MEMBERS TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.—The Secretary of the military department concerned may furnish civilian clothing to a member at a cost not to exceed \$250, or reimburse a member for the purchase of civilian clothing in an amount not to exceed \$250, in the case of a member who—*

(1) *is medically evacuated for treatment in a medical facility by reason of an illness or injury incurred or aggravated while on active duty; or*

(2) *after being medically evacuated as described in paragraph (1), is in an authorized travel status from a medical facility to another location approved by the Secretary.*

(b) *CERTAIN ENLISTED MEMBERS.—The Secretary of the military department concerned may furnish civilian clothing, at a cost of not more than \$40, to an enlisted member who is—*

(1) *discharged for misconduct or unsuitability or under conditions other than honorable;*

(2) *sentenced by a civil court to confinement in a prison;*

(3) *interned or discharged as an alien enemy; or*

(4) *discharged before completion of recruit training under honorable conditions for dependency, hardship, minority, or disability or for the convenience of the Government.*

\* \* \* \* \*

**§ 1060b. Military ID cards: dependents and survivors of retirees; issuance of permanent ID card after attaining 70 years of age**

(a) *PERMANENT ID CARD AFTER AGE 70.—In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent who has attained 70 years of age. Such a permanent ID card shall be issued upon the expiration, after the retiree dependent attains 70 years of age, of any earlier, renewable military ID card*

or, if earlier, upon the request of such a retiree dependent after attaining age 70.

(b) DEFINITIONS.—In this section:

(1) The term “military ID card” means a card or other form of identification used for purposes of demonstrating eligibility for any benefit from the Department of Defense.

(2) The term “retiree dependent” means a person who is a dependent of a retired member of the uniformed services, or a survivor of a deceased retired member of the uniformed services, who is eligible for any benefit from the Department of Defense.

\* \* \* \* \*

**CHAPTER 55—MEDICAL AND DENTAL CARE**

Sec.

1071. Purpose of this chapter.

\* \* \* \* \*

1074b. Medical and dental care: members of, and designated applicants for membership in, Senior ROTC.

【1075. Officers and certain enlisted members: subsistence charges.】

\* \* \* \* \*

【1076b. TRICARE program: coverage for members of the Ready Reserve.】

1076b. TRICARE program: coverage for members of the Ready Reserve.

\* \* \* \* \*

**§ 1074. Medical and dental care for members and certain former members**

(a)(1) \* \* \*

\* \* \* \* \*

(d)(1) For the purposes of this chapter, a dependent of a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, shall be treated as being a dependent of a member on active duty for a period of more than 30 days beginning on [the later of the date that is—

【(A) the date of the issuance of such order; or

【(B) 90 days before the date on which the period of active duty is to commence under such order for that member.】 the date described in paragraph (3).

(2) The Secretary of Defense may, beginning on the date described in paragraph (3), provide a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, such medical and dental care (in addition to care for which the member is eligible under section 1074a(f) of this title or other provisions of law) the Secretary determines appropriate.

(3) The date referred to in paragraphs (1) and (2) with respect to a member is the later of the date that is—

(A) the date of the issuance of the delayed-effective-date active-duty order; or

(B) 90 days before the date on which the period of active duty is to commence under such order for that member.

【(2)】 (4) In this subsection, the term “delayed-effective-date active-duty order” means an order to active duty for a period of more than 30 days in support of a contingency operation under a provi-

sion of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

[(3) This subsection shall cease to be effective on December 31, 2004.]

\* \* \* \* \*

**§ 1074b. Medical and dental care: members of, and designated applicants for membership in, Senior ROTC**

(a) Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in subsection (b):

(1) A member of, and a designated applicant for membership in, Senior ROTC who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties pursuant to section 2109 of this title.

(2) A member of, and a designated applicant for membership in, Senior ROTC who incurs or aggravates an injury, illness, or disease while traveling directly to or from the place at which that member or applicant is to perform or has performed duties pursuant to section 2109 of this title.

(3) Each member of, and each designated applicant for membership in, Senior ROTC who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before the commencement of duties performed pursuant to section 2109 of this title or, while remaining overnight, between successive periods of performing duties pursuant to section 2109 of this title, at or in the vicinity of the site of the duties performed pursuant to section 2109 of this title, if the site is outside reasonable commuting distance from the residence of the member or designated applicant.

(b) A person described in subsection (a) is entitled to—

(1) the medical and dental care appropriate for the treatment of the injury, illness, or disease of that person until the resulting disability cannot be materially improved by further hospitalization or treatment; and

(2) subsistence during hospitalization.

(c) A member of, and each designated applicant for membership in, Senior ROTC is not entitled to benefits under subsection (b) if the injury, illness, or disease or aggravation of an injury, illness, or disease of that person described in subsection (a)(2) is the result of the gross negligence or the misconduct of the member or applicant for membership in Senior ROTC.

(d) In this section, the term “Senior ROTC” means a program under chapter 103 of this title.

\* \* \* \* \*

**§ 1074g. Pharmacy benefits program**

(a) PHARMACY BENEFITS.—(1) \* \* \*

\* \* \* \* \*

(6)(A) The Secretary, in the regulations prescribed under subsection (g), may establish cost sharing requirements (which may be

established as a percentage or fixed dollar amount) under the pharmacy benefits program for generic, formulary, and nonformulary agents. For nonformulary agents, cost sharing shall be consistent with common industry practice and not in excess of amounts generally comparable to 20 percent for beneficiaries covered by section 1079 of this title or 25 percent for beneficiaries covered by section 1086 of this title.

*(B) For a medicare-eligible beneficiary, the cost-sharing requirements may not be in excess of the cost-sharing requirements applicable to all other beneficiaries covered by section 1086 of this title. For purposes of the preceding sentence, a medicare-eligible beneficiary is a beneficiary eligible for health benefits under section 1086 of this title pursuant to subsection (d)(2) of such section.*

\* \* \* \* \*

**§ 1074j. Sub-acute care program**

(a) \* \* \*

(b) BENEFITS.—(1) \* \* \*

\* \* \* \* \*

(3)(A) The program shall include a comprehensive, part-time or intermittent home health care benefit that shall be provided in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).

*(B) The Secretary of Defense shall establish procedures for the transition to and implementation of the home health care benefit required by subparagraph (A). The Secretary may provide in such procedures that covered beneficiaries who, before the implementation of such benefit, received home health care under this chapter in excess of such benefit, may continue to receive such care for such time as the Secretary considers appropriate.*

\* \* \* \* \*

**§ 1075. Officers and certain enlisted members: subsistence charges**

**[(a) IN GENERAL.—**When an officer or former officer of a uniformed service, or an enlisted member of a uniformed service entitled to basic allowance for subsistence, is hospitalized under section 1074 of this title, he shall pay an amount equal to the part of the charge prescribed under section 1078 of this title that is attributable to subsistence.

**[(b) EXCEPTIONS.—**Subsection (a) shall not apply to any of the following:

**[(1)** An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

**[(2)** An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 because of an injury incurred (as determined under criteria prescribed by the Secretary of Defense)—

**[(A)** as a direct result of armed conflict;

**[(B)** while engaged in hazardous service;

[(C) in the performance of duty under conditions simulating war; or  
 [(D) through an instrumentality of war.]

\* \* \* \* \*

**§ 1076a. TRICARE dental program**

(a) \* \* \*

\* \* \* \* \*

(k) ELIGIBLE DEPENDENT DEFINED.—In this section, the term “eligible dependent”—

(1) \* \* \*

(2) includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if, on the date of the death of the member, the dependent is enrolled in a dental benefits plan established under subsection (a) or is not enrolled in such a plan by reason of *the dependent’s young age on the date of death of the member* of a discontinuance of a former enrollment under subsection (f), except that the term does not include the dependent after the end of the three-year period beginning on the date of the member’s death.

\* \* \* \* \*

**§ 1076b. TRICARE program: coverage for members of the Ready Reserve**

[(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve and each member of the Individual Ready Reserve described in section 10144(b) of this title is eligible, subject to subsection (h), to enroll in TRICARE and receive benefits under such enrollment for any period that the member—

[(1) is an eligible unemployment compensation recipient;

or

[(2) is not eligible for health care benefits under an employer-sponsored health benefits plan.

[(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

[(A) Self alone coverage.

[(B) Self and family coverage.

[(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

[(c) OPEN ENROLLMENT PERIODS.—The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subsection (a) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

[(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in the TRICARE program under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

[(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

【(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

【(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

【(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

【(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

【(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

【(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in the TRICARE program under this section may terminate the enrollment only during an open enrollment period provided under subsection (c), except as provided in subsection (h).

【(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

【(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

【(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

【(2) A member who enrolls in the TRICARE program under this section within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

【(i) CERTIFICATION OF NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.—The Secretary of Defense may require a member to

submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not covered for health care benefits under any other health benefits plan.

[(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.—In this section, the term “eligible unemployment compensation recipient” means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

[(k) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

[(l) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after December 31, 2004.]

**§ 1076b. TRICARE demonstration project: coverage for members of the Ready Reserve**

(a) *IN GENERAL.—(1) The Secretary of Defense shall conduct a demonstration project beginning in fiscal year 2005 to test whether TRICARE coverage for certain Ready Reserve members and their families enhances medical readiness and retention of such members.*

(2) *Under the demonstration project required by paragraph (1), within the scope of the project, as established by the Secretary, members of the Ready Reserve may be allowed to enroll for coverage under the TRICARE Standard option of the TRICARE program and receive benefits under such enrollment for any period that the member—*

(A) *is not eligible for health care benefits under an employer-sponsored health benefits plan; and*

(B) *either—*

(i) *is not on active duty; or*

(ii) *is on active duty but under a call or order to active duty for a period of 30 days or less.*

(3) *A member allowed to enroll in TRICARE Standard under the demonstration project may enroll for self-only coverage or self and family coverage.*

(b) *SCOPE OF COVERAGE.—A member and the dependents of a member enrolled in TRICARE Standard under this section shall be entitled to the same benefits and shall pay the same charges as are provided under section 1079 of this title.*

(c) *PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe a premium for self only coverage and a premium for self and family coverage.*

(2) *The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.*

(3) *The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of*

premiums by members not entitled to such basic pay or compensation.

(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

(d) *CONDITIONS OF ELIGIBILITY.*—(1) The Secretary of Defense may establish other conditions of eligibility, including requiring a member to submit any certification that the Secretary considers appropriate to substantiate the member’s assertion that the member is not eligible for health care benefits under any other health benefits plan.

(2) In the case of any member who is self-employed and not eligible for coverage under any other employer-sponsored health benefits plan, the member shall not be considered eligible to enroll under this section if the member’s income in the prior calendar year exceeded \$40,000.

(e) *SCOPE AND TERMS OF DEMONSTRATION PROJECT.*—The geographic scope and priorities for enrollment under the demonstration program, if any, shall be established by the Secretary of Defense. The Secretary may establish such other terms and conditions for the demonstration project required by subsection (a) as the Secretary determines appropriate to accomplish its purposes.

(f) *TERMINATION OF AUTHORITY.*—An enrollment in TRICARE under this section may not continue after December 31, 2007.

(g) *EVALUATION OF DEMONSTRATION AND REPORT TO CONGRESS.*—Not later than March 1, 2007, the Secretary shall provide to Congress a report on the results of the demonstration project required by this section. Such report shall include an analysis of the impact of the demonstration on medical readiness and retention of the members who enrolled, an assessment of the costs and benefits of any improvements in medical readiness or retention, and recommendations concerning TRICARE Standard coverage for Ready Reserve members.

(h) *DEFINITION.*—In this section, the term “TRICARE Standard” means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of this title.

**§ 1076c. Dental insurance plan: certain retirees and their surviving spouses and other dependents**

(a) \* \* \*

\* \* \* \* \*

(b) *PERSONS ELIGIBLE FOR PLAN.*—The following persons are eligible to enroll in the dental insurance plan established under subsection (a):

(1) \* \* \*

\* \* \* \* \*

(6) A person who—

(i) is an unremarried former spouse of a member described in paragraph (1) or (2);

(i) is described in section 1072(2)(F)(i) of this title; and

(ii) does not have dental coverage under an employer-sponsored health plan.

\* \* \* \* \*

**§ 1077. Medical care for dependents: authorized care in facilities of uniformed services**

(a) \* \* \*

\* \* \* \* \*

(c)[A] (1) Except as provided in paragraph (2), a dependent participating under a dental plan established under section 1076a of this title may not be provided dental care under section 1076(a) of this title except for emergency dental care, dental care provided outside the United States, and dental care that is not covered by such plan.

(2)(A) Dependents who have not attained age 13 and who are participating under a dental plan established under section 1076a of this title may be treated by post-graduate dental students in eligible dental treatment facilities if—

(i)(I) treatment of pediatric dental patients is required to comply with American Dental Association accreditation standards; or

(II) pediatric dental training is required to enable post-graduate dental students to provide dental care for such dependents outside the United States; and

(ii) there are insufficient numbers of children eligible to be provided dental care under section 1076(a) of this title to meet such standards or training requirements.

(B) The total number of dependents who may be treated under this paragraph may not exceed 2,000 in any fiscal year.

(C) In this paragraph, an eligible dental treatment facility is a dental treatment facility with a post-graduate dental education program accredited by the American Dental Association.

\* \* \* \* \*

**§ 1079. Contracts for medical care for spouses and children: plans**

(a) \* \* \*

\* \* \* \* \*

(h)(1) \* \* \*

\* \* \* \* \*

(4)(A) \* \* \*

\* \* \* \* \*

(C) In the case of services billed to a dependent referred to in subsection (a) of a member of a reserve component who is ordered to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title, the regulations shall provide that, in addition to amounts otherwise payable by the United States, the Secretary may pay the amount referred to in subparagraph (B)(i) for the services.

\* \* \* \* \*

(p)(1) \* \* \*

\* \* \* \* \*

(4) *The Secretary of Defense may provide for coverage of a dependent referred to in subsection (a) who is not described in paragraph (3) if the Secretary determines that exceptional circumstances warrant such coverage.*

[(4)] (5) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.

\* \* \* \* \*

**§ 1095d. TRICARE program: waiver of certain deductibles**

(a) WAIVER AUTHORIZED.—The Secretary of Defense may waive the deductible payable for medical care provided under the TRICARE program to an eligible dependent of—

(1) a member of a reserve component on active duty pursuant to a call or order to active duty for a period of [less than one year] *more than 30 days*; or

(2) a member of the National Guard on full-time National Guard duty pursuant to a call or order to full-time National Guard duty for a period of [less than one year] *more than 30 days*.

\* \* \* \* \*

**§ 1096. Military-civilian health services partnership program**

(a) \* \* \*

\* \* \* \* \*

(c) COMPUTATION OF CHARGES.—A covered beneficiary *who is a dependent*, with respect to care provided to such beneficiary in facilities of the uniformed services under a sharing agreement entered into under subsection (a), [shall pay—

[(1) in the case of a dependent, the charges prescribed by section 1078 of this title; and

[(2) in the case of a member or former member entitled to retired or retainer pay, the charges prescribed by section 1075 of this title.] *shall pay the charges prescribed by section 1078 of this title.*

\* \* \* \* \*

**§ 1108. Health care coverage through Federal Employees Health Benefits program: demonstration project**

(a) \* \* \*

\* \* \* \* \*

(e) PROHIBITION AGAINST USE OF MTFs AND ENROLLMENT UNDER TRICARE.—Covered beneficiaries under this chapter who are provided coverage under the demonstration project shall not be eligible to receive care at a military medical treatment facility or to enroll in a [health] *health* care plan under the TRICARE program.

\* \* \* \* \*

**CHAPTER 56—DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND**

\* \* \* \* \*

**§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements**

(a) \* \* \*

\* \* \* \* \*

(c) The Secretary of Defense shall enter into an agreement with each other administering Secretary (as defined in section 1072(3) of this title) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. The agreement shall require that Secretary to determine contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary in a manner comparable to the determination with respect to contributions to the Fund made by the Secretary of Defense under section 1116 of this title, and such administering Secretary may make such contributions. *1115(b) of this title, and such contributions shall be paid into the Fund as provided in section 1116(a).*

\* \* \* \* \*

**§ 1115. Determination of contributions to the Fund**

(a) The Board shall determine the amount that is the present value (as of October 1, 2002) of future benefits payable from the Fund that are attributable to service in the participating uniformed services performed before October 1, 2002. That amount is the original unfunded liability of the Fund. The Board shall determine the period of time over which the original unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with such schedule shall be made as provided in section 1116(c) of this title.

(b)(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1116(a) of this title. *The Secretary of Defense shall determine, before the beginning of each fiscal year after September 30, 2005, the total amount of the Department of Defense contribution to be made to the Fund for that fiscal year for purposes of section 1116(b)(2).* That amount shall be the sum of the following:

[(A)] (1) The product of—

[(i)] (A) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(A) at the time of the next actuarial valuation under subsection (c); and

[(ii)] (B) the expected average force strength during that fiscal year for members of the uniformed services under the jurisdiction of the Secretary of Defense on active duty (other than active duty for training) and full-time Na-

tional Guard duty (other than full-time National Guard duty for training only).

[(B)] (2) The product of—

[(i)] (A) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(B) at the time of the next actuarial valuation under subsection (c); and

[(ii)] (B) the expected average force strength during that fiscal year for members of the Ready Reserve of the uniformed services under the jurisdiction of the Secretary of Defense (other than members on full-time National Guard duty other than for training) who are not otherwise described in [subparagraph (A)(ii)] *paragraph (1)(B)*.

[(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense (or to the other executive department having jurisdiction over the participating uniformed service) for that fiscal year for payments to be made to the Fund during that year under section 1116(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.]

(c)(1) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of the Fund. Each such actuarial valuation shall include—

(A) \* \* \*

\* \* \* \* \*

Such single level dollar amounts shall be used for the purposes of subsection (b) [and section 1116(a) of this title]. The Secretary of Defense may determine a separate single level dollar amount under subparagraph (A) or (B) for any participating uniformed service, if, in the judgment of the Secretary, such a determination would produce a more accurate and appropriate actuarial valuation for that uniformed service.

\* \* \* \* \*

(5) Contributions to the Fund in accordance with amortization schedules under paragraphs (2), (3), and (4) shall be made as provided in section [1116(c)] 1116 of this title.

\* \* \* \* \*

**[§ 1116. Payments into the Fund**

[(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that, subject to subsection (b), is the sum of the following:

[(1) The product of—

[(A) the monthly dollar amount determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1115(c)(1)(A) of this title (except that any statutory change in the uniformed services retiree health care programs for medicare-eligible beneficiaries

that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

【(B) the total end strength for that month for members of the uniformed services under the jurisdiction of the Secretary of Defense on active duty (other than active duty for training) and full-time National Guard duty (other than full-time National Guard duty for training).

【(2) The product of—

【(A) the level monthly dollar amount determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1115(c)(1)(B) of this title (except that any statutory change in the uniformed services retiree health care programs for medicare-eligible beneficiaries that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

【(B) the total end strength for that month for members of the Ready Reserve of the uniformed services under the jurisdiction of the Secretary of Defense other than members on full-time National Guard duty (other than for training) who are not otherwise described in paragraph (1)(B).

【(b) If an actuarial valuation referred to in paragraph (1) or (2) of subsection (a) has been calculated as a separate single level dollar amount for a participating uniformed service under section 1115(c)(1) of this title, the administering Secretary for the department in which such uniformed service is operating shall calculate the amount under such paragraph separately for such uniformed service. If the administering Secretary is not the Secretary of Defense, the administering Secretary shall notify the Secretary of Defense of the amount so calculated. To determine a single amount for the purpose of paragraph (1) or (2) of subsection (a), as the case may be, the Secretary of Defense shall aggregate the amount calculated under this subsection for a uniformed service for the purpose of such paragraph with the amount or amounts calculated (whether separately or otherwise) for the other uniformed services for the purpose of such paragraph.

【(c)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1115(a) and 1115(c) of this title.

【(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

【(A) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1115(a) of this title for the amortization of the original unfunded liability of the Fund.

【(B) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(2) of this

title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

[(C) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial assumption changes.

[(D) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(4) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial experience.

[(3) The Secretary of Defense shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

[(d) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the pay of members of the participating uniformed services under the jurisdiction of the respective administering Secretaries.]

#### **§ 1116. Payments into the Fund**

*(a) At the beginning of each fiscal year after September 30, 2005, the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury—*

*(1) the amount certified to the Secretary by the Secretary of Defense under subsection (c), which shall be the contribution to the Fund for that fiscal year required by section 1115; and*

*(2) the amount determined by each administering Secretary under section 1111(c) as the contribution to the Fund on behalf of the members of the uniformed services under the jurisdiction of that Secretary.*

*(b) At the beginning of each fiscal year, the Secretary of Defense shall determine the sum of the following:*

*(1) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1115(a) of this title for the amortization of the original unfunded liability of the Fund.*

*(2) The amount (including any negative amount) of the Department of Defense contribution for that year as determined by the Secretary of Defense under section 1115(b) of this title.*

*(3) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.*

*(4) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial assumption changes.*

*(5) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(4) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial experience.*

(c) *The Secretary of Defense shall promptly certify the amount determined under subsection (b) each year to the Secretary of the Treasury.*

\* \* \* \* \*

**CHAPTER 57—DECORATIONS AND AWARDS**

Sec. 1121.	Legion of Merit: award.						
		*	*	*	*	*	*
1134.	<i>Joint professional military education ribbon: award.</i>						
1134.	<i>Civilian medals or decorations of the Department of Defense.</i>						
		*	*	*	*	*	*

**§ 1134. Joint professional military education ribbon: award**

(a) *JPME I.—The Secretary of Defense may award a ribbon, of appropriate design, as approved by the Secretary, to any person who successfully completes a program of instruction approved by the Secretary as qualifying for credit as the Joint Professional Military Education Phase I program of instruction.*

(b) *JPME II.—The Secretary of Defense may award a device, of appropriate design, as approved by the Secretary, for wear with the ribbon awarded under subsection (a), to any person who successfully completes a program of instruction approved by the Secretary as qualifying for credit as the Joint Professional Military Education Phase II course of instruction.*

**§ 1134. Civilian medals or decorations of the Department of Defense**

(a) *PROHIBITION.—Except with the written permission of the Secretary of Defense or when authorized by regulations, no person may knowingly—*

- (1) *wear; or*
- (2) *use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity; medals, decorations, or other insignia awarded by the Secretary of Defense to recognize Department of Defense civilian employees and other individuals who render service to the Department of Defense.*

(b) *AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, including imposing a civil penalty not to exceed \$25,000 for each violation, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.*

**CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED**

\* \* \* \* \*

**§ 1145. Health benefits**

(a) TRANSITIONAL HEALTH CARE.—(1) \* \* \*

\* \* \* \* \*

[(3) Transitional health care shall be available under subsection (a) for a specified time period beginning on the date on which the member is separated as follows:

[(A) For members separated with less than six years of active service, 60 days.

[(B) For members separated with six or more years of active service, 120 days.]

(3) *Transitional health care shall be available under this subsection for a period beginning on the date on which the member is separated from active duty and ending on the earlier of—*

(A) *180 days after the date on which the member is separated from active duty; or*

(B) *the date on which the member and dependents of the member are covered by a health plan sponsored by an employer.*

\* \* \* \* \*

**CHAPTER 61—RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY**

Sec.	
1201.	Regulars and members on active duty for more than 30 days: retirement.
	* * * * *
1206a.	<i>Reserve component members unable to perform duties when ordered to active duty: disability system processing.</i>
	* * * * *
1217.	Cadets, midshipmen, and aviation cadets: chapter does not apply to.
1217.	<i>Cadets, midshipmen, and aviation cadets: applicability of chapter.</i>
	* * * * *

**§ 1206a. Reserve component members unable to perform duties when ordered to active duty: disability system processing**

(a) *MEMBERS RELEASED FROM ACTIVE DUTY WITHIN 30 DAYS.—A member of a reserve component who is ordered to active duty for a period of more than 30 days and is released from active duty within 30 days of commencing such period of active duty for a reason stated in subsection (b) shall be considered for all purposes under this chapter to have been serving under an order to active duty for a period of 30 days or less.*

(b) *APPLICABLE REASONS FOR RELEASE.—Subsection (a) applies in the case of a member released from active duty because of a failure to meet—*

- (1) *physical standards for retention; or*
- (2) *medical or dental standards for deployment due to a preexisting condition not aggravated during the period of active duty.*

(c) *SAVINGS PROVISION FOR MEDICAL CARE PROVIDED WHILE ON ACTIVE DUTY.—Notwithstanding subsection (a), any benefit under chapter 55 of this title received by a member described in subsection (a) or a dependent of such member before or during the*

*period of active duty shall not be subject to recoupment or otherwise affected.*

\* \* \* \* \*

**§ 1217. Cadets, midshipmen, and aviation cadets: chapter does not apply to**

【This chapter does not apply to cadets at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, or to midshipmen of the Navy.】

**§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter**

*(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the Navy, but only with respect to physical disabilities incurred after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.*

*(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.*

\* \* \* \* \*

**CHAPTER 63—RETIREMENT FOR AGE**

\* \* \* \* \*

**§ 1251. Age 62: regular commissioned officers; exceptions**

(a) \* \* \*

(b) Notwithstanding subsection (a), the President may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes **【64】** 66 years of age. Not more than ten deferments of retirement under this subsection may be in effect at any one time.

\* \* \* \* \*

**CHAPTER 69—RETIRED GRADE**

\* \* \* \* \*

**§ 1370. Commissioned officers: general rule; exceptions**

(a) **RULE FOR RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—**(1) Unless entitled to a higher retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps who retires under any provision of law other than chapter 61 or chapter 1223 of this title shall, **【except as provided in paragraph (2)】** *subject to paragraphs (2) and (3)*, be retired in the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned**【, for not less than six months】**.

[(2)(A) In order to be eligible for voluntary retirement under any provision of this title in a grade above major or lieutenant commander, a commissioned officer of the Army, Navy, Air Force, or Marine Corps must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years.]

[(B) In the case of an officer to be retired in a general or flag officer grade, authority provided by the Secretary of Defense to the Secretary of a military department under subparagraph (A) may be exercised with respect to that officer only if approved by the Secretary of Defense or another civilian official in the Office of the Secretary of Defense appointed by the President, by and with the advice and consent of the Senate.]

[(C) Authority provided by the Secretary of Defense to the Secretary of a military department under subparagraph (A) may be delegated within that military department only to a civilian official of that military department appointed by the President, by and with the advice and consent of the Senate.]

[(D) The President may waive subparagraph (A) in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under the preceding sentence may not be delegated.]

[(E) In the case of a grade below the grade of lieutenant general or vice admiral, the number of members of one of the armed forces in that grade for whom a reduction is made during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade.]

*(2) In order to be eligible for voluntary retirement under this title in a grade below the grade of lieutenant colonel or commander, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than six months.*

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

*(B) In order to be eligible for voluntary retirement in a grade above colonel or captain, in the case of the Navy, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than one year.*

*(C) An officer in a grade above major general or rear admiral may be retired in the highest grade in which the officer served on active duty satisfactorily for not less than one year, upon approval by the Secretary of the military department concerned and concurrence by the Secretary of Defense. The function of the Secretary of Defense under the preceding sentence may only be delegated to a ci-*

*vilian official in the Office of the Secretary of Defense appointed by the President, by and with the advice and consent of the Senate.*

*(D) The President may waive subparagraph (A), (B) or (C) in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under the preceding sentence may not be delegated.*

[(3)] (4) A reserve or temporary officer who is notified that he will be released from active duty without his consent and thereafter requests retirement under section 3911, 6323, or 8911 of this title and is retired pursuant to that request is considered for purposes of this section, to have been retired involuntarily. An officer retired pursuant to section 1186(b)(1) of this title is considered for purposes of this section to have been retired voluntarily.

(b) RETIREMENT IN NEXT LOWER GRADE.—An officer whose length of service in the highest grade he held while on active duty does not meet the service in grade requirements specified in subsection (a) or whose service on active duty in that grade was not determined to be satisfactory by the Secretary of the military department concerned shall be retired in the next lower grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

[(c) OFFICERS IN O-9 AND O-10 GRADES.—(1) An officer who is serving in or has served in the grade of general or admiral or lieutenant general or vice admiral may be retired in that grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and Congress that the officer served on active duty satisfactorily in that grade.

[(2) In the case of an officer covered by paragraph (1), the three-year service-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under that subsection—

[(A) while the officer is under investigation for alleged misconduct; or

[(B) while there is pending the disposition of an adverse personnel action against the officer for alleged misconduct.

[(3)(A) The Secretary of Defense may delegate authority to make a certification with respect to an officer under paragraph (1) only to the Under Secretary of Defense for Personnel and Readiness or the Deputy Under Secretary of Defense for Personnel and Readiness.

[(B) If authority is delegated under subparagraph (A) and, in the course of consideration of an officer for a certification under paragraph (1), the Under Secretary or (if such authority is delegated to both the Under and Deputy Under Secretary) the Deputy Under Secretary makes a determination described in subparagraph (C) with respect to that officer, the Under Secretary or Deputy Under Secretary, as the case may be, may not exercise the delegated authority in that case, but shall refer the matter to the Secretary of Defense, who shall personally determine whether to issue a certification under paragraph (1) with respect to that officer.

[(C) A determination referred to in subparagraph (B) is a determination that there is potentially adverse information concerning an officer and that such information has not previously been submitted to the Senate in connection with the consideration

by the Senate of a nomination of that officer for an appointment for which the advice and consent of the Senate is required.】

【(d)】 (c) RESERVE OFFICERS.—(1) \* \* \*

\* \* \* \* \*

(3)(A)(i) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander *and below brigadier general or rear admiral (lower half)*, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years, *except that the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period not less than two years.*

(ii) *In order to be credited with satisfactory service in a grade above colonel or captain, in the case of the Navy, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in active status, or in a retired status on active duty, for not less than one year.*

(iii) *An officer covered by paragraph (1) who is in a grade above the grade of major general or rear admiral may be retired in the highest grade in which the officer served satisfactorily for not less than one year, upon approval by the Secretary of the military department concerned and concurrence by the Secretary of Defense. The function of the Secretary of Defense under the preceding sentence may only be delegated to a civilian official in the Office of the Secretary of Defense appointed by the president, by and with the advice and consent of the Senate.*

\* \* \* \* \*

(D) To the extent authorized by the Secretary of the military department concerned, a person who, after having been recommended for promotion in a report of a promotion board but before being promoted to the recommended grade, served in a position for which that grade is the minimum authorized grade may be credited for purposes of subparagraph (A)(i) as having served in that grade for the period for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

(E) To the extent authorized by the Secretary of the military department concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of subparagraph (A)(i) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may only be the period for which the person served in the position after the Senate provides advice and consent for the appointment.

【(F) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in a grade above colonel or (in the case of the Navy) captain and, while serving in an active

status in such grade, is involuntarily transferred (other than for cause) from active status may be credited with satisfactory service in the grade in which serving at the time of such transfer, notwithstanding failure of the person to complete three years of service in that grade.】

\* \* \* \* \*

【(5)(A) The Secretary of Defense may authorize the Secretary of a military department to reduce the 3-year period required by paragraph (3)(A) to a period not less than two years.

【(B) In the case of a person who, upon transfer to the Retired Reserve or discharge, is to be credited with satisfactory service in a general or flag officer grade under paragraph (1), authority provided by the Secretary of Defense to the Secretary of a military department under subparagraph (A) may be exercised with respect to that person only if approved by the Secretary of Defense or another civilian official in the Office of the Secretary of Defense appointed by the President, by and with the advice and consent of the Senate.

【(C) Authority provided by the Secretary of Defense to the Secretary of a military department under subparagraph (A) may be delegated within that military department only to a civilian official of that military department appointed by the President, by and with the advice and consent of the Senate.

【(6) The number of reserve commissioned officers of an armed force in the same grade for whom a reduction is made during any fiscal year in the period of service-in-grade otherwise required under paragraph (5) may not exceed the number equal to 2 percent of the strength authorized for that fiscal year for reserve commissioned officers of that armed force in an active status in that grade.

【(e) ADVANCE NOTICE TO CONGRESSIONAL COMMITTEES.—(1) In the case of an officer to be retired in a grade that is a general or flag officer grade who is eligible to retire in that grade only by reason of an exercise of authority under paragraph (2) of subsection (a) to reduce the three-year service-in-grade requirement otherwise applicable under that paragraph, the Secretary of Defense, before the officer is retired in that grade, shall notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the exercise of authority under that paragraph with respect to that officer.

【(2) In the case of a person to be credited under subsection (d) with satisfactory service in a grade that is a general or flag officer grade who is eligible to be credited with such service in that grade only by reason of an exercise of authority under paragraph (5) of that subsection to reduce the three-year service-in-grade requirement otherwise applicable under paragraph (3)(A) of that subsection, the Secretary of Defense, before the person is credited with such satisfactory service in that grade, shall notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the exercise of authority under paragraph (5) of that subsection with respect to that officer.

【(3) In the case of an officer to whom subsection (c) applies, the requirement for notification under paragraph (1) is satisfied if the

notification is included in the certification submitted with respect to that officer under paragraph (1) of such subsection.】

\* \* \* \* \*

**CHAPTER 71—COMPUTATION OF RETIRED PAY**

\* \* \* \* \*

**§ 1406. Retired pay base for members who first became members before September 8, 1980: final basic pay**

(a) \* \* \*

\* \* \* \* \*

(g) COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In the case of an officer whose retired pay is computed under section 【305】 245 of the National Oceanic and Atmospheric Administration Commissioned Officers Act of 2002 (33 U.S.C. 3045), the retired pay base is the basic pay of the rank with which the officer retired.

\* \* \* \* \*

(i) SPECIAL RULE FOR FORMER CHAIRMEN AND VICE CHAIRMEN OF THE JCS, CHIEFS OF SERVICE, COMMANDERS OF COMBATANT COMMANDS, AND SENIOR ENLISTED MEMBERS.—

(1) \* \* \*

(2) EXCEPTION FOR 【MEMBERS REDUCED IN GRADE OR WHO DO NOT SERVE SATISFACTORILY】 ENLISTED MEMBERS REDUCED IN GRADE.—Paragraph (1) does not apply in the case of 【a member】 an enlisted member who, while or after serving in a position specified in that paragraph and by reason of conduct occurring after October 16, 【1998—

【(A) in the case of an enlisted member, is reduced in】 1998, is reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process【; or】.

【(B) in the case an officer, is not certified by the Secretary of Defense under section 1370(c) of this title as having served on active duty satisfactorily in the grade of general or admiral, as the case may be, while serving in that position.】

\* \* \* \* \*

**CHAPTER 73—ANNUITIES BASED ON RETIRED OR RETAINER PAY**

Subchapter	Sec.
I. Retired Serviceman's Family Protection Plan .....	1431
* * * * *	
【III. Supplemental Survivor Benefit Plan .....	1456】
* * * * *	

**SUBCHAPTER II—SURVIVOR BENEFIT PLAN**

\* \* \* \* \*

**§ 1448. Application of Plan**

(a) \* \* \*

- (b) INSURABLE INTEREST AND FORMER SPOUSE COVERAGE.—
  - (1) COVERAGE FOR PERSON WITH INSURABLE INTEREST.—
    - (A) \* \* \*

\* \* \* \* \*

(F) VITIATION OF ELECTION BY DISABILITY RETIREE WHO DIES OF DISABILITY-RELATED CAUSE.—If a member retired [on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004] *after November 23, 2003*, under chapter 61 of this title dies within one year after the date on which the member is so retired and the cause of death is related to a disability for which the member was retired under that chapter (as determined under regulations prescribed by the Secretary of Defense)—

- (i) \* \* \*

\* \* \* \* \*

- (d) COVERAGE FOR SURVIVORS OF MEMBERS WHO DIE ON ACTIVE DUTY.—

- (1) \* \* \*
- (2) DEPENDENT CHILDREN.—
  - (A) \* \* \*

(B) OPTIONAL ANNUITY WHEN THERE IS AN ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1) who dies [on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004] *after November 23, 2003*, and for whom there is a surviving spouse eligible for an annuity under paragraph (1), the Secretary may pay an annuity under this subchapter to the member's dependent children under section 1450(a)(3) of this title, if applicable, instead of paying an annuity to the surviving spouse under paragraph (1), if the Secretary concerned, in consultation with the surviving spouse, determines it appropriate to provide an annuity for the dependent children under this paragraph instead of an annuity for the surviving spouse under paragraph (1).

\* \* \* \* \*

- (6) DEEMED ELECTION.—

(A) ANNUITY FOR DEPENDENT.—In the case of a member described in paragraph (1) who dies [on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004] *after November 23, 2003*, the Secretary concerned may, if no other annuity is payable on behalf of the member under this subchapter, pay an annuity to a natural person who has an insurable interest in such member as if the annuity were elected by the member under subsection (b)(1). The Secretary concerned may pay such an annuity under this paragraph only in the case of a person who is a dependent of that member (as defined in section 1072(2) of this title).

\* \* \* \* \*

**§ 1451. Amount of annuity**

(a) COMPUTATION OF ANNUITY FOR A SPOUSE, FORMER SPOUSE, OR CHILD.—

(1) STANDARD ANNUITY.—In the case of a standard annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

(A) \* \* \*

(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

(i) GENERAL RULE.—If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to **35 percent of the base amount.** *the product of the base amount and the percent applicable to the month, as follows:*

*(I) For a month before October 2005, the applicable percent is 35 percent.*

*(II) For months after September 2005 and before April 2006, the applicable percent is 40 percent.*

*(III) For months after March 2006 and before April 2007, the applicable percent is 45 percent.*

*(IV) For months after March 2007 and before April 2008, the applicable percent is 50 percent.*

*(V) For months after March 2008, the applicable percent is 55 percent.*

(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if **at the time the beneficiary becomes entitled to the annuity,** computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).

(2) RESERVE-COMPONENT ANNUITY.—In the case of a reserve-component annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

(A) \* \* \*

(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

(i) GENERAL RULE.—If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount that—

*(I) is less than **35 percent** the percent specified under subsection (a)(1)(B)(i) as being applicable for the month; and*

\* \* \* \* \*

(c) ANNUITIES FOR SURVIVORS OF CERTAIN PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—

(1) IN GENERAL.—In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined as follows:

(A) \* \* \*

(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

(i) GENERAL RULE.—If the person receiving the annuity (other than a dependent child) is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to [35 percent] *the applicable percent* of the retired pay to which the member or former member would have been entitled as determined under subparagraph (A). *The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for that month.*

(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if[, at the time the beneficiary becomes entitled to the annuity,] computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).

\* \* \* \* \*

(d) REDUCTION OF ANNUITIES AT AGE 62.—

(1) \* \* \*

(2) AMOUNT OF ANNUITY AS REDUCED.—

(A) [35 PERCENT ANNUITY.—] *COMPUTATION OF ANNUITY.*—Except as provided in subparagraph (B), the reduced amount of the annuity shall be the amount of the annuity that the person would be receiving on that date if the annuity had initially been computed under subparagraph (B) of that subsection.

\* \* \* \* \*

SUBCHAPTER III—SUPPLEMENTAL SURVIVOR BENEFIT PLAN

\* \* \* \* \*

**§ 1457. Supplemental spouse coverage: payment of annuity; amount**

(a) \* \* \*

(b) AMOUNT OF ANNUITY FOR BENEFICIARY OF PERSON PROVIDING STANDARD ANNUITY UNDER SBP.—In the case of a person providing a standard annuity for a spouse or former spouse beneficiary under the Survivor Benefit Plan and providing a supplemental spouse annuity for that beneficiary under this subchapter, the monthly annuity payable to the beneficiary under this subchapter shall be the amount equal to [5, 10, 15, or 20 percent] *the applicable percent* of the base amount under the Survivor Benefit Plan of the person providing the annuity, as specified by that person when electing to provide the annuity. *The percent used for the computation shall be an even multiple of 5 percent and, whatever*

*the percent specified in the election, may not exceed 20 percent for months before October 2005, 15 percent for months after September 2005 and before April 2006, 10 percent for months after March 2006 and before April 2007, and 5 percent for months after March 2007 and before April 2008. The annuity shall be computed as of the date of the death of the person providing the annuity, notwithstanding that the annuity is not payable at that time by reason of subsection (a).*

\* \* \* \* \*

**§ 1458. Supplemental spouse coverage: eligible participants; elections of coverage**

(a) \* \* \*

\* \* \* \* \*

(j) **VITIATION OF ELECTION BY DISABILITY RETIREE WHO DIES OF DISABILITY-RELATED CAUSE.**—If a member retired [on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004] *after November 23, 2003*, under chapter 61 of this title dies within one year after the date on which the member is so retired and the cause of death is related to a disability for which the member was retired under that chapter (as determined under regulations prescribed by the Secretary of Defense)—

(1) \* \* \*

\* \* \* \* \*

[Effective April 1, 2008, subchapter III of chapter 73 is repealed.]

**[SUBCHAPTER III—SUPPLEMENTAL SURVIVOR BENEFIT PLAN**

- [Sec. 1456. Supplemental spouse coverage: establishment of plan; definitions.
- [1457. Supplemental spouse coverage: payment of annuity; amount.
- [1458. Supplemental spouse coverage: eligible participants; elections of coverage.
- [1459. Former spouse coverage: special rules.
- [1460. Supplemental spouse coverage: reductions in retired pay.
- [1460a. Incorporation of certain administrative provisions.
- [1460b. Regulations.

**[§ 1456. Supplemental spouse coverage: establishment of plan; definitions**

[(a) **ESTABLISHMENT OF SUPPLEMENTAL SURVIVOR BENEFIT PLAN.**—

[(1) **PLAN.**—The Secretary of Defense shall carry out a program in accordance with this subchapter to enable participants in the Survivor Benefit Plan who are providing coverage for a spouse or former spouse beneficiary under that Plan to also provide a supplemental annuity for that spouse or former spouse beginning when the participant dies or when the spouse or former spouse becomes 62 years of age, whichever is later, in order to offset the effects of the two-tier annuity computation under the Survivor Benefit Plan.

[(2) NAME OF PLAN.—The program under this subchapter shall be known as the Supplemental Survivor Benefit Plan.

[(b) DEFINITIONS.—

[(1) INCORPORATION OF DEFINITIONS APPLICABLE TO SURVIVOR BENEFIT PLAN.—The definitions in section 1447 of this title apply in this subchapter.

[(2) SUPPLEMENTAL SPOUSE ANNUITY DEFINED.—In this subchapter, the term “supplemental spouse annuity” means an annuity provided to a spouse or former spouse under this subchapter.

**[§ 1457. Supplemental spouse coverage: payment of annuity; amount**

[(a) COMMENCEMENT OF ANNUITY.—A supplemental spouse annuity commences on the later of—

[(1) the day on which an annuity under the Survivor Benefit Plan becomes payable to the beneficiary; or

[(2) the first day of the first month after the month in which the beneficiary becomes 62 years of age.

[(b) AMOUNT OF ANNUITY FOR BENEFICIARY OF PERSON PROVIDING STANDARD ANNUITY UNDER SBP.—In the case of a person providing a standard annuity for a spouse or former spouse beneficiary under the Survivor Benefit Plan and providing a supplemental spouse annuity for that beneficiary under this subchapter, the monthly annuity payable to the beneficiary under this subchapter shall be the amount equal to 5, 10, 15, or 20 percent of the base amount under the Survivor Benefit Plan of the person providing the annuity, as specified by that person when electing to provide the annuity. The annuity shall be computed as of the date of the death of the person providing the annuity, notwithstanding that the annuity is not payable at that time by reason of subsection (a).

[(c) AMOUNT OF ANNUITY FOR BENEFICIARY OF PERSON PROVIDING RESERVE-COMPONENT ANNUITY UNDER SBP.—In the case of a person providing a reserve-component annuity for a spouse or former spouse beneficiary under the Survivor Benefit Plan and providing a supplemental spouse annuity for that beneficiary under this subchapter, the monthly annuity payable to that beneficiary under this subchapter shall be determined as follows:

[(1) BENEFICIARY INITIALLY 62 YEARS OF AGE OR OLDER.—If the beneficiary is 62 years of age or older when the beneficiary becomes entitled to the reserve-component annuity under the Survivor Benefit Plan, the monthly amount of the supplemental spouse annuity is the difference between—

[(A) the amount of the reserve-component annuity under the Survivor Benefit Plan to which the beneficiary would be entitled if that beneficiary were under 62 years of age (as computed under section 1451(a)(2)(A) of this title); and

[(B) the amount of the reserve-component annuity to which the beneficiary is entitled (as computed under section 1451(a)(2)(B) of this title).

[(2) BENEFICIARY INITIALLY UNDER 62 YEARS OF AGE.—If the beneficiary is under 62 years of age when the beneficiary becomes entitled to the reserve-component annuity under the

Survivor Benefit Plan, the monthly amount of the supplemental spouse annuity of that beneficiary (commencing on the date specified in subsection (a)(2)) is the amount by which the beneficiary's annuity under the Survivor Benefit Plan is reduced (on the same day) under section 1451(d) of this title.

[(3) EXCLUSION OF DIC OFFSET.—Computations under paragraphs (1) and (2) shall be made without regard to any reduction required under section 1450(c) of this title (or any other provision of law) with respect to the receipt of dependency and indemnity compensation under section 1311 of title 38.

[(d) ADJUSTMENTS IN ANNUITIES.—

[(1) PERIODIC ADJUSTMENTS (COLAS).—Whenever annuities under the Survivor Benefit Plan are increased under section 1451(g)(1) of this title (or any other provision of law) or recomputed under section 1451(i) of this title, each annuity under this subchapter shall be increased or recomputed at the same time. The increase shall, in the case of any such annuity, be by the same percent as the percent by which the annuity of that beneficiary is increased or recomputed under the Survivor Benefit Plan.

[(2) ROUNDING DOWN.—The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

[(e) TERMINATION OF ANNUITY.—A supplemental spouse annuity terminates effective as of the first day of the month in which the beneficiary dies or otherwise becomes ineligible to continue to receive an annuity under the Survivor Benefit Plan.

**[(§ 1458. Supplemental spouse coverage: eligible participants; elections of coverage**

[(a) COVERAGE.—

[(1) IN GENERAL.—A person who provides an annuity for a spouse or former spouse under the Survivor Benefit Plan at the maximum level may elect in accordance with this section to provide a supplemental spouse annuity for that spouse or former spouse.

[(2) COVERAGE CONTINGENT ON CONCURRENT SBP COVERAGE.—When a person providing a supplemental spouse annuity under this subchapter ceases to be a participant under the Survivor Benefit Plan, that person's coverage under this subchapter automatically terminates.

[(3) ELECTIONS TO BE VOLUNTARY.—A person may not be ordered or required to elect (or to enter into an agreement to elect) to provide a spouse or former spouse with a supplemental spouse annuity under this subchapter. Except as provided in section 1459(b) of this title, in no case shall a person be deemed to have made an election to provide a supplemental annuity for a spouse or former spouse of such person.

[(b) LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.—A person is not eligible to make an election under this section if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan will be computed under section 1451(e) of this title. However,

such a person may waive the right to have that annuity computed under section 1451(e) of this title. Any such election is irrevocable. A person making such a waiver may make an election under this section as in the case of any other participant in the Survivor Benefit Plan.

**[(c) ELECTION OF SUPPLEMENTAL SPOUSE ANNUITY BEFORE BECOMING A PARTICIPANT IN SBP.—**

**[(1) IN GENERAL.—**A person anticipating becoming a participant in the Survivor Benefit Plan who has a spouse or former spouse may elect to provide a supplemental spouse annuity under this subchapter for that spouse or former spouse.

**[(2) CONDITIONS ON ELECTION.—**An election under paragraph (1)—

**[(A)** must be made before the day on which the person making the election first becomes a participant in the Survivor Benefit Plan; and

**[(B)** shall be made in the same manner as an election under section 1448 of this title that is available to that person at the same time.

**[(3) REQUIREMENT OF SPOUSE ANNUITY UNDER SBP.—**If upon becoming a participant in the Survivor Benefit Plan under section 1448 of this title the person is not providing an annuity for the person's spouse or former spouse, an election under this section to provide a supplemental spouse annuity shall be void.

**[(4) SPECIAL RULE FOR RCSBP PARTICIPANTS.—**For the purposes of this subsection, a person providing a reserve-component annuity under the Survivor Benefit Plan shall not be considered to have become a participant in that Plan until the end of the 90-day period referred to in clause (iii) of section 1448(a)(2)(B) of this title.

**[(d) ELECTION OF FORMER SPOUSE AFTER BECOMING ELIGIBLE FOR SURVIVOR BENEFIT PLAN.—**

**[(1) ELECTION OF COVERAGE.—**A person who elects under section 1448(b)(3) of this title to provide coverage under the Survivor Benefit Plan for a former spouse may elect to provide a supplemental spouse annuity for that former spouse. Any such election must be signed by the person and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

**[(2) EFFECTIVE DATE OF ELECTION.—**An election under paragraph (1) is effective as of the same day as the election under section 1448(b)(3) of this title.

**[(e) NOTICE TO SPOUSE OF FORMER SPOUSE COVERAGE.—**If a married person who is eligible to provide an annuity under the Survivor Benefit Plan elects to provide an annuity under that Plan for a former spouse (or for a former spouse and dependent child) and elects under this section to provide a supplemental spouse annuity for that former spouse, the notification to the person's spouse under section 1448(a)(3)(E) or 1448(b)(3)(D) of this title shall include notice of the election under this section.

**[(f) IRREVOCABILITY OF ELECTIONS.—**

**[(1) STANDARD ANNUITY.—**An election under subsection (c) to provide a supplemental spouse annuity by a person providing a standard annuity under the Survivor Benefit Plan is

irrevocable if not revoked on the day before the date on which the person first becomes a participant in that Plan.

[(2) RESERVE-COMPONENT ANNUITY.—An election under subsection (c) to provide a supplemental spouse annuity by a person providing a reserve-component annuity under the Survivor Benefit Plan is irrevocable if not revoked before the end of the 90-day period with respect to that person referred to in clause (iii) of section 1448(a)(2)(B) of this title.

[(3) FORMER SPOUSE ELECTIONS.—An election under subsection (d) may not be revoked except in accordance with subsection (h).

[(g) REMARRIAGE AFTER RETIREMENT.—

[(1) ELECTION UPON REMARRIAGE.—A person—

[(A) who is a participant in the Survivor Benefit Plan and is providing coverage under that Plan for a spouse (or a spouse and child) but is not a participant in the Supplemental Survivor Benefit Plan;

[(B) who does not have an eligible spouse beneficiary under that Plan; and

[(C) who remarries,

may (subject to paragraph (2)) elect to provide a supplemental spouse annuity under this subchapter for the person's spouse.

[(2) LIMITATIONS ON ELECTION.—A person may not make an election under paragraph (1) if the person elects under section 1448(a)(6)(A) of this title not to provide coverage under the Survivor Benefit Plan for the person's spouse.

[(3) CONDITIONS ON ELECTION.—An election under paragraph (1)—

[(A) is irrevocable;

[(B) shall be made within one year after the remarriage; and

[(C) shall be made in such form and manner as may be prescribed in regulations under section 1460b of this title.

[(h) CHANGE OF FORMER SPOUSE BENEFICIARY TO SPOUSE OR CHILD BENEFICIARY.—If a person who is providing an annuity for a former spouse under the Survivor Benefit Plan and a supplemental spouse annuity for that former spouse under this subchapter elects under section 1450(f)(1) of this title to change the beneficiary of the annuity under the Survivor Benefit Plan in order to provide an annuity under that Plan to that person's spouse or to a dependent child—

[(1) the beneficiary under the supplemental spouse annuity shall be deemed to be changed to that spouse also, if the change under section 1450(f)(1) was to provide the annuity for the person's spouse; and

[(2) participation in the supplemental spouse annuity program shall be terminated, if the change under section 1450(f)(1) of this title was to provide the annuity for a dependent child.

[(i) REINSTATEMENT OF DISCONTINUED ANNUITY UPON REINSTATEMENT OF SBP ANNUITY.—If a person who is providing an annuity for a former spouse under the Survivor Benefit Plan and a supplemental spouse annuity for that former spouse under this subchapter discontinues participation in the Survivor Benefit Plan

under any provision of law and subsequently resumes participation in that Plan under any provision of law, the participation of that person in the Supplemental Survivor Benefit Plan under this chapter shall be reinstated effective on the day on which participation in the Survivor Benefit Plan resumes.

**[(j) VITIATION OF ELECTION BY DISABILITY RETIREE WHO DIES OF DISABILITY-RELATED CAUSE.—**If a member retired on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 under chapter 61 of this title dies within one year after the date on which the member is so retired and the cause of death is related to a disability for which the member was retired under that chapter (as determined under regulations prescribed by the Secretary of Defense)—

**[(1)** an election made by the member to provide a supplemental spouse annuity under this subchapter is vitiated; and

**[(2)** the amounts by which the member's retired pay was reduced under section 1460 of this title shall be refunded and paid to the person to whom the supplemental spouse annuity would have been paid pursuant to such election.

**[§ 1459. Former spouse coverage: special rules**

**[(a) DISCLOSURE OF VOLUNTARY WRITTEN AGREEMENT WITH FORMER SPOUSE.—**A person who elects under section 1458 of this title to provide a supplemental spouse annuity for a former spouse shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.

**[(b) ENFORCEMENT OF VOLUNTARY WRITTEN AGREEMENTS INCIDENT TO DIVORCE, ETC.—**

**[(1) ELECTIONS DEEMED TO HAVE BEEN MADE.—**If a person who is eligible to elect under section 1458 of this title to provide a supplemental spouse annuity for a former spouse voluntarily enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to elect to provide a supplemental annuity for a former spouse and that agreement is incorporated in or ratified or approved by a court order or is filed with the court of appropriate jurisdiction in accordance with applicable State law, and such person then fails or refuses to make the election as set forth in the voluntary agreement, such person shall be deemed to have made the election if the Secretary concerned—

**[(A)** receives from the former spouse concerned a written request, in such manner as the Secretary shall prescribe, requesting that the election be deemed to have been made; and

**[(B)** receives (i) a copy of the court order, regular on its face, which incorporates, ratifies, or approves the written agreement of such person, or (ii) a statement from the clerk of the court (or other appropriate official) that such

agreement has been filed with the court in accordance with applicable State law.

[(2) TIME LIMIT FOR REQUEST TO SECRETARY CONCERNED.—An election may not be deemed to have been made under paragraph (1) in the case of any person unless the Secretary concerned receives a request from the former spouse within one year after the date of the court order or filing involved.

[(3) EFFECTIVE DATE OF DEEMED ELECTION.—An election deemed to have been made under paragraph (1) shall become effective on the first day of the first month which begins after the date of the court order or filing involved.

**[§ 1460. Supplemental spouse coverage: reductions in retired pay**

[(a) REDUCTION REQUIRED.—The retired pay of a person who elects to provide a supplemental spouse annuity shall be reduced each month as required under regulations prescribed under subsection (b).

[(b) REGULATIONS DETERMINING AMOUNT OF REDUCTION.—Regulations for the purposes of subsection (a) shall be prescribed by the Secretary of Defense. Those regulations shall be based upon assumptions used by the Department of Defense Retirement Board of Actuaries in the valuation of military retirement and survivor benefit programs under chapter 74 of this title (including assumptions relating to mortality, interest rates, and inflation) and shall ensure the following:

[(1) That reductions in retired pay under this section are made in amounts sufficient to provide that the Supplemental Survivor Benefit Plan operates on an actuarially neutral basis.

[(2) That such reductions are stated, with respect to the base amount (under the Survivor Benefit Plan) of any person, as a constant percentage of that base amount and, in the case of a person providing a supplemental spouse annuity computed under section 1457(b) of this title, a constant percentage of such person's base amount for each 5 percent increment specified in accordance with that section.

[(3) That the amounts of such reductions in retired pay of persons participating in the Supplemental Survivor Benefit Plan (stated as a percentage of base amount)—

[(A) are based on the age of the participant at the time participation in that Plan is first effective under this subchapter; and

[(B) are not determined by any other demographic differentiation among participants in the Plan.

[(4) That such reductions are otherwise determined in accordance with generally accepted actuarial principles and practices.

[(c) SUSPENSION OF REDUCTION WHEN THERE IS NO SPOUSE BENEFICIARY.—A reduction in retired pay under this section shall not be made in the case of any person during any month in which there is no eligible spouse or former spouse beneficiary.

[(d) ADJUSTMENTS IN AMOUNT OF REDUCTION.—Whenever the amount of the reduction in retired pay of a participant in the Survivor Benefit Plan is increased under section 1452(h) of this title or recomputed under section 1452(i) of this title, the amount of the

reduction in that retired pay under this section shall be increased or recomputed, as the case may be, at the same time and in the same manner as that increase or recomputation.

[(e) ADMINISTRATIVE PROVISIONS.—The provisions of subsections (d) and (f) of section 1452 of this title apply with respect to the participation of a person in the Supplemental Survivor Benefit Plan in the same manner that those provisions apply under the Survivor Benefit Plan.

**【§ 1460a. Incorporation of certain administrative provisions**

[(a) APPLICABILITY OF CERTAIN PROVISIONS OF SBP LAW.—The provisions of sections 1449, 1452(g), 1453, and 1454 of this title are applicable to a person eligible to make an election, and to an election, under this subchapter in the same manner as if made under subchapter II.

[(b) OTHER APPLICABLE PROVISIONS.—Except to the extent otherwise provided in regulations prescribed under section 1460b of this title, the provisions of subsections (h), (i), and (l) of section 1450 of this title apply to supplemental spouse annuities in the same manner that those provisions apply to annuities under the Survivor Benefit Plan.

**【§ 1460b. Regulations**

【The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the uniformed services and shall, so far as practicable, incorporate provisions of the regulations in effect under section 1455 of this title.】

\* \* \* \* \*

**CHAPTER 74—DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND**

\* \* \* \* \*

**§ 1463. Payments from the Fund**

- (a) There shall be paid from the Fund—
  - (1) retired pay payable to members on the retired lists of the Army, Navy, Air Force, and Marine Corps and payments under section **【1413, 1413a,】 1413a** or 1414 of this title paid to such members;

\* \* \* \* \*

**§ 1465. Determination of contributions to the Fund**

- (a) \* \* \*
- (b)(1) \* \* \*

\* \* \* \* \*

(4) *At the same time that the Secretary of Defense makes the determination required by paragraph (1) for any fiscal year, the Secretary shall determine the amount of the Treasury contribution to be made to the Fund for the next fiscal year under section 1466(b)(2)(E) of this title. That amount shall be determined in the same manner as the determination under paragraph (1) of the total amount of Department of Defense contributions to be made to the*

*Fund during that fiscal year under section 1466(a) of this title, except that for purposes of this paragraph the Secretary, in making the calculations required by subparagraphs (A) and (B) of that paragraph, shall use the single level percentages determined under subsection (c)(5), rather than those determined under subsection (c)(1).*

(c)(1) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of Department of Defense military retirement and survivor benefit programs. Each actuarial valuation of such programs shall include—

(A) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the armed forces (other than the Coast Guard) on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only), to be determined without regard to section [1413, 1413a,] 1413a or 1414 of this title *and as if benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year; and*

(B) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for members of the Ready Reserve of the armed forces (other than the Coast Guard and other than members on full-time National Guard duty other than for training) who are not otherwise described by subparagraph (A), to be determined without regard to section [1413, 1413a,] 1413a or 1414 of this title *and as if benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year.*

Such single level percentages shall be used for the purposes of subsection (b)(1) and section 1466(a) of this title.

\* \* \* \* \*

(4) Whenever the Secretary carries out an actuarial valuation under paragraph (1), the Secretary shall include as part of such valuation the following:

(A) A determination of a single level percentage determined in the same manner as applies under subparagraph (A) of paragraph (1), but based only upon the provisions of sections [1413, 1413a,] 1413a and 1414 of this title.

(B) A determination of a single level percentage determined in the same manner as applies under subparagraph (B) of paragraph (1), but based only upon the provisions of sections [1413, 1413a,] 1413a and 1414 of this title.

Such single level percentages shall be used for the purposes of subsection (b)(3).

(5) *Whenever the Secretary carries out an actuarial valuation under paragraph (1), the Secretary shall include as part of such valuation the following:*

(A) A determination of a single level percentage determined in the same manner as applies under subparagraph (A) of paragraph (1), but determined as if benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year.

(B) A determination of a single level percentage determined in the same manner as applies under subparagraph (B) of paragraph (1), but determined as if benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year.

Such single level percentages shall be used for the purposes of subsection (b)(4).

[(5)] (6) Contributions to the Fund in accordance with amortization schedules under paragraphs (2) and (3) shall be made as provided in section 1466(b) of this title.

\* \* \* \* \*

**§ 1466. Payments into the Fund**

(a) \* \* \*

(b)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1465(a), 1465(b)(3), 1465(b)(4), 1465(c)(2), and 1465(c)(3) of this title.

(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

(A) \* \* \*

\* \* \* \* \*

(D) The amount for that year determined by the Secretary of Defense under section 1465(b)(3) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of section [1413, 1413a,] 1413a or 1414 of this title.

(E) The amount for that year determined by the Secretary of Defense under section 1465(b)(4) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older being computed for any fiscal year on the basis of the percentage greater than 35 percent.

\* \* \* \* \*

**CHAPTER 76—MISSING PERSONS**

\* \* \* \* \*

**§ 1501. System for accounting for missing persons**

(a) OFFICE FOR MISSING PERSONNEL.—(1) \* \* \*

\* \* \* \* \*

(5)(A) \* \* \*

[(B) For any fiscal year, the number of military and civilian personnel assigned or detailed to the office may not be less than the number requested in the President’s budget for fiscal year 2003, unless a level below such number is expressly required by law.

[(C) For any fiscal year, the level of funding allocated to the office within the Department of Defense may not be below the level requested for such purposes in the President’s budget for fiscal year 2003, unless such a level of funding is expressly required by law.]

(B)(i) For any fiscal year—

(I) the number of full-time Department of Defense personnel permanently assigned or detailed to the office shall be not less than 46 members of the armed forces and not less than 69 civilian employees of the Department of Defense; and

(II) the number of permanent positions authorized for the office shall be not less than 46 positions for members of the armed forces and not less than 69 positions for civilian employees.

(ii) No reductions below the numbers assigned or authorized under clause (i) may be made unless expressly authorized by law.

(iii) If for any reason the number of military or civilian personnel assigned to the office should fall below the required level under clause (i)(I), the Secretary of Defense shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of the number of personnel so assigned and of the Secretary’s plan to restore the staffing levels of the office to at least the required minimums under clause (i). The Secretary shall publish such notice and plan in the Federal Register.

(C) For any fiscal year, the level of funding allocated to the office shall be not less than \$16,000,000 unless a lower level of funding is expressly required by law.

\* \* \* \* \*

**CHAPTER 79—CORRECTION OF MILITARY RECORDS**

\* \* \* \* \*

**§ 1557. Timeliness standards for disposition of applications before Corrections Boards**

(a) \* \* \*

(b) CLEARANCE DEADLINE FOR ALL APPLICATIONS.—[Effective October 1, 2002, final] Final action by a Corrections Board on all applications received by the Corrections Board (other than those applications considered suitable for administrative correction) shall be completed within 18 months of receipt.

\* \* \* \* \*

**§ 1559. Personnel limitation**

(a) LIMITATION.—[During fiscal years 2003, 2004, and 2005,] *Before October 1, 2008*, the Secretary of a military department may not carry out any reduction in the number of military and civilian personnel assigned to duty with the service review agency for that military department below the baseline number for that agency until—

(1) \* \* \*

\* \* \* \* \*

**CHAPTER 80—MISCELLANEOUS INVESTIGATION REQUIREMENTS AND OTHER DUTIES**

\* \* \* \* \*

**§ 1566. Voting assistance: compliance assessments; assistance**

(a) \* \* \*

\* \* \* \* \*

(g) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) \* \* \*

(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held. Not later than [the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002] *April 29, 2003*, the Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

(h) NOTICE OF DEADLINES AND REQUIREMENTS.—The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the [Armed Forces] *armed forces* stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.

(i) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the [Armed Forces] *armed forces* and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registra-

tion), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

\* \* \* \* \*

(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the **[Armed Forces]** *armed forces* and their dependents of election timing, registration requirements, and voting procedures.

\* \* \* \* \*

**CHAPTER 81—CIVILIAN EMPLOYEES**

Sec. 1580. Emergency essential employees: designation.

\* \* \* \* \*

1599e. *Senior executive compensation for nonappropriated fund instrumentalities.*

\* \* \* \* \*

**§ 1588. Authority to accept certain voluntary services**

(a) **AUTHORITY TO ACCEPT SERVICES.**—Subject to subsection (b) and notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person the following services:

(1) \* \* \*

\* \* \* \* \*

(8) *Voluntary services provided to the United States Military Academy, United States Naval Academy, and United States Air Force Academy for the training of cadets and midshipmen.*

\* \* \* \* \*

(d) **STATUS OF PERSONS PROVIDING SERVICES.**—(1) Subject to paragraph (3), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), a person, other than a person referred to in paragraph (2), shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) \* \* \*

\* \* \* \* \*

(D) Chapter 11 of title 18 (relating to conflicts of interest), and chapters 20 and 22 of title 46 (relating to claims for damages or loss on navigable waters).

\* \* \* \* \*

**§ 1596a. Foreign language proficiency: special pay for proficiency beneficial for other national security interests**

(a) **AUTHORITY.**—The Secretary of Defense may pay special pay under this section to an employee of the Department of Defense who—

(1) \* \* \*

(2) is assigned duties requiring proficiency in that foreign language [during a contingency operation supported by the armed forces]; and

\* \* \* \* \*

(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay under this section is in addition to any other pay or allowances to which the employee is entitled and shall not be considered base pay for any purpose.

\* \* \* \* \*

**§ 1599e. Senior executive compensation for nonappropriated fund instrumentalities**

*Notwithstanding any provisions of title 5, the Secretary of Defense may regulate the amount of total compensation, including the rate of basic pay, of senior executives employed by Department of Defense nonappropriated fund instrumentalities, to provide for parity with the total compensation, including basic pay, of Department of Defense employees in the Senior Executive Service and other similar senior executive positions.*

\* \* \* \* \*

**CHAPTER 83—CIVILIAN DEFENSE INTELLIGENCE EMPLOYEES**

\* \* \* \* \*

**SUBCHAPTER I—DEFENSE-WIDE INTELLIGENCE PERSONNEL POLICY**

\* \* \* \* \*

**§ 1602. Basic pay**

(a) AUTHORITY TO FIX RATES OF BASIC PAY.—The Secretary of Defense (subject to the provisions of this section) shall fix the rates of basic pay for positions established under section 1601 of this title [in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities] *in relation to the rates of pay provided for Department of Defense Senior Executive, Senior Level, and other comparable positions.*

[(b) MAXIMUM RATES.—A rate of basic pay fixed under subsection (a) for a position established under section 1601 of this title may not (except as otherwise provided by law) exceed—

[(1) in the case of a Defense Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

[(2) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

[(3) in the case of any other position, the maximum rate provided in section 5306(e) of title 5.]

(b) PERFORMANCE APPRAISAL SYSTEM.—*The positions referred to in subsection (a) shall be subject to a performance appraisal system which, as designed and applied, is certified by the Secretary of Defense as making meaningful distinctions based on relative performance and may be the same performance appraisal system estab-*

lished and implemented within the Department for members of the Senior Executive Service.

\* \* \* \* \*

**CHAPTER 87—DEFENSE ACQUISITION WORKFORCE**

\* \* \* \* \*

**SUBCHAPTER II—DEFENSE ACQUISITION POSITIONS**

\* \* \* \* \*

**§ 1724. Contracting positions: qualification requirements**

(a) \* \* \*

\* \* \* \* \*

(d) **WAIVER.**—The Secretary of Defense may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the Secretary determines that the individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document the rationale for [its decision] *the decision of the Secretary* to waive such requirements.

\* \* \* \* \*

**SUBCHAPTER III—ACQUISITION CORPS**

\* \* \* \* \*

**§ 1732. Selection criteria and procedures**

(a) \* \* \*

(b) **ELIGIBILITY CRITERIA.**—Except as provided in subsections (c) and (d), only persons who meet all of the following requirements may be considered for service in the Corps:

(1)(A) In the case of an employee, the person must be currently serving in a position [within grade GS-13 or above of the General Schedule] *in any position designated by the Secretary of Defense.*

\* \* \* \* \*

(d) **WAIVER.**—(1) Except as provided in paragraph (2), the Secretary of Defense may waive any or all of the requirements of subsection (b) with respect to an employee if the Secretary determines that the employee possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decisionmaking capabilities, job performance, and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document the rationale for [its decision] *the decision of the Secretary* to waive such requirements.

\* \* \* \* \*

**§ 1733. Critical acquisition positions**

(a) \* \* \*

[(b) DESIGNATION OF CRITICAL ACQUISITION POSITIONS.—(1) The Secretary of Defense shall designate the acquisition positions in the Department of Defense that are critical acquisition positions. Such positions shall include the following:

[(A) Any acquisition position which—

[(i) in the case of employees, is required to be filled by an employee in a position within grade GS–14 or above of the General Schedule, or in the Senior Executive Service; or

[(ii) in the case of members of the armed forces, is required to be filled by a commissioned officer of the Army, Navy, Air Force, or Marine Corps who is serving in the grade of lieutenant colonel, or, in the case of the Navy, commander, or a higher grade.

[(B) Other selected acquisition positions not covered by subparagraph (A), including the following:

[(i) Program executive officer.

[(ii) Program manager of a major defense acquisition program (as defined in section 2430 of this title) or of a significant nonmajor defense acquisition program (as defined in section 1737(a)(3) of this title).

[(iii) Deputy program manager of a major defense acquisition program.

[(C) Any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

[(2) The Secretary shall periodically publish a list of the positions designated under this subsection.]

(b) DESIGNATION OF CRITICAL ACQUISITION.—(1) The Secretary of Defense shall designate the acquisition positions in the Department of Defense that are critical acquisition positions. Such positions shall include the following:

(A) Program executive officer.

(B) Program manager of a major defense acquisition program (as defined in section 2430 of this title) or of a significant nonmajor defense acquisition program (as defined in section 1737(a)(3) of this title).

(C) Deputy program manager of a major defense acquisition program.

(D) Any other acquisition position of significant responsibility determined by the Secretary to be critical.

(2) The Secretary shall annually publish a list of the positions designated under this subsection.

\* \* \* \* \*

**SUBCHAPTER IV—EDUCATION AND TRAINING**

\* \* \* \* \*

**§ 1742. Internship, cooperative education, and scholarship programs**

(a) PROGRAMS.—The Secretary of Defense shall conduct the following education and training programs:

(1) \* \* \*

\* \* \* \* \*

(b) *SCHOLARSHIP PROGRAM REQUIREMENTS.*—*With respect to any scholarship program conducted under this section, the Secretary of Defense and the participant shall agree in writing to the terms of the scholarship. The agreement shall include the obligations of the Secretary and the participant, as well as actions available for either party to take if there is a failure to meet the obligations under the agreement.*

\* \* \* \* \*

SUBCHAPTER V—GENERAL MANAGEMENT PROVISIONS

\* \* \* \* \*

§ 1761. Management information system

(a) \* \* \*

(b) *MINIMUM INFORMATION.*—*The management information system shall, at a minimum, [provide for—] provide for the following:*

(1) *[the] The collection and retention of information concerning the qualifications, assignments, and tenure of persons in the acquisition workforce[;].*

(2) *[any] Any exceptions and waivers granted with respect to the application of qualification, assignment, and tenure policies, procedures, and practices to such persons[;].*

(3) *[relative] Relative promotion rates for military personnel in the acquisition workforce[; and].*

*[(4) collection of the information necessary for the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of Defense to comply with the requirements of section 1762 for the years in which that section is in effect.]*

\* \* \* \* \*

CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

\* \* \* \* \*

SUBCHAPTER I—MILITARY FAMILY PROGRAMS

Sec.  
1781. Office of Family Policy.

\* \* \* \* \*

**[1784. Employment opportunities for military spouses.]**  
*1784. Employment opportunities: military spouses; certain Department of Defense civilian spouses subject to relocation agreements.*

\* \* \* \* \*

**[§ 1784. Employment opportunities for military spouses]**

**§ 1784. Employment opportunities: military spouses; certain Department of Defense civilian spouses subject to relocation agreements**

(a) \* \* \*

\* \* \* \* \*

(h) *INCLUSION OF SPOUSES OF CERTAIN DOD CIVILIAN EMPLOYEES SUBJECT TO RELOCATION AGREEMENTS.*—(1) *For the purposes of this section, the spouse of a civilian employee described in paragraph (2) shall be considered to be the spouse of a member of the armed forces.*

(2) *An employee described in this paragraph is a Department of Defense employee who, pursuant to a mandatory mobility agreement executed as a condition of employment or pursuant to another civilian mobility program of the Department of Defense, has had a change of permanent duty assignment (A) that was based on the needs of the Government, and (B) that required a relocation of the employee’s residence.*

\* \* \* \* \*

**PART III—TRAINING AND EDUCATION**

Chap.	Sec.
101. Training Generally .....	2001
* * * * *	
<b>[107. Educational Assistance for Persons Enlisting for Active Duty .....</b>	<b>2141]</b>
106A. <i>Educational Assistance for Persons Enlisting for Active Duty .....</i>	<i>2141</i>
107. <i>Professional Military Education .....</i>	<i>2151</i>
* * * * *	

**CHAPTER 101—TRAINING GENERALLY**

Sec.	
2002. Dependents of members of armed forces: language training.	
* * * * *	
2015. <i>Defense counterproliferation fellowship program.</i>	
* * * * *	

**§ 2007. Payment of tuition for off-duty training or education**

(a) \* \* \*

(b)(1) In the case of a commissioned officer on active duty or full-time National Guard duty, the Secretary of the military department concerned may not pay charges under subsection (a) unless the officer agrees to remain on active duty or full-time National Guard duty for a period of at least two years after the completion of the training or education for which the charges are paid.

(2) *Notwithstanding paragraph (1), the Secretary of the military department may reduce or waive the active duty service obligation—*

*(A) in the case of a commissioned officer who is subject to mandatory separation;*

*(B) in the case of a commissioned officer who has completed the period of active duty service in support of a contingency operation; or*

*(C) in other exigent circumstances as determined by the Secretary.*

(c)(1) Subject to paragraphs (2) and (3), the Secretary of the Army may pay not more than 75 percent of the charges of an edu-

cational institution for the tuition or expenses of an officer in the Selected Reserve of the Army National Guard or the Army Reserve for education or training of such officer in a program leading to a baccalaureate degree.】 (1) Subject to paragraphs (2) and (3), the Secretary of the Army may pay the charges of an educational institution for the tuition or expenses of an officer in the Selected Reserve of the Army National Guard or the Army Reserve for education or training of such officer.

\* \* \* \* \*

**§ 2015. Defense counterproliferation fellowship program**

(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a program under which foreign military defense personnel are selected to attend Department of Defense courses and programs in counterproliferation and nonproliferation matters in order to improve the ability of the foreign military defense personnel to contribute to halting the illicit acquisition or transportation of weapons of mass destruction or of materials that support the development or use of such weapons.

(b) AUTHORITY TO PAY FOR COSTS OF PARTICIPANTS.—The Secretary of Defense may pay for all costs (including transportation, travel, and subsistence costs) associated with the attendance by a participant at courses and programs in the program under this section.

(c) PARTICIPANTS.—(1) The following persons may be selected for participation in the program under this section:

- (A) Foreign military officers.
- (B) Foreign ministry of defense officials.

(2) Participants in the program shall be selected by the Secretary of Defense based upon recommendations made by the commanders of the regional unified combatant commands.

(d) AUTHORIZED PROGRAM ACTIVITIES.—Participants in the program may be selected for attendance at, and may be authorize to attend, any of the following:

- (1) Department of Defense professional military educational institutions.
- (2) Regional centers for security studies of the Department of Defense.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the program under this section.

\* \* \* \* \*

**CHAPTER 103—SENIOR RESERVE OFFICERS' TRAINING CORPS**

\* \* \* \* \*

**§ 2103a. Students not eligible for advanced training: commitment to military service**

(a) \* \* \*

\* \* \* \* \*

【(d) TERMINATION OF AUTHORITY.—No contract may be entered into under subsection (a)(1) after December 31, 2006.】

\* \* \* \* \*

**§ 2107. Financial assistance program for specially selected members**

(a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

*(5)(A) The Secretary of the Army may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.*

*(B) Such assistance is in addition to any financial assistance provided under paragraph (1), (3), or (4).*

*(C) The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.*

*(D) An officer receiving financial assistance under this paragraph shall be attached to the unit of the Army at the educational institution at which the officer is pursuing a baccalaureate degree and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive duty for training, as defined in section 101(23) of title 38.*

*(E) A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.*

*(F) A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.*

*(G) Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.*

*(H) The amount obligated during any fiscal year under this paragraph and paragraph (4) of section 2107a(c) of this title may not exceed a total of \$1,500,000.*

\* \* \* \* \*

**§ 2107a. Financial assistance program for specially selected members: Army Reserve and Army National Guard**

(a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

*(4)(A) The Secretary of the Army may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.*

*(B) Such assistance is in addition to any provided under paragraph (1) or (2).*

(C) *The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.*

(D) *An officer receiving financial assistance under this paragraph shall be attached to the unit of the Army at the educational institution at which the officer is pursuing a baccalaureate degree and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive duty for training, as defined in section 101(23) of title 38.*

(E) *A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.*

(F) *A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.*

(G) *Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.*

(H) *As provided in subparagraph (H) of section 2107(c)(5) of this title, the amount obligated during any fiscal year under this paragraph and paragraph (5) of section 2107(c) of this title may not exceed a total of \$1,500,000.*

\* \* \* \* \*

**CHAPTER 104—UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES**

\* \* \* \* \*

**§ 2114. Students: selection; status; obligation**

(a) \* \* \*

(b) **[**Medical students shall be commissioned officers of a uniformed service as determined under regulations prescribed by the Secretary of Defense after consulting with the Secretary of Health and Human Services. Notwithstanding any other provision of law, they shall serve on active duty in pay grade O-1 with full pay and allowances of that grade.**]** *They shall be appointed in a regular component of the uniformed services and shall serve on active duty as a second lieutenant or ensign (or the equivalent).* Upon graduation they shall be appointed in a regular component, if qualified, unless they are covered by section 2115 of this title. Medical students who graduate shall be required, except as provided in section 2115 of this title, to serve thereafter on active duty under such regulations as the Secretary of Defense or the Secretary of Health and Human Services, as appropriate, may prescribe for not less than seven years, unless sooner released. Upon completion of, or release from, the active-duty service obligation, a member of the program who served on active-duty for less than 10 years shall serve in the Ready Reserve for the period specified in the following table:

<b>Period of Service on Active Duty</b>	<b>Ready Reserve Obligation</b>
Less than 8 years .....	6 years
8 years or more, but less than 9 .....	4 years
9 years or more, but less than 10 .....	2 years

The service credit exclusions specified in section 2126 of this title shall apply to students covered by this section.

\* \* \* \* \*

## SUBCHAPTER II—NURSE OFFICER CANDIDATE ACCESSION PROGRAM

\* \* \* \* \*

### § 2130a. Financial assistance: nurse officer candidates

(a) BONUS AUTHORIZED.—(1) A person described in subsection (b) who, during the period beginning on November 29, 1989, and ending on December 31, [2004] 2005, executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than \$10,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed \$5,000.

\* \* \* \* \*

## CHAPTER [107] 106A—EDUCATIONAL ASSISTANCE FOR PERSONS ENLISTING FOR ACTIVE DUTY

\* \* \* \* \*

### CHAPTER 107—PROFESSIONAL MILITARY EDUCATION

Sec.	
2151.	<i>Definitions</i>
2152.	<i>Professional military education: general requirements.</i>
2153.	<i>Capstone course: newly selected general and flag officers.</i>
2154.	<i>Joint professional military education: three-phase approach.</i>
2155.	<i>Intermediate level service colleges: written examination for selection for attendance.</i>
2156.	<i>Joint professional military education phase II program of instruction.</i>
2157.	<i>Intermediate and senior level service colleges; Joint Forces Staff College: duration of principle course of instruction.</i>
2158.	<i>Annual report to Congress.</i>

#### §2151. Definitions

(a) JOINT PROFESSIONAL MILITARY EDUCATION.—*Joint professional military education consists of the rigorous and thorough instruction and examination of officers of the armed forces in an environment designed to promote a theoretical and practical in-depth understanding of joint matters and, specifically, of the subject matter covered. The subject matter to be covered by joint professional military education shall include at least the following:*

- (1) *Integrated employment of land, sea, and air forces.*
- (2) *National military strategy.*
- (3) *Strategic planning.*
- (4) *Contingency planning.*
- (5) *Command and control of combat operations under unified command.*
- (6) *Joint and combined operations.*
- (7) *Joint doctrine.*
- (8) *Joint logistics.*
- (9) *Joint communications.*

- (10) *Joint intelligence.*
  - (11) *Campaign planning.*
  - (12) *Joint military command and control systems and the interface of those systems with national command systems.*
  - (13) *Joint force development, including mobilization.*
  - (14) *Joint requirements development.*
  - (15) *Military history.*
  - (16) *Awareness of cultures in areas outside of the United States where United States forces may operate or of forces of foreign countries with whom United States forces may operate.*
- (b) *OTHER DEFINITIONS.—In this chapter:*
- (1) *The term “senior level service school” means any of the following:*
    - (A) *The Army War College.*
    - (B) *The College of Naval Warfare.*
    - (C) *The Air War College.*
    - (D) *The Marine Corps University.*
  - (2) *The term “intermediate level service school” means any of the following:*
    - (A) *The United States Army Command and General Staff College.*
    - (B) *The College of Naval Command and Staff.*
    - (C) *The Air Command and Staff College.*
    - (D) *The Marine Corps Command and Staff College.*

(b) **JOINT MILITARY EDUCATION SCHOOLS.**—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall periodically review and revise the curriculum of each school of the National Defense University (and of any other joint professional military education school) to enhance the education and training of officers in joint matters. The Secretary shall require such schools to maintain rigorous standards for the military education of officers with the joint specialty.

(c) **OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.**—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curriculum for senior and intermediate grade officers in order to strengthen the focus on—

- (1) joint matters; and
- (2) preparing officers for joint duty assignments.

**§2152. Joint professional military education: general requirements**

(a) *IN GENERAL.*—*The Secretary of Defense shall implement a coherent and comprehensive framework for the joint professional military education of officers, including officers nominated under section 661 of this title for the joint specialty.*

**§2153. Capstone course: newly selected general and flag officers**

(a) *REQUIREMENT.*—*Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a mili-*

tary education course designed specifically to prepare new general and flag officers to work with the other armed forces.

(b) **WAIVER AUTHORITY.**—(1) Subject to paragraph (2), the Secretary of Defense may waive subsection (a)—

(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;

(B) when necessary for the good of the service;

(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.

(2) The authority of the Secretary of Defense to grant a waiver under paragraph (1) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

**§2154. Joint professional military education: three-phase approach**

(a) **THREE-PHASE APPROACH.**—The Secretary of Defense shall implement a three-phase approach to joint professional military education, as follows:

(1) There shall be a course of instruction, designated and certified by the Secretary of Defense as Phase I instruction, consisting all the elements of a joint professional military education (as specified in section 2151(a) of this title), in addition to the principal curriculum taught to all officers at an intermediate level service school.

(2) There shall be a course of instruction, designated and certified by the Secretary of Defense as Phase II instruction, consisting of a joint professional military education curriculum taught in residence at—

(A) the Joint Forces Staff College; or

(B) a senior level service school that has been designated and certified by the Secretary of Defense as a joint professional military education institution.

(3) There shall be a course of instruction, designated and certified by the Secretary of Defense as the Capstone course, for officers selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) and offered in accordance with section 2153 of this title.

(b) **SEQUENCED APPROACH.**—The Secretary shall require the sequencing of joint professional military education so that the standard sequence of assignments for such education requires an officer to complete Phase I instruction before proceeding to Phase II instruction, as provided in section 2156(a) of this title.

**§2155. Intermediate level service school: written examination for selection for attendance**

(a) *REQUIREMENT.*—The Secretary of each military department shall require that performance on a comprehensive written examination shall constitute not less than 20 percent of the evaluation criteria for selection of any officer for full-time attendance at an intermediate level service school under the jurisdiction of the Secretary. Such an examination shall be designed so as to require substantive knowledge of military history, national military strategy, service and joint doctrine, and such other subjects as the Secretary may require. Such an examination shall be required for each class entering an intermediate level service school after September 30, 2007.

(b) *SELECTION FROM DIFFERENT SERVICE.*—The Secretary of a military department, in considering candidates for full-time attendance at an intermediate level service school under the jurisdiction of the Secretary who are officers of an armed force other than the armed force that administers that service school, shall consider such an officer to be qualified for selection for such attendance if the officer has met all the requirements for attendance at the equivalent intermediate level service school of that officer's own armed force.

**§2156. Joint professional military education phase II program of instruction**

(a) *PREREQUISITE OF COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION I PROGRAM OF INSTRUCTION.*—(1) After September 30, 2009, an officer of the armed forces may not be accepted for, or assigned to, a program of instruction designated by the Secretary of Defense as joint professional military education Phase II unless the officer has successfully completed a program of instruction designated by the Secretary of Defense as joint professional military education Phase I.

(2) The Chairman of the Joint Chiefs of Staff may grant exceptions to the requirement under paragraph (1). Such an exception may be granted only on a case-by-case basis for compelling cause, as determined by the Chairman. An officer selected to receive such an exception shall be required to demonstrate a knowledge of joint matters and other aspects of the Phase I curriculum that, to the satisfaction of the Chairman, qualifies the officer to meet the minimum requirements established for entry into Phase II instruction without first completing Phase I instruction. The number of officers selected to attend an offering of the principal course of instruction at the Joint Forces Staff College or a senior level service school designated by the Secretary of Defense as a joint professional military education institution who have not completed Phase I instruction should comprise no more than 10 percent of the total number of officers selected.

(b) *PHASE II REQUIREMENTS.*—The Secretary shall require that the curriculum for Phase II joint professional military education at any school—

(1) focus on developing joint attitudes and perspectives and honing joint warfighting skills; and

(2) be structured —

(A) so as to adequately prepare students to perform effectively in an assignment to a joint, multiservice organization; and

(B) so that students progress from a basic knowledge of joint matters learned in Phase I instruction to the level of expertise necessary for successful performance in the joint arena.

(c) **CURRICULUM CONTENT.**—In addition to the subjects specified in section 2151(a) of this title, the curriculum for Phase II joint professional military education shall include the following:

- (1) National security strategy.
- (2) Theater strategy and campaigning.
- (3) Joint planning processes and systems.
- (4) Joint, interagency, and multinational capabilities and the integration of those capabilities.

(d) **STUDENT RATIO; FACULTY RATIO.**—(1) For courses of instruction in a Phase II program of instruction that is offered at senior level service school that has been designated by the Secretary of Defense as a joint professional military education institution—

(1) the percentage of students enrolled in any such course who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented; and

(2) of the faculty at the school who are active-duty officers who provide instruction in such courses, the percentage who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented.

**§2157. Intermediate and senior level service schools; Joint Forces Staff College: duration of principle course of instruction**

(a) **SERVICE SCHOOLS.**—The duration of the principal course of instruction offered at each intermediate level service school and each senior level service school may not be less than 10 months of resident instruction. The Secretary of Defense may waive the requirement in the preceding sentence during a period of war or during a national emergency declared by the President or the Congress.

(b) **JOINT FORCES STAFF COLLEGE.**—(1) The duration of the principal course of instruction offered at the Joint Forces Staff College may not be less than 10 weeks of resident instruction.

(2) In this subsection, the term “principal course of instruction” means any course of instruction offered at the Joint Forces Staff College as Phase II joint professional military education.

**§2158. Annual report to Congress**

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps and each reserve component):

(1) The number of officers who successfully completed a joint professional military education phase II course and were not selected for promotion.

(2) The number of officer students and faculty members assigned by each service to the professional military schools of the other services and to the joint schools.

**CHAPTER 108—DEPARTMENT OF DEFENSE SCHOOLS**

\* \* \* \* \*

**§ 2167. National Defense University: admission of private sector civilians to professional military education program**

(a) **AUTHORITY FOR ADMISSION.**—The Secretary of Defense may permit eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Defense University in accordance with this section. No more than the equivalent of **[10]** 20 full-time student positions may be filled at any one time by private sector employees enrolled under this section. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2165 of this title.

\* \* \* \* \*

**CHAPTER 111—SUPPORT OF SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION**

\* \* \* \* \*

**§ 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology**

(a) \* \* \*

\* \* \* \* \*

(c) **STARBASE ACADEMIES.**—(1) \* \* \*

(2) The Secretary of Defense shall establish guidelines, criteria, and a process for the establishment of STARBASE programs in addition to those in operation on **[the date of the enactment of this section]** *October 5, 1999*.

**[(3) The Secretary may support the establishment and operation of any academy in excess of two academies in a State only if the Secretary has first authorized in writing the establishment of the academy and the costs of the establishment and operation of the academy are paid out of funds provided by sources other than the Department of Defense. Any such costs that are paid out of appropriated funds shall be considered as paid out of funds provided by such other sources if such sources fully reimburse the United States for the costs.]**

*(3)(A) Subject to subparagraph (B), the Secretary may not support the establishment in any State of more than two academies.*

*(B) The Secretary may waive the limitation in subparagraph (A). Any such waiver shall be made under criteria to be prescribed by the Secretary.*

\* \* \* \* \*

**PART IV—SERVICE, SUPPLY, AND PROCUREMENT**

\* \* \* \* \*

**CHAPTER 131—PLANNING AND COORDINATION**

Sec.							
2201.	Apportionment of funds: authority for exemption; excepted expenses.	*	*	*	*	*	*
2219.	Retention of morale, welfare, and recreation funds by military installations: limitation.】	*	*	*	*	*	*
2222.	<i>Defense business systems: architecture, accountability, and modernization.</i>	*	*	*	*	*	*

**§ 2215. Transfer of funds to other departments and agencies: limitation**

【(a) CERTIFICATION REQUIRED.—】Funds available for military functions of the Department of Defense may not be made available to any other department or agency of the Federal Government pursuant to a provision of law enacted after November 29, 1989, unless, not less than 30 days before such funds are made available to such other department or agency, the Secretary of Defense submits to the 【congressional committees specified in subsection (b)】 *congressional defense committees* a certification that making those funds available to such other department or agency is in the national security interest of the United States.

【(b) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a) are—

【(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

【(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.】

\* \* \* \* \*

**§ 2222. Defense business systems: architecture, accountability, and modernization**

(a) *CONDITIONS FOR OBLIGATION OF FUNDS FOR DEFENSE BUSINESS SYSTEM MODERNIZATION.—Effective January 1, 2005, funds appropriated to the Department of Defense may not be obligated for a defense business system modernization that will have a total cost in excess of \$1,000,000 unless—*

(1) *the approval authority designated for the defense business system certifies to the Defense Business Systems Management Committee established by section 186 of this title that the defense business system modernization—*

(A) *is in compliance with the enterprise architecture developed under subsection (b), or such compliance is waived in writing by the approval authority as a result of the investment review process conducted under subsection (d) for the defense business system modernization; and*

(B) *will be acquired or developed in a manner consistent with the system acquisition regulations and instructions of the Department of Defense; and*

(2) *the Defense Business Systems Management Committee approves the certification by the approval authority.*

(b) *ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—Not later than September 30, 2005, the Secretary of Defense,*

acting through the Defense Business Systems Management Committee, shall develop—

(1) an enterprise architecture to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget, and

(2) a transition plan for implementing the enterprise architecture for defense business systems.

(c) APPROVAL AUTHORITIES AND ACCOUNTABILITY FOR DEFENSE BUSINESS SYSTEMS.—The Secretary of Defense shall delegate responsibility for the planning, design, acquisition, deployment, operation, maintenance, modernization, and oversight of defense business systems as follows:

(1) The Under Secretary of Defense for Acquisition, Technology and Logistics shall be responsible and accountable for any defense business system the primary purpose of which is to support acquisition activities, logistics activities, or installations and environment activities of the Department of Defense.

(2) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for any defense business system the primary purpose of which is to support financial management activities or strategic planning and budgeting activities of the Department of Defense.

(3) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for any defense business system the primary purpose of which is to support human resource management activities of the Department of Defense.

(4) The Assistant Secretary of Defense for Networks and Information Integration and the Chief Information Officer of the Department of Defense shall be responsible and accountable for any defense business system the primary purpose of which is to support information technology infrastructure or information assurance activities of the Department of Defense.

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

(d) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require each approval authority designated under subsection (c) to establish, not later than March 15, 2005, an investment review process, consistent with section 11312 of title 40, to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of all defense business systems for which the approval authority is responsible. The investment review process so established shall specifically address the responsibilities of approval authorities under subsection (a).

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

(A) Review and approval by an investment review board of each defense business system as an investment before the obligation of funds on the system.

(B) Periodic review, but not less than annually, of every defense business system investment.

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

(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business system investments depending on scope, complexity, and cost.

(e) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted by the President to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall—

(1) identify the approval authority for each defense business system; and

(2) for each defense business system for which funding is proposed in the budget—

(A) certify that the defense business system complies with the defense business enterprise architecture; or

(B) explain why funds for such system are necessary to maintain a mission critical or mission essential system of the Department of Defense, notwithstanding its noncompliance with the defense business enterprise architecture.

(f) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2005 through 2009, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. The first report shall define plans and commitments for meeting the requirements of subsection (a), including specific milestones and performance measures. Subsequent reports shall—

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

(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

(B) specific actions on the defense business system modernizations submitted for certification under such subsection;

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

(3) identify any defense business system modernization with an obligation in excess of \$1,000,000 during the preceding fiscal year that was not certified under subsection (a), and the reasons for the waiver; and

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

(g) DEFINITIONS.—In this section:

(1) The term “approval authority”, with respect to a defense business system, means the Department of Defense official responsible for the defense business system, as designated by subsection (c).

(2) The term “defense business system” means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

(3) The term “defense business system modernization” means—

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

(B) any significant modification or enhancement of an existing defense business system (other than necessary to maintain current services).

(4) The term “enterprise architecture” has the meaning given that term in section 3601(4) of title 44.

(5) The terms “information system” and “information technology” have the meanings given those terms in section 11101 of title 40.

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

\* \* \* \* \*

**§ 2224. Defense Information Assurance Program**

(a) \* \* \*

\* \* \* \* \*

(c) PROGRAM STRATEGY.—In carrying out the program, the Secretary shall develop a program strategy that encompasses those actions necessary to assure the readiness, reliability, continuity, and integrity of Defense information systems, networks, and infrastructure, including through compliance with subchapter III of chapter 35 of title 44, including through compliance with [subtitle] subchapter II of chapter 35 of title 44. The program strategy shall include the following:

(1) \* \* \*

\* \* \* \* \*

**CHAPTER 134—MISCELLANEOUS ADMINISTRATIVE PROVISIONS**

\* \* \* \* \*

**SUBCHAPTER I—MISCELLANEOUS AUTHORITIES, PROHIBITIONS, AND LIMITATIONS ON THE USE OF APPROPRIATED FUNDS**

Sec. 2241. Availability of appropriations for certain purposes.

\* \* \* \* \*

§ 2246. Department of Defense golf courses: limitation on use of appropriated funds.

[2247. Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation.]

\* \* \* \* \*

**CHAPTER 137—PROCUREMENT GENERALLY**

\* \* \* \* \*

**§ 2304a. Task and delivery order contracts: general authority**

(a) \* \* \*

\* \* \* \* \*

**[(f) CONTRACT PERIOD.—**The head of an agency entering into a task or delivery order contract under this section may provide for the contract to cover a total period of not more than five years.]

*(f) CONTRACT PERIOD.—The head of an agency entering into a task or delivery order contract under this section may provide for the contract to cover any base period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification to the contract.*

\* \* \* \* \*

**§ 2305a. Design-build selection procedures**

(a) \* \* \*

\* \* \* \* \*

*(f) SPECIAL AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary of a military department, and the Secretary of Defense with respect to matters concerning the Defense Agencies, may use funds available to the Secretary under section 2807(a) or 18233(e) of this title to accelerate the design effort in connection with a military construction project for which the two-phase selection procedures described in subsection (c) are used to select the contractor for both the design and construction portion of the project before the project is specifically authorized by law and before funds are appropriated for the construction portion of the project. Notwithstanding the limitations contained in such sections, use of such funds for the design portion of a military construction project may continue despite the subsequent authorization of the project. The advance notice requirement of section 2807(b) of this title shall continue to apply whenever the estimated cost of the design portion of the project exceeds the amount specified in such section.*

*(2) Any military construction contract that provides for an accelerated design effort, as authorized by paragraph (1), shall include as a condition of the contract that the liability of the United States in a termination for convenience may not exceed costs above the costs attributable to the final design of the project.*

*(3) Not more than 36 military construction projects containing the accelerated design effort authorized by paragraph (1) may be carried out.*

*(4) Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the usefulness of the authority provided by this subsection in expediting the design and construction of military construction projects.*

*The authority provided by this subsection expires September 30, 2008, except that, if the report required by this paragraph is not submitted by March 1, 2007, the authority shall expire on that date.*

**§ 2306b. Multiyear contracts: acquisition of property**

(a) \* \* \*

\* \* \* \* \*

(g) CONTRACT CANCELLATION CEILINGS EXCEEDING \$100,000,000.—(1) Before any contract described in subsection (a) that contains a clause setting forth a cancellation ceiling in excess of \$100,000,000 may be awarded, the head of the agency concerned shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to the [Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives] *congressional defense committees*, and such contract may not then be awarded until the end of a period of 30 days beginning on the date of such notification.

(2) *In the case of a contract described in subsection (a) with a cancellation ceiling described in paragraph (1), if the budget for the contract does not include proposed funding for the costs of contract cancellation up to the cancellation ceiling established in the contract, the head of the agency concerned shall, as part of the certification required by subsection (i)(1)(A), give written notification to the congressional defense committees of—*

(A) *the cancellation ceiling amounts planned for each program year in the proposed multiyear procurement contract, together with the reasons for the amounts planned;*

(B) *the extent to which costs of contract cancellation are not included in the budget for the contract; and*

(C) *a financial risk assessment of not including budgeting for costs of contract cancellation, including proposed funding sources to meet such cancellation costs if the contract is canceled.*

\* \* \* \* \*

**§ 2306c. Multiyear contracts: acquisition of services**

(a) \* \* \*

\* \* \* \* \*

(d) RESTRICTIONS APPLICABLE GENERALLY.—(1) The head of an agency may not initiate under this section a contract for services that includes an unfunded contingent liability in excess of \$20,000,000 unless the [committees of Congress named in paragraph (5)] *congressional defense committees* are notified of the proposed contract at least 30 days in advance of the award of the proposed contract.

\* \* \* \* \*

(3) The head of an agency may not terminate a multiyear procurement contract for services until 10 days after the date on which notice of the proposed termination is provided to the [committees of Congress named in paragraph (5)] *congressional defense committees*.

(4) Before any contract described in subsection (a) that contains a clause setting forth a cancellation ceiling in excess of \$100,000,000 may be awarded, the head of the agency concerned shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to the [committees of Congress named in paragraph (5)] *congressional defense committees*, and such contract may not then be awarded until the end of a period of 30 days beginning on the date of such notification.

[(5) The committees of Congress referred to in paragraphs (1), (3), and (4) are as follows:

[(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

[(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.]

(5) *In the case of a contract described in subsection (a) with a cancellation ceiling described in paragraph (4), if the budget for the contract does not include proposed funding for the costs of contract cancellation up to the cancellation ceiling established in the contract, the head of the agency concerned shall give written notification to the congressional defense committees of—*

*(A) the cancellation ceiling amounts planned for each program year in the proposed multiyear procurement contract, together with the reasons for the amounts planned;*

*(B) the extent to which costs of contract cancellation are not included in the budget for the contract; and*

*(C) a financial risk assessment of not including budgeting for costs of contract cancellation, including proposed funding sources to meet such cancellation costs if the contract is canceled.*

\* \* \* \* \*

**CHAPTER 138—COOPERATIVE AGREEMENTS WITH NATO ALLIES AND OTHER COUNTRIES**

\* \* \* \* \*

**SUBCHAPTER I—ACQUISITION AND CROSS-SERVICING AGREEMENTS**

\* \* \* \* \*

**§ 2349. Overseas Workload Program**

(a) \* \* \*

\* \* \* \* \*

(d) DEFINITION.—In this section, the term “major non-NATO ally” has the meaning given that term in section [2350a(i)(3)] 2350a(i)(2) of this title.

\* \* \* \* \*

**SUBCHAPTER II—OTHER COOPERATIVE AGREEMENTS**

\* \* \* \* \*

**§ 2350b. Cooperative projects under Arms Export Control Act: acquisition of defense equipment**

(a) \* \* \*

\* \* \* \* \*

(g) Nothing in this section shall be construed as authorizing the Secretary of Defense—

(1) **the Secretary of Defense** to waive any of the financial management responsibilities administered by the Secretary of the Treasury; or

\* \* \* \* \*

**CHAPTER 139—RESEARCH AND DEVELOPMENT**

Sec. 2351. Availability of appropriations.

\* \* \* \* \*

**§ 2370a.** Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats.

\* \* \* \* \*

**§ 2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats**

**[(a) ALLOCATION BETWEEN NEAR-TERM AND OTHER THREATS.—**Of the funds appropriated or otherwise made available for any fiscal year for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense—

**[(1)** not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

**[(2)** not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term or far-term validated biowarfare threat agents.

**[(b) DEFINITIONS.—**In this section:

**[(1)** The term “validated biowarfare threat agent” means a biological agent that—

**[(A)** is named in the biological warfare threat list published by the Defense Intelligence Agency; and

**[(B)** is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

**[(2)** The term “near-term validated biowarfare threat agent” means a validated biowarfare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

**[(3)** The term “mid-term validated biowarfare threat agent” means a validated biowarfare threat agent that is an emerging biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in

more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

[(4) The term “far-term validated biowarfare threat agent” means a validated biowarfare threat agent that is a future biowarfare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

[(5) The term “weaponization” means incorporation into usable ordnance or other militarily useful means of delivery.]

\* \* \* \* \*

**§ 2374a. Prizes for advanced technology achievements**

(a) **AUTHORITY.**—The Secretary of Defense, [acting through the Director of the Defense Advanced Research Projects Agency] *acting through the Director of Defense Research and Engineering*, may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the military missions of the Department of Defense.

\* \* \* \* \*

**CHAPTER 141—MISCELLANEOUS PROCUREMENT PROVISIONS**

Sec.						
2381.	Contracts: regulations for bids.					
		*	*	*	*	*
2401b.	<i>Limitation on lease of foreign-built vessels.</i>					
		*	*	*	*	*
2410p.	<i>Rapid acquisition authority to respond to combat emergencies.</i>					
		*	*	*	*	*

**§ 2401b. Limitation on lease of foreign-built vessels**

(a) **LIMITATION.**—*The Secretary of a military department may not make a contract for a lease or charter of a vessel for a term of more than 12 months (including all options to renew or extend the contract) if the hull, a major component of the hull, or superstructure of the vessel is constructed in a foreign shipyard.*

(b) **PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.**—(1) *The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.*

(2) *The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.*

\* \* \* \* \*

**§2410p. Rapid acquisition authority to respond to combat emergencies**

(a) *RAPID ACQUISITION AUTHORITY.*—The Secretary of Defense may rapidly acquire, in accordance with this section, equipment needed by a combatant commander to eliminate a combat capability deficiency that has resulted in combat fatalities.

(b) *PROCESS FOR RAPID ACQUISITION.*—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall develop a process for the rapid acquisition authority provided by subsection (a) and submit to Congress a detailed explanation of the process, including procedures to be followed in carrying out the process. The process shall provide for the following:

(1) A requirement that the process may be used only to acquire the minimum amount of equipment needed until the needs of the combatant commander can be fulfilled under existing acquisition statutes, policies, directives, and regulations.

(2) A goal of awarding a contract for the equipment within 15 days after receipt of a request from a commander.

(3) In a case in which the equipment cannot be acquired without an extensive delay, a requirement for an interim solution to minimize the combat capability deficiency and combat fatalities until the equipment can be acquired.

(4) Waiver of the applicability of all policies, directives, and regulations related to—

(A) the establishment of the requirement for the equipment;

(B) the research, development, test, and evaluation of the equipment; and

(C) the solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

(5) Such other procedures or requirements as the Secretary considers appropriate.

(c) *WAIVER OF CERTAIN STATUTES.*—For purposes of exercising the authority provided by subsection (a) with respect to equipment, laws relating to the following shall not apply:

(A) The establishment of the requirement for the equipment.

(B) The research, development, test, and evaluation of the equipment.

(C) The solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

(d) *LIMITATIONS.*—The rapid acquisition authority provided by subsection (a) may be used only—

(1) after the Secretary of Defense, without delegation, determines in writing that there exists a combat capability deficiency that has resulted in combat fatalities; and

(2) to acquire equipment in an amount aggregating not more than \$100,000,000 during a fiscal year.

(e) *SOURCE OF FUNDS.*—For acquisitions under this section to be made during any fiscal year, the Secretary may use any funds made available to the Department of Defense for that fiscal year.

(f) *NOTIFICATION TO CONGRESS AFTER EACH USE OF AUTHORITY.*—The Secretary of Defense shall notify the congressional defense committees within 15 days after each use of the authority provided by subsection (a). Each such notice shall identify the equipment to

be acquired, the amount to be expended for such acquisition, and the source of funds for such acquisition.

(g) *COMBATANT COMMANDER.*—In this section, the term “combatant commander” means the commander of a unified combatant command with authority for the conduct of operations in a specific area of responsibility or who otherwise has authority to conduct operations at the direction of the President or Secretary of Defense.

\* \* \* \* \*

**CHAPTER 142—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM**

\* \* \* \* \*

**§ 2416. Subcontractor information**

(a) \* \* \*

\* \* \* \* \*

(d) In this section, the term “defense contractor”, for any year, means a person awarded a contract with the Department of Defense in that year for an amount in excess of **[\$500,000]** \$1,000,000.

\* \* \* \* \*

**CHAPTER 144—MAJOR DEFENSE ACQUISITION PROGRAMS**

Sec.	
2430.	Major defense acquisition program defined.
	* * * * *
2437.	<i>Development of major defense acquisition programs: sustainment and modernization of system to be replaced.</i>
	* * * * *

**§ 2437. Development of major defense acquisition programs: sustainment and modernization of system to be replaced**

(a) *REQUIREMENT FOR SUSTAINING AND MODERNIZING EXISTING FORCES.*—(1) The Secretary of Defense shall require that, whenever a new major defense acquisition program begins development, the defense acquisition authority responsible for that program shall develop a plan (to be known as a sustainment and modernization plan) for the existing system that the system under development is intended to replace. Any such sustainment and modernization plan shall provide for budgeting, sustaining, and modernizing the existing system until the replacement system to be developed under the major defense acquisition program is fielded and assumes the majority responsibility for the mission of the existing system. This section does not apply to a major defense acquisition that reaches initial operational capability before October 1, 2008.

(2) In this section, the term “defense acquisition authority” means the Secretary of a military department or the commander of the United States Special Operations Command.

(b) *SUSTAINMENT AND MODERNIZATION PLAN.*—The Secretary of Defense shall require that each sustainment and modernization plan under this section include, at a minimum, the following:

(1) *The milestone schedule for the development of the major defense acquisition program, including low-rate initial production, initial operational capability, full-rate production, full operational capability, and the date when the replacement system assumes the majority responsibility for the mission of the existing system.*

(2) *An analysis of the existing system to determine the following:*

(A) *A sustainment plan and budget requirements necessary to provide service life extension to the existing system at acceptable reliability and availability rates.*

(B) *A modernization plan and budget requirements necessary to maintain mission capability against the relevant threats.*

(C) *A modernization plan and budget requirements necessary—*

(i) *to transfer mature technologies from the new system or other systems so that the mission capability of the existing system is enhanced against relevant threats; and*

(ii) *to provide interoperability with the new system during the period from initial fielding until the new system assumes the majority of responsibility for the mission of the existing system.*

(c) *ANNUAL REVIEW.—Each fiscal year, before the submission to Congress of the President's budget for the next fiscal year, the Secretary of Defense shall review the schedule performance of each replacement major defense acquisition program for which a sustainment and modernization plan has been developed under this section to compare that performance with the schedule set forth under subsection (b)(1). If the schedule for the program has changed, then the Secretary shall notify the congressional defense committees of such change.*

(d) *EXCEPTIONS.—Subsection (a) shall not apply to a major defense acquisition program if the Secretary of Defense determines that—*

(1) *the existing system is no longer relevant to the mission;*

(2) *the mission has been eliminated;*

(3) *the mission has been consolidated with another mission in such a manner that another existing system can adequately meet the mission requirements; or*

(4) *the duration of time until the new system assumes the majority of responsibility for the existing system's mission is sufficiently short so that mission availability, capability, interoperability, and force protection requirements are maintained.*

(e) *WAIVER.—The Secretary of Defense may waive the applicability of subsection (a) to a major defense acquisition program if the Secretary determines that, but for such a waiver, the Department would be unable to meet national security objectives. Whenever the Secretary makes such a determination and authorizes such a waiver, the Secretary shall submit notice of such waiver and of the Secretary's determination and the reasons therefor in writing to the congressional defense committees.*

\* \* \* \* \*

**CHAPTER 146—CONTRACTING FOR PERFORMANCE OF CIVILIAN COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS**

Sec.	
2460.	Definition of depot-level maintenance and repair. * * * * *
2472.	Management of depot employees. Prohibition on management of depot employees by end strength. * * * * *

**§ 2461. Commercial or industrial type functions: required studies and reports before conversion to contractor performance**

- (a) \* \* \*
- (b) NOTIFICATION AND ELEMENTS OF ANALYSIS.—(1) \* \* \*

(5)(A) *A function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless, the conversion is based on the results of a public-private competition process that—*

*(i) formally compares the cost of civilian employee performance of the function with the costs of performance by a contractor;*

*(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003;*

*(iii) determines whether the submitted offers meet the needs of the Department of Defense with respect to factors other than cost, including quality and reliability;*

*(iv) requires continued performance of the function by civilian employees if the cost of performance of the function by a contractor would, over all performance periods required by the solicitation, cost less than—*

*(I) 10 percent of the personnel-related costs for performance of that activity or function in the agency tender; or*

*(II) \$10,000,000; and*

*(v) provides no advantage to an offeror for a proposal to reduce costs for the Department of Defense by—*

*(I) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract; or*

*(II) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.*

*(B) Any modification, reorganization, division, or other change in the organization of a function of the Department of Defense so that is performed by less than 10 civilian employees of the Department of Defense and, therefore, excluded from subparagraph (A), is prohibited.*

*(C) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorga-*

nized, modernized, upgraded, expanded, or changed in order to become more efficient, but the civilian employees would still provide essentially the same service, is subject to the competition requirement in subparagraph (A).

(D) The cost savings requirement specified in subparagraph (A) does not apply to any contracts for special studies and analyses, construction services, architectural services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

(E) The Secretary of Defense may waive the competition requirement in specific instances if—

(i) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head;

(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition; and

(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is invoked, although use of the waiver need not be delayed until its publication.

\* \* \* \* \*

**§ 2466. Limitations on the performance of depot-level maintenance of materiel**

(a) \* \* \*

\* \* \* \* \*

[(d) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

[(2) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

[(3) Not later than 60 days after the date on which the Secretary submits a report under this subsection, the Comptroller General shall submit to Congress the Comptroller General's views on whether—

[(A) in the case of a report under paragraph (1), the Department of Defense has complied with the requirements of subsection (a) for the fiscal years covered by the report; and

[(B) in the case of a report under paragraph (2), the expenditure projections for future fiscal years are reasonable.]

(d) ANNUAL REPORT AND REVIEW.—(1) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a re-

port identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that was expended during the preceding fiscal year, and are projected to be expended in the current fiscal year and next fiscal year, for performance of depot-level maintenance and repair workloads by the public and private sectors.

(2) Not later than 60 days after the date on which the Secretary submits a report under paragraph (1), the Comptroller General shall submit to Congress the Comptroller General's views on whether—

(A) the Department of Defense has complied with the requirements of subsection (a) during the preceding fiscal year covered by the report; and

(B) the expenditure projections for the current fiscal year and next fiscal year are reasonable.

\* \* \* \* \*

**[§ 2472. Management of depot employees**

**[(a) PROHIBITION ON MANAGEMENT BY END STRENGTH.—]**

**§ 2472. Prohibition on management of depot employees by end strength**

The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees. Such employees shall be managed solely on the basis of the available workload and the funds made available for such depot-level maintenance and repair.

**[(b) ANNUAL REPORT.—**Not later than December 1 of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds are expected to be provided for that fiscal year for performance by Department of Defense employees.**]**

\* \* \* \* \*

**CHAPTER 147—COMMISSARIES AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES**

- [Sec.**
- [2481.** Existence of defense commissary system and exchange stores system.
- [2482.** Commissary stores: operation.
- [2482a.** Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide and obtain goods and services.
- [2483.** Commissary stores: reimbursement for use of commissary facilities by military departments.

- [2484. Commissary stores: use of appropriated funds to cover operating expenses.
- [2485. Donation of unusable food: commissary stores and other activities.
- [2486. Commissary stores: merchandise that may be sold; uniform surcharges and pricing.
- [2487. Commissary stores: release of certain commercially valuable information to the public.
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- [2489. Overseas package stores: treatment of United States wines.
- [2489a. Sale or rental of sexually explicit material prohibited.
- [2490a. Combined exchange and commissary stores.
- [2492. Overseas commissary and exchange stores: access and purchase restrictions.
- [2493. Fisher Houses: administration as nonappropriated fund instrumentality.
- [2494. Uniform funding and management of morale, welfare, and recreation programs.

**[§2481. Existence of defense commissary system and exchange stores system**

[(a) IN GENERAL.—The Secretary of Defense shall operate a defense commissary system and an exchange stores system in the manner provided by this chapter and other provisions of law.

[(b) SEPARATE SYSTEMS.—(1) Except as provided in paragraph (2), the defense commissary system and the exchange stores system shall be operated as separate systems of the Department of Defense.

[(2) This subsection does not apply to the following:

[(A) Combined exchange and commissary stores operated under the authority provided by section 2490a of this title.

[(B) NEXMART stores of the Navy Exchange Service Command established before October 1, 2003.]

<i>Subchapter</i>	<i>Sec.</i>
<i>I. Defense Commissary System .....</i>	<i>2481</i>
<i>II. Relationship, Continuation, and Common Policies of Defense Commissary and Exchange Systems .....</i>	<i>2487</i>
<i>III. Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities .....</i>	<i>2491</i>

**SUBCHAPTER I—DEFENSE COMMISSARY SYSTEM**

- 2481. Existence and purpose of defense commissary system.*
- 2482. Commissary stores: criteria for establishment or closure; store size.*
- 2483. Commissary stores: use of appropriated funds to cover operating expenses.*
- 2484. Commissary stores: merchandise that may be sold; uniform surcharges and pricing.*
- 2485. Commissary stores: operation.*

**§2481. Existence and purpose of defense commissary system**

(a) *EXISTENCE OF SYSTEM.—The Secretary of the Defense shall operate, using funds appropriated to the Department of Defense, a world-wide system of commissary stores that sell, at reduced prices, food and other merchandise consistent with societal norms for product selection in commercial large-scale grocery stores in the United States to members of the uniformed services on active duty, members of the uniformed services entitled to retired pay, dependents of such members, and patrons authorized to use the system under chapter 54 of this title.*

(b) *PURPOSE OF SYSTEM.—The purpose of the defense commissary system is to enhance the quality of life of members of the uniformed services, retired members, dependents of such members,*

and other authorized patrons and to provide such members with an additional nonmonetary compensation in recognition of their service to the United States.

(c) *REDUCES PRICES DEFINED.*—In this section, the term “reduced prices” means prices for food and other merchandise determined using the price setting process specified in section 2484 of this title.

**§2482. Commissary stores: criteria for establishment or closure; store size**

(a) *PRIMARY CONSIDERATION FOR ESTABLISHMENT.*—The needs of members of the uniformed services on active duty and their dependents shall be the primary consideration whenever the Secretary of Defense—

- (1) assesses the need to establish a commissary store; and
- (2) selects the actual location for the store.

(b) *STORE SIZE.*—In determining the size of a commissary store, the Secretary of Defense shall take into consideration the number of all authorized patrons of the defense commissary system who are likely to use the store.

(c) *CLOSURE CONSIDERATIONS.*—(1) Whenever assessing whether to close a commissary store, the effect of the closure on the quality of life of members of the uniformed services and their dependents using the store and on the welfare and security of the military community in which the commissary is located shall be the primary consideration. In all cases, the quality of life for military patrons shall take priority over any consideration of economic criteria relative to store financial performance.

(2) The Secretary of Defense shall give the quality of life for members of a reserve component the same priority as the quality of life for active duty members whenever assessing whether to close a commissary store, including when the assessment is undertaken as a result of the closure or realignment of a military installation under a base closure law.

(d) *CONGRESSIONAL NOTIFICATION.*—The closure of a commissary store shall not take effect until the end of the 90-day period beginning on the date on which the Secretary of Defense submits to Congress written notice of the reasons supporting the closure. The written notice shall include an assessment of the impact closure will have on the quality of life for military patrons and the welfare and security of the military community in which the commissary is located.

**§ [2484] 2483. Commissary stores: use of appropriated funds to cover operating expenses**

(a) \* \* \*

\* \* \* \* \*

**【§ 2483. Commissary stores: reimbursement for use of commissary facilities by military departments**

【(a) *PAYMENT REQUIRED.*—The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under subsection (b) for any use of a commissary facility by

the military department for a purpose other than commissary sales or operations in support of commissary sales.

[(b) AMOUNT.—The amount payable under subsection (a) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.]

[(c) COVERED FACILITIES.—This section applies with respect to a commissary facility that is acquired, constructed, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of an adjustment or surcharge applied under section 2486(c) of this title.]

[(d) CREDITING OF PAYMENTS.—The Director of the Defense Commissary Agency shall credit amounts paid under this section for use of a facility to an appropriate account to which proceeds of an adjustment or surcharge referred to in subsection (c) are credited.]

**§ [2486] 2484. Commissary stores: merchandise that may be sold; uniform surcharges and pricing**

[(a) IN GENERAL.—Commissary stores are similar to commercial grocery stores and may sell merchandise similar to that sold in commercial grocery stores.]

[(b) AUTHORIZED COMMISSARY MERCHANDISE CATEGORIES.—Merchandise sold in, at, or by commissary stores may include items only in the following categories:

[(1) Health and beauty aids.]

[(2) Meat and poultry.]

[(3) Fish and seafood.]

[(4) Produce.]

[(5) Food and non-food grocery items.]

[(6) Bakery goods.]

[(7) Dairy products.]

[(8) Tobacco products.]

[(9) Delicatessen items.]

[(10) Frozen foods.]

[(11) Magazines and other periodicals.]

[(12) Such other merchandise categories as the Secretary of Defense may prescribe, except that the Secretary shall notify Congress of any addition of, or change in, a merchandise category under this paragraph.]

[(c) UNIFORM SALES PRICE SURCHARGE OR ADJUSTMENT.—An adjustment of or surcharge on sales prices in commissary stores under subsection (d) or section 2685(a) of this title or for any other purpose shall be applied as a uniform percentage of the sales price of all merchandise sold in, at, or by commissary stores. Effective on November 18, 1997, the uniform percentage shall be equal to five percent and may not be changed except by a law enacted after such date.]

*(a) IN GENERAL.—As provided in section 2481(a) of this title, commissary stores are intended to be similar to commercial grocery stores and may sell merchandise similar to that sold in commercial grocery stores. The Secretary of Defense shall ensure that the design and format of commissary stores are consistent with modern grocery store stockage and format.*

(b) *REQUIRED COMMISSARY MERCHANDISE CATEGORIES.*—Merchandise sold in, at, or by commissary stores shall include items in the following categories:

- (1) Meat, poultry, and seafood.
- (2) Nonalcoholic beverages.
- (3) Produce.
- (4) Grocery food, whether stored chilled, frozen, or at room temperature.
- (5) Dairy products.
- (6) Bakery and delicatessen items.
- (7) Nonfood grocery items.
- (8) Health and beauty aids.
- (9) Magazines and periodicals.
- (10) Telephone cards, greeting cards, and film and one-time use cameras.

(c) *INCLUSION OF GENERAL MERCHANDISE ITEMS.*—(1) Among the various defense retail systems—

(A) commissary stores shall be the primary Department of Defense-operated store for the sale of items described in paragraphs (1) through (7) of subsection (b); and

(B) exchange stores shall continue to maintain the exclusive right to operate convenience stores, shopettes, and troop stores, including such stores established to support contingency operations.

(2) Merchandise sold in commissary stores may include such general merchandise items as the Secretary of Defense may prescribe, except that the Secretary may not exclude seasonal items, tobacco products, pet supplies, batteries, potted plants and floral bouquets, women's hosiery, and school supplies, to the extent such products have been available in commissary stores before June 1, 2004, unless the Secretary determines that space or other considerations preclude the sale of all or some of the specified items. The Secretary shall provide notice to Congress of any reduction in the availability of such items at least 30 days before the reduction takes effect.

(3) A military exchange may be considered as the vendor for the purchase of tobacco products, greeting cards, and film and one-time use cameras and shall serve as the vendor for telephone cards. Subsections (e) and (f) shall not apply to the pricing of such an item when a military exchange serves as the vendor of the item. Commissary store and exchange prices shall be comparable for such an item.

(4) During the two-year period ending March 31, 2007, the Secretary shall maintain sales data for commissary stores and exchange stores regarding the items identified in subsection (b)(10). Not later than August 1, 2007, the Secretary shall submit to Congress a report containing such sales data.

(d) *EXCLUDED GOODS OR SERVICES.*—Commissary stores shall not offer film development services.

(e) *UNIFORM SALES PRICE SURCHARGE.*—The Secretary of Defense shall apply a uniform surcharge equal to not more than five percent on the sales prices established under subsection (f) for each item of merchandise sold in, at, or by commissary stores.

**[(d)]** (f) *SALES PRICE ESTABLISHMENT.*—(1) The Secretary of Defense shall establish the sales price of each item of merchandise sold in, at, or by commissary stores at the level that will recoup

the actual product cost of the item [(consistent with this section and section 2685 of this title)].

\* \* \* \* \*

[(e)] (g) SPECIAL RULE FOR BRAND-NAME COMMERCIAL ITEMS.—The Secretary of Defense may not use the exception provided in section 2304(c)(5) of this title regarding the procurement of a brand-name commercial item for resale in, at, or by commissary stores unless the commercial item is regularly sold outside of commissary stores under the same brand name as the name by which the commercial item will be sold in, at, or by commissary stores. In determining whether a brand name commercial item is regularly sold outside of commissary stores, the Secretary shall consider only sales of the item on a regional or national basis by commercial grocery or other retail operations consisting of multiple stores.]

[(f)] (h) SPECIAL RULES FOR CERTAIN MERCHANDISE.—Notwithstanding the general requirement that merchandise sold in, at, or by commissary stores be commissary store inventory, the Secretary of Defense may authorize the sale of tobacco products as noncommissary store inventory. [Subsections (c) and (d)] *Subsections (e) and (f)* shall not apply to the pricing of such merchandise items.

[(g) COLLECTION OF DISHONORED CHECKS.—(1) The Secretary of Defense may impose a charge for the collection of a check accepted at a commissary store that is not honored by the financial institution on which the check is drawn. The imposition and amounts of charges shall be consistent with practices of commercial grocery stores regarding dishonored checks.

[(2)(A) The following persons are liable to the United States for the amount of a check referred to in paragraph (1) that is returned unpaid to the United States, together with any charge imposed under that paragraph:

[(i) The person who presented the check.

[(ii) Any person whose status and relationship to the person who presented the check provide the basis for that person's eligibility to make purchases at a commissary store.

[(B) Any amount for which a person is liable under subparagraph (A) may be collected by deducting and withholding such amount from any amounts payable to that person by the United States.

[(3) Amounts collected as charges imposed under paragraph (1) shall be credited to the commissary trust revolving fund.

[(4) Appropriated funds may be used to pay any costs incurred in the collection of checks and charges referred to in paragraph (1). An appropriation account charged a cost under the preceding sentence shall be reimbursed the amount of that cost out of funds in the commissary trust revolving fund.

[(5) In this subsection, the term "commissary trust revolving fund" means the trust revolving fund maintained by the Department of Defense for surcharge collections and proceeds of sales of commissary stores.]

(i) *USE OF SURCHARGE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.—(1)(A) The Secretary of Defense may use the proceeds from the surcharges imposed under subsection (e) only—*

(i) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and

(ii) to cover environmental evaluation and construction costs related to activities described in clause (i), including costs for surveys, administration, overhead, planning, and design.

(B) In subparagraph (A), the term “physical infrastructure” includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.

(2)(A) The Secretary of Defense may authorize a non-appropriated fund instrumentality of the United States to enter into a contract for construction of a shopping mall or similar facility for a commissary store and one or more nonappropriated fund instrumentality activities. The Secretary may use the proceeds of surcharges under subsection (e) to reimburse the nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction of the commissary store or to pay the contractor directly for that portion of such cost.

(B) In subparagraph (A), the term “construction”, with respect to a facility, includes acquisition, conversion, expansion, installation, or other improvement of the facility.

(3) The Secretary of Defense, with the approval of the Director of the Office of Management and Budget, may obligate anticipated proceeds from the surcharges under subsection (e) for any use specified in paragraph (1) or (2), without regard to fiscal year limitations, if the Secretary determines that such obligation is necessary to carry out any use of such adjustments or surcharges specified in such paragraph.

(4) Revenues received by the Secretary of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in paragraphs (1), (2), and (3):

(A) Sale of recyclable materials.

(B) Sale of excess and surplus property.

(C) License fees.

(D) Royalties.

(E) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.

#### **§ 2485. Donation of unusable food: commissary stores and other activities**

[(a) The Secretary of Defense may donate food described in subsection (b) to entities specified under subsection (d).

[(b) Food that may be donated under this section is commissary store food, mess food, meals ready-to-eat (MREs), rations known as humanitarian daily rations (HDRs), and other food available to the Secretary of Defense that—

[(1) is certified as edible by appropriate food inspection technicians;

[(2) would otherwise be destroyed as unusable; and

[(3) in the case of commissary store food, is unmarketable and unsaleable.

[(c) In the case of commissary store food, a donation under this section shall take place at the site of the commissary that is donating the food.]

[(d) A donation under this section may only be made to an entity that is one of the following:

[(1) A charitable nonprofit food bank that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.]

[(2) A State or local agency that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.]

[(3) A chapter or other local unit of a recognized national veterans organization that provides services to persons without adequate shelter and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.]

[(4) A not-for-profit organization that provides care for homeless veterans and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.]

[(e) This section does not authorize any service (including transportation) to be provided in connection with a donation under this section.]

#### § [2482] 2485. Commissary stores: operation

(a) PRIVATE OPERATION.—(1) \* \* \*

(2) Any change to private operation of a commissary store function that is being performed by more than 10 Department of Defense civilian employees shall not take effect until the end of the 75-day period beginning on the date on which the Secretary of Defense submits to Congress written notice of the change. *Until December 31, 2009, the Defense Commissary Agency is not required to conduct any cost-comparison study under the policies and procedures of Office of Management and Budget Circular A-76 relating to the possible contracting out of commissary store functions.*

(b) CONTRACTS WITH OTHER AGENCIES AND INSTRUMENTALITIES.—(1) \* \* \*

(2) A commissary store operated by a nonappropriated fund instrumentality of the Department of Defense shall be operated in accordance with [section 2484] *section 2483* of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency or any other agency of the Department of Defense that supports the operation of the commissary system to a nonappropriated fund instrumentality for the operation of a commissary store.

(c) GOVERNING BOARD.—(1) \* \* \*

(2) The Secretary of Defense shall determine the membership of the governing board, which shall include, at a minimum, appropriate representatives from each military department. *The chairman of the governing board shall be a commissioned officer or member of the senior executive service who has demonstrated experience or knowledge relevant to the management of the defense commissary system. In selecting other members of the governing board, the Secretary shall give priority to persons with experience related to legis-*

*tics, military personnel, military entitlements or other experiences of value of management of commissaries.*

\* \* \* \* \*

*(d) ASSIGNMENT OF ACTIVE DUTY MEMBERS.—(1) Except as provided in paragraph (2), members of the armed forces on active duty may not be assigned to the operation of a commissary store.*

*(2)(A) The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.*

*(B) Not more than 18 members (in addition to the officer referred to in subparagraph (A)) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subparagraph to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisers in the regional headquarters responsible for overseas commissaries and to veterinary specialists.*

*(e) REIMBURSEMENT FOR USE OF COMMISSARY FACILITIES BY MILITARY DEPARTMENTS.—(1) The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under paragraph (2) for any use of a commissary facility by the military department for a purpose other than commissary sales or operations in support of commissary sales.*

*(2) The amount payable under paragraph (1) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.*

*(3) The Director of the Defense Commissary Agency shall credit amounts paid under paragraph (1) for use of a facility to an appropriate account to which proceeds of a surcharge applied under section 2484(e) of this title are credited.*

*(4) This subsection applies with respect to a commissary facility that is acquired, constructed, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of a surcharge applied under section 2484(e) of this title.*

*(f) DONATION OF UNUSABLE FOOD.—(1) The Secretary of Defense may donate food described in paragraph (2) to any of the following entities:*

*(A) A charitable nonprofit food bank that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.*

*(B) A State or local agency that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.*

*(C) A chapter or other local unit of a recognized national veterans organization that provides services to persons without adequate shelter and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.*

*(D) A not-for-profit organization that provides care for homeless veterans and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.*

*(2) Food that may be donated under this subsection is commissary store food, mess food, meals ready-to-eat (MREs), rations known as humanitarian daily rations (HDRs), and other food available to the Secretary of Defense that—*

(A) is certified as edible by appropriate food inspection technicians;

(B) would otherwise be destroyed as unusable; and

(C) in the case of commissary store food, is unmarketable and unsaleable.

(3) In the case of commissary store food, a donation under this subsection shall take place at the site of the commissary store that is donating the food.

(4) This subsection does not authorize any service (including transportation) to be provided in connection with a donation under this subsection.

(g) **COLLECTION OF DISHONORED CHECKS.**—(1) The Secretary of Defense may impose a charge for the collection of a check accepted at a commissary store that is not honored by the financial institution on which the check is drawn. The imposition and amounts of charges shall be consistent with practices of commercial grocery stores regarding dishonored checks.

(2)(A) The following persons are liable to the United States for the amount of a check referred to in paragraph (1) that is returned unpaid to the United States, together with any charge imposed under that paragraph:

(i) The person who presented the check.

(ii) Any person whose status and relationship to the person who presented the check provide the basis for that person's eligibility to make purchases at a commissary store.

(B) Any amount for which a person is liable under subparagraph (A) may be collected by deducting and withholding such amount from any amounts payable to that person by the United States.

(3) Amounts collected as charges imposed under paragraph (1) shall be credited to the commissary trust revolving fund.

(4) Appropriated funds may be used to pay any costs incurred in the collection of checks and charges referred to in paragraph (1). An appropriation account charged a cost under the preceding sentence shall be reimbursed the amount of that cost out of funds in the commissary trust revolving fund.

(5) In this subsection, the term "commissary trust revolving fund" means the trust revolving fund maintained by the Department of Defense for surcharge collections and proceeds of sales of commissary stores.

(h) **RELEASE OF CERTAIN COMMERCIALY VALUABLE INFORMATION TO PUBLIC.**—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with paragraph (3).

(2) Paragraph (1) applies to the following:

(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

(i) Data relating to sales of goods or services.

(ii) *Demographic information on customers.*

(iii) *Any other information pertaining to commissary transactions and operations.*

(B) *Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.*

(3)(A) *The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in paragraph (2).*

(B) *The Secretary of Defense may release, without charge, information on an item sold in commissary stores to the manufacturer or producer of that item or an agent of the manufacturer or producer.*

(C) *The Secretary of Defense may, by contract entered into with a business, grant to the business a license to use business programs referred to in paragraph (2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.*

(D) *Each contract entered into under this paragraph shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.*

(4) *Information described in paragraph (2) may not be released, under paragraph (3) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.*

(5) *Amounts received by the Secretary under this section shall be credited to funds derived from commissary surcharges applied under section 2484(e) of this title, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.*

**【§ 2487. Commissary stores: release of certain commercially valuable information to the public**

【(a) AUTHORITY TO LIMIT RELEASE.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with subsection (b).

【(2) Paragraph (1) applies to the following:

【(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

【(i) Data relating to sales of goods or services.

【(ii) Demographic information on customers.

【(iii) Any other information pertaining to commissary transactions and operations.

【(B) Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.

[(b) RELEASE AUTHORITY.—(1) The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in subsection (a)(2).

[(2) The Secretary of Defense may release, without charge, information on an item sold in commissary stores to the manufacturer or producer of that item or an agent of the manufacturer or producer.

[(3) The Secretary of Defense may, by contract entered into with a business, grant to the business a license to use business programs referred to in subsection (a)(2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.

[(4) Each contract entered into under this subsection shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.

[(c) FORM OF RELEASE.—Information described in subsection (a)(2) may not be released, under subsection (b) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.

[(d) RECEIPTS.—Amounts received by the Secretary under this section shall be credited to funds derived from commissary surcharges, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.

[(e) DEFINITION.—In this section, the term “commissary surcharge” means any adjustment or surcharge applied under section 2486(c) of this title.]

## SUBCHAPTER II—RELATIONSHIP, CONTINUATION, AND COMMON POLICIES OF DEFENSE COMMISSARY AND EXCHANGE SYSTEMS

Sec.

2487. *Existence and purpose of defense commissary system.*

2488. *Combined exchange and commissary stores.*

2489. *Overseas commissary and exchange stores: access and purchase restrictions.*

### **§2487. Relationship between defense commissary system and exchange stores system**

(a) SEPARATE SYSTEMS.—(1) Except as provided in paragraph (2), the defense commissary system and the exchange stores system shall be operated as separate systems of the Department of Defense.

(2) Paragraph (1) does not apply to the following:

(A) Combined exchange and commissary stores operated under the authority provided by section 2489 of this title.

(B) NEXMART stores of the Navy Exchange Service Command established before October 1, 2003.

(b) CONSOLIDATION OR OTHER ORGANIZATIONAL CHANGES OF DEFENSE RETAIL SYSTEMS.—(1) The operation and administration of the defense retail systems may not be consolidated or otherwise merged unless the consolidation or merger is specifically authorized by an Act of Congress.

(2) In this subsection, the term “defense retail systems” means the defense commissary system and exchange stores system and other revenue-generating facilities operated by nonappropriated

*fund instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces*

**§ [2490a] 2488. Combined exchange and commissary stores**

(a) \* \* \*  
\* \* \* \* \*

**§ [2492] 2489. Overseas commissary and exchange stores: access and purchase restrictions**

(a) \* \* \*  
\* \* \* \* \*

**SUBCHAPTER III—MORALE, WELFARE, AND RECREATION PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES**

- 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.*

**§ [2494] 2491. Uniform funding and management of morale, welfare, and recreation programs**

(a) \* \* \*  
\* \* \* \* \*

**§ [2246] 2491a. Department of Defense golf courses: limitation on use of appropriated funds**

(a) \* \* \*  
\* \* \* \* \*

**§ [2247] 2491b. Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation**

(a) \* \* \*  
\* \* \* \* \*

**§ [2219] 2491c. Retention of morale, welfare, and recreation funds by military installations: limitation**

Amounts may not be retained in a nonappropriated morale, welfare, and recreation account of a military installation of an armed force in excess of the amount necessary to meet cash requirements of that installation. Amounts in excess of that amount shall be transferred to a single nonappropriated morale, welfare,

and recreation account for that armed force. This section does not apply to the Coast Guard.

**§ [2482a] 2492. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide and obtain goods and services**

An agency or instrumentality of the Department of Defense that supports the operation of the exchange system, or the operation of a morale, welfare, and recreation system, of the Department of Defense may enter into a contract or other agreement with another element of the Department of Defense or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system.

**§2494. Nonappropriated fund instrumentalities: furnishing utility services for morale, welfare, and recreation purposes**

*Appropriations for the Department of Defense may be used to provide utility services for—*

- (1) buildings on military installations authorized by regulation to be used for morale, welfare, and recreation purposes; and*
- (2) other morale, welfare, and recreation activities for members of the armed forces.*

**§ [2488] 2495. Nonappropriated fund instrumentalities: purchase of alcoholic beverages**

(a) \* \* \*

\* \* \* \* \*

**§ [2489] 2495a. Overseas package stores: treatment of United States wines**

The Secretary of Defense shall ensure that each non-appropriated fund activity engaged principally in selling alcoholic beverage products in a packaged form (commonly referred to as a “package store”) that is located at a military installation outside the United States shall give appropriate treatment with respect to wines produced in the United States to ensure that such wines are given, in general, an equitable distribution, selection, and price when compared with wines produced by the host nation.

**§ [2489a] 2495b. Sale or rental of sexually explicit material prohibited**

(a) \* \* \*

\* \* \* \* \*

**CHAPTER 148—NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION**

\* \* \* \* \*

SUBCHAPTER III—PROGRAMS FOR DEVELOPMENT, APPLI-  
CATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

\* \* \* \* \*

**§ 2515. Office of Technology Transition**

(a) \* \* \*

\* \* \* \* \*

(d) BIENNIAL REPORT.—**[(1)]** The Secretary of Defense shall submit to the **[congressional committees specified in paragraph (2)]** *congressional defense committees* a biennial report on the activities of the Office. The report shall be submitted each even-numbered year at the same time that the budget is submitted to Congress by the President pursuant to section 1105 of title 31. The report shall contain a discussion of the accomplishments of the Office during the two fiscal years preceding the fiscal year in which the report is submitted.

**[(2)]** The committees referred to in paragraph (1) are—

**[(A)]** the Committee on Armed Services and the Committee on Appropriations of the Senate; and

**[(B)]** the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.**]**

\* \* \* \* \*

SUBCHAPTER V—MISCELLANEOUS TECHNOLOGY BASE  
POLICIES AND PROGRAMS

Sec.

2531. Defense memoranda of understanding and related agreements.

\* \* \* \* \*

2532a. *Defense trade reciprocity.*

\* \* \* \* \*

**§ 2532a. Defense trade reciprocity**

(a) *POLICY.—(1) It is the policy of Congress that procurement regulations used in the conduct of trade in defense articles and defense services shall be based on the principle of fair trade and reciprocity consistent with United States national security, including the need to ensure comprehensive manufacturing capability in the United States defense industrial base for military system essential items.*

(2) *The Secretary of Defense shall make every effort to ensure that the policies and practices of the Department of Defense reflect the goal of establishing an equitable trading relationship between the United States and its foreign defense trade partners, including ensuring that United States firms and United States employment in the defense sector are not disadvantaged by unilateral procurement practices by foreign governments, such as the imposition of offset agreements or similar requirements in defense procurements by those governments. In pursuing this goal, the Secretary shall—*

*(A) develop a comprehensive defense acquisition trade policy that provides the necessary guidance and incentives for the elimination of offset agreements as an accepted practice in defense trade; and*

(B) review and make necessary modifications to existing acquisition policies and strategies, and review and seek to make necessary modifications to existing memoranda of understanding, cooperative project agreements, or related agreements with foreign defense trade partners, to reflect this goal.

(b) *REQUIREMENT.*—The Secretary of Defense may not enter into a contract, or approve or permit any subcontract under a contract entered into by the Department of Defense, for the procurement of any defense article or defense service from a foreign firm unless the country in which the foreign firm performs substantially all of its manufacturing, production, and research and development activities in the performance of the contract (or subcontract) agrees to apply offset agreements to the procurement of defense articles and defense services from the United States firms in the same manner and to the same degree as such agreements are applied by the Department of Defense to the procurement of defense articles and defense services from that country.

(c) *EXCEPTION.*—Subsection (b) does not apply to a contract or subcontract for the procurement of a defense article or defense service from a foreign firm if the Secretary of Defense determines in writing, with respect to the specific contract or subcontract, that an exception to subsection (b) is necessary for the Department to be able to meet national security objectives.

(d) *NOTIFICATION REQUIRED WHEN EXCEPTION APPLIED.*—The Secretary of Defense may not apply an exception under subsection (c) until—

(1) a notification of the intent to apply such exception is submitted to the congressional defense committees and published in the *Federal Register*; and

(2) a period of 30 days has expired after the date on which such notification is so submitted and published.

(e) *AUTHORITY TO APPLY EXCEPTION NOT DELEGABLE.*—The authority of the Secretary to apply the exception under subsection (c) may not be delegated to any officer or employee in a position at a level lower than the position of the Under Secretary of Defense for Acquisition, Technology, and Logistics.—

(f) *REGULATIONS.*—The Secretary shall prescribe regulations to implement this section in the Department of Defense supplement to the *Federal Acquisition Regulation*.

(g) *EFFECTIVE DATE.*—This section and the regulations prescribed under this section shall apply to contracts and subcontracts entered into on and after the date occurring one year after the date of the enactment of this Act.

(h) *DEFINITIONS.*—In this section:

(1) The term “foreign firm” means a business entity that performs substantially all of its manufacturing, production, and research and development activities outside of the United States.

(2) The term “United States firm” means a business entity that performs substantially all of its manufacturing, production, and research and development activities in the United States.

(3) The term “foreign defense trade partner” means a foreign country with respect to which there is—

(A) a memorandum of understanding or related agreement described in section 2531(a) of title 10, United States Code; or

(B) a cooperative project agreement described in section 27 of the Arms Export Control Act (22 U.S.C. 2767).

(4) The term “offset agreement” has the meaning provided that term by section 36(e) of the Arms Export Control Act (22 U.S.C. 2776(e)).

(5) The terms “defense article” and “defense service” have the meanings provided those terms by section 47(7) of the Arms Export Control Act (22 U.S.C. 2794(7)).

(6) The term “military system essential item” means an item on the military system essential item breakout list produced pursuant to section 813(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136; 117 Stat. 1544).

\* \* \* \* \*

**§ 2533a. Requirement to buy certain articles from American sources; exceptions**

(a) \* \* \*

(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

(1) An article or item of—

(A) \* \* \*

(B) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

\* \* \* \* \*

(k) NOTIFICATION REQUIRED WHEN CERTAIN EXCEPTIONS APPLIED.—(1) Funds appropriated or otherwise available to the Department of Defense may not be used to enter into a contract to procure an item described in subsection (b) pursuant to an exception set forth in subsection (c) or (e) until—

(A) a notification of the intent to apply such exception is submitted to Congress and posted on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site); and

(B) a period of 15 days has expired after the date on which such notification is so submitted and published.

(2) In any case in which the Secretary of Defense or the Secretary of the military department concerned intends to apply or applies the exception set forth in subsection (d)(1), the Secretary concerned shall submit to Congress a notification of such intent or such application during the period beginning six months before the date of application of such exception and ending six months after the date of application of such exception.

\* \* \* \* \*

**SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES**

\* \* \* \* \*

**§ 2540. Establishment of loan guarantee program**

- (a) \* \* \*
- (b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:
  - (1) \* \* \*
  - (2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title, as in effect on that date.

\* \* \* \* \*

**CHAPTER 155—ACCEPTANCE OF GIFTS AND SERVICES**

Sec.	
2601.	General gift funds.
	* * * * *
2613.	<i>Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families.</i>
	* * * * *

**§ 2606. Scouting: cooperation and assistance in foreign areas**

(a) *AUTHORITY TO COOPERATE AND PROVIDE ASSISTANCE.*—**[Subject to subsection (b)]** *In the interest of promoting the recognized morale, welfare, and recreation of members of the armed forces, the Secretary concerned may cooperate with and assist qualified scouting organizations in establishing and providing facilities and services for members of the armed forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States.*

(b) Cooperation and assistance under subsection (a) shall be provided under regulations prescribed by the Secretary of Defense **[and may be provided only if the President determines that such cooperation and assistance is necessary in the interest of the morale, welfare, and recreation of members of the armed forces].**

(c) *TREATMENT AS NONAPPROPRIATED FUND INSTRUMENTALITIES.*—(1) *Subject to paragraphs (2) and (3), to the extent a qualified scouting organization is providing services for members of the armed forces and their dependents, or civilian employees of the Department of Defense and their dependents, at a location outside the United States consistent with the regulations prescribed under subsection (b), the qualified scouting organization shall be a nonappropriated fund instrumentality of the Department of Defense.*

(2) *Notwithstanding treatment as a nonappropriated fund instrumentality of the Department of Defense, personnel of the qualified scouting organization who are performing duties in connection with cooperation and assistance provided under subsection (a) may continue such policies and procedures related to personnel management and such other policies or procedures established by the qualified scouting organization as the personnel consider appropriate, subject to the approval of the qualified scouting organization.*

(3) *A qualified scouting organization operating outside the United States may operate as a private association overseas for the purpose of raising funds. Any funds so raised may not be commingled with amounts retained in a nonappropriated morale, welfare, and recreation account of the Department of Defense.*

(d) *TREATMENT AS NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.*—(1) *Personnel of a qualified scouting organization who are performing duties in connection with cooperation and assistance provided under subsection (a) for members of the armed forces and their dependents, or civilian employees of the Department of Defense and their dependents, shall be nonappropriated fund instrumentality employees of the United States for any period during which the personnel perform such duties.*

(2) *Such personnel of a qualified scouting organization shall receive the same benefits, entitlements, and logistical support as other nonappropriated fund instrumentality employees, except that such personnel—*

(A) *shall be allowed to decline to participate in retirement programs or other personnel management policies or procedures available to other nonappropriated fund instrumentality employees and elect to continue the programs, policies or procedures made available by the qualified scouting organization; and*

(B) *shall not receive nonappropriated fund instrumentality employment credit nor rehire priority.*

(3) *In the regulations prescribed under subsection (b), the Secretary of Defense may authorize the use of funds appropriated to the Department of Defense to pay costs of such personnel of a qualified scouting organization, including reimbursement of the personnel or the qualified scouting organization, in the case of those retirement, personnel management, and other compensation programs regarding which the personnel have elected to continue the programs made available to them by the qualified scouting organization.*

[(c)] (e) *PROVISION OF TRANSPORTATION, SPACE, AND SERVICES.*—Personnel of a qualified scouting organization, including officials certified by that organization as representing that organization, who are performing duties in connection with cooperation and assistance provided under subsection (a) may be furnished, *using the authority of subsection (d)(3)—*

(1) \* \* \*

\* \* \* \* \*

[(d)] (f) *TRANSPORTATION OF SUPPLIES.*—Supplies of a qualified scouting organization may be transported at the expense of the United States if the Secretary concerned determines, under regulations prescribed under subsection (b), that the supplies are necessary to the cooperation and assistance provided under this section.

[(e)] The Secretary concerned may reimburse a qualified scouting organization for all or part of the pay of an employee of that organization for any period during which the employee was performing services under subsection (a). Any such reimbursement may not be made from appropriated funds and shall be made under regulations prescribed under subsection (b).

[(f)] For the purposes of this section, employees of a qualified scouting organization performing services under subsection (a) may not be considered to be employees of the United States.】

(g) *DEFINITION.*—In this section, the term “qualified scouting organization” means the Girl Scouts of the United States of America and the Boy Scouts of America.

\* \* \* \* \*

**§2613. Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families**

(a) *AUTHORITY TO ACCEPT DONATION OF TRAVEL BENEFITS.*—Subject to subsection (c), the Secretary of Defense may accept from any person or government agency the donation of travel benefits for the purposes of use under subsection (d).

(b) *TRAVEL BENEFIT DEFINED.*—In the section, the term “travel benefit” means frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public.

(c) *CONDITION ON AUTHORITY TO ACCEPT DONATION.*—The Secretary may accept a donation of a travel benefit under this section only if the air or surface carrier that is the source of the benefit consents to such donation. Any such donation shall be under such terms and conditions as the surface carrier may specify, and the travel benefit so donated may be used only in accordance with the rules established by the carrier.

(d) *USE OF DONATED TRAVEL BENEFITS.*—A travel benefit accepted under this section may be used only for the purpose of—

(1) facilitating the travel of a member of the armed forces who—

(A) is deployed on active duty away from the permanent duty station of the member; and

(B) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member; or

(2) facilitating the travel of family members of a member described in paragraph (1) in order to be reunited with the member.

(e) *ADMINISTRATION.*—The Secretary shall designate a single office in the Department of Defense to carry out this section. That office shall be responsible for developing rules and procedures to facilitate the acceptance and distribution of travel benefit under this section.

(f) *STATUS OF BENEFITS RECEIVED.*—A member of the armed forces, or a family member of a member of the armed forces, who receives a travel benefit under this section is deemed to recognize no income from the receipt or use of such benefit. A donor of a travel benefit under this section is deemed to obtain no tax benefit from such donation.

(g) *FAMILY MEMBER DEFINED.*—In this section, the term “family member” has the meaning given that term in section 411h(b)(1) of title 37.

\* \* \* \* \*

**CHAPTER 157—TRANSPORTATION**

Sec. 2631.	Supplies: preference to United States vessels.
	* * * * *
2648.	<i>Persons and supplies: sea transportation.</i>
2649.	<i>Civilian passengers and commercial cargoes: transportation on Department of Defense vessels.</i>

2650. *Civilian personnel in Alaska.*  
 2651. *Passengers and merchandise to Guam: sea transport.*

\* \* \* \* \*

**§ [4744] 2648. Persons and supplies: sea transportation**

Whenever the [Secretary of the Army] *Secretary of Defense* considers that space is available, the following persons and supplies may be transported on vessels operated by [Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any military transport agency of] the Department of Defense:

- [(1) Members of the Navy, Marine Corps, or Coast Guard.
- [(2) Officers and employees of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the Coast Guard.
- [(3) Supplies of the Department of the Navy.]
- [(4)] (1) Members of Congress.
- [(5)] (2) Other officers of the United States traveling on official business.
- [(6)] (3) Secretaries and supplies of the Armed Services Department of the Young Men's Christian Association.
- [(7)] (4) Officers and employees of the Commonwealth of Puerto Rico on official business.
- [(8)] (5) The families of [persons described in clauses (1), (2), (4), (5), and (7)] *members of the armed forces, officers and employees of the Department of Defense or the Coast Guard, and persons described i paragraphs (1), (2), and (4).*

However, a person described in [clause (7) or (8)] *paragraph (4) or (5)* may be so transported only if the transportation is without expense to the United States.

**[§ 4745. Civilian passengers and commercial cargoes: transports in trans-Atlantic service]**

**§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels**

(a) Whenever space is unavailable on commercial lines and is available [(1) on vessels operated by Army transport agencies, or (2) within bulk space allocations made to the Department of the Army] on vessels operated by [any transport agency of] the Department of Defense, civilian passengers and commercial cargo may, in the discretion of the [Secretary of the Army and the Secretary of Homeland Security, be transported] *Secretary of Defense, be transported* on those vessels. Rates for transportation under this section may not be less than those charged by commercial lines for the same kinds of service.

\* \* \* \* \*

**§ [4746] 2650. Civilian personnel in Alaska**

Persons residing in Alaska who are and have been employed there by the United States for at least two years, and their families, may be transported on vessels or airplanes operated by [Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels or airplanes operated by any military transport agency of] the Department of Defense, if—

(1) the **[Secretary of the Army]** *Secretary of Defense* considers that accommodations are available;

\* \* \* \* \*

(4) in case of travel **[by air—**

**](A)** the Secretary of Transportation has not certified that commercial air carriers of the United States that can handle the transportation are operating between Alaska and the United States; and

**](B)** the transportation cannot] *by air, the transportation cannot* be reasonably handled by a United States commercial air carrier.

**§ [4747] 2651. Passengers and merchandise to Guam: sea transport**

Whenever space is available, passengers, and merchandise produced in the United States, or the Territories, Commonwealths, and possessions, and consigned to residents and mercantile firms of Guam, may be transported to Guam on vessels operated by **[Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any transport agency of the Department of Defense, under regulations and at rates to be prescribed by the Secretary of the Army.]** *the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense.*

\* \* \* \* \*

**CHAPTER 159—REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NONEXCESS PROPERTY**

Sec. 2661. Miscellaneous administrative provisions relating to real property.

\* \* \* \* \*

**[2664.** Acquisition of property for lumber production.]

\* \* \* \* \*

**[2666.** Acquisition: land purchase contracts; limitation on commission.]

\* \* \* \* \*

**[2673.** Acquisition of certain interests in land: availability of funds.]

\* \* \* \* \*

**§ 2661. Miscellaneous administrative provisions relating to real property**

(a) *AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.*—Appropriations for operation and maintenance of the active forces shall be available for the following:

(1) \* \* \*

\* \* \* \* \*

(b) *LEASING AND ROAD MAINTENANCE AUTHORITY.*—The Secretary of Defense and the Secretary of each military department may provide for the following:

\* \* \*

\* \* \* \* \*

(c) *COMMISSIONS ON LAND PURCHASE CONTRACTS.*—*The maximum amount payable as a commission on a contract for the pur-*

*chase of land from funds appropriated for the Department of Defense is two percent of the purchase price.*

**§ 2662. Real property transactions: reports to congressional committees**

(a) GENERAL NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary of a military department, or his designee, may not enter into any of the following listed transactions by or for the use of that department until the Secretary submits a report, subject to paragraph (3), to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives:

(A) An acquisition of fee title to any real property, if the estimated price is more than ~~【\$750,000】~~ *\$1,500,000*.

(B) A lease of any real property to the United States, if the estimated annual rental is more than ~~【\$750,000】~~ *\$1,500,000*.

(C) A lease or license of real property owned by the United States, if the estimated annual fair market rental value of the property is more than ~~【\$750,000】~~ *\$1,500,000*.

(D) A transfer of real property owned by the United States to another Federal agency or another military department or to a State, if the estimated value is more than ~~【\$750,000】~~ *\$1,500,000*.

(E) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than ~~【\$750,000】~~ *\$1,500,000*.

\* \* \* \* \*

(2) If a transaction covered by subparagraph (A) or (B) of paragraph (1) is part of a project, the report ~~【must include a summarization】~~ *shall include a summary* of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made. The report required by this subsection concerning any report of excess real property described in subparagraph (E) of paragraph (1) shall contain a certification by the Secretary concerned that he has considered the feasibility of exchanging such property for other real property authorized to be acquired for military purposes and has determined that the property proposed to be declared excess is not suitable for such purpose.

\* \* \* \* \*

(b) ANNUAL REPORTS ON CERTAIN MINOR TRANSACTIONS.—The Secretary of each military department shall submit annually to the congressional committees named in subsection (a) a report on transactions described in ~~【subsection (a) that involve an estimated value of more than \$250,000, but not more than \$750,000】~~ *such subsection that involve an estimated value of more than \$500,000, but not more than the amount specified in such subsection.*

\* \* \* \* \*

(e) NOTICE AND WAIT REGARDING LEASES OF SPACE FOR DOD BY GSA.—No element of the Department of Defense shall occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of ~~【\$750,000】~~ *\$1,500,000* (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of

the Department of Defense, until the end of the 30-day period beginning on the date on which a report of the facts concerning the proposed occupancy is submitted to the congressional committees named in subsection (a) or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**【§ 2664. Acquisition of property for lumber production**

【(a) The Secretary of a military department, the Secretary of Transportation, or any one or more of them, may have proceedings brought in the name of the United States to acquire by condemnation any interest in property named in subsection (b), including temporary use, and needed for—

- 【(1) the production of aircraft, vessels, dry docks, or equipment for them;
- 【(2) the procurement of supplies for aircraft, vessels, and dry docks; or
- 【(3) housing for persons employed by the United States in connection with functions of the Army, Navy, Air Force, or Marine Corps, or the functions transferred to the Secretary of Transportation under section 3 of the Maritime Act of 1981 (46 U.S.C. App. 1602).

【(b) The kinds of property that may be acquired by condemnation under subsection (a) are—

- 【(1) standing or fallen timber;
- 【(2) sawmills;
- 【(3) camps;
- 【(4) machinery;
- 【(5) logging roads;
- 【(6) rights-of-way;
- 【(7) supplies; and
- 【(8) works, property, or appliances suitable for the production of lumber and timber products.

【(c) Jurisdiction over condemnation proceedings under this section is vested in the United States District Court for the district in which the property, or any part of it, sought to be condemned is located, regardless of its value.

【(d) In time of war or when war is imminent, the United States may, immediately upon the filing of a petition for condemnation under subsection (a), take and use the property to the extent of the interest sought to be acquired.

【(e) A person named in subsection (a) may contract for or buy any interest in property named in subsection (b), including temporary use, needed for any purpose named in subsection (a), as soon as the owner fixes a price for it and that person considers that price to be reasonable.

【(f) A person named in subsection (a) may accept for the United States a gift of any property named in subsection (b), including temporary use, for any purpose named in subsection (a).】

\* \* \* \* \*

**§ 2666. Acquisition: land purchase contracts; limitation on commission**

【The maximum amount payable as commission on a contract for the purchase of land from funds appropriated for the Department of Defense is 2 percent of the purchase price.】

**§ 2667. Leases: non-excess property of military departments**

(a) \* \* \*

\* \* \* \* \*

(d)(1)(A) \* \* \*

(B) Subparagraph (A) does not apply to the following proceeds:

(i) \* \* \*

(ii) *Money rentals deposited in a nonappropriated morale, welfare, and recreation account under paragraph (3).*

【(ii)】 (iii) *Money rentals referred to in paragraph (4) or (5).*

\* \* \* \* \*

(3) *The Secretary of the Army may deposit up to 50 percent of the money rentals received by the United States from a lease involving the golf course at Rock Island Arsenal, Illinois, in the nonappropriated morale, welfare, and recreation account for that installation, to be used for quality-of-life programs at that installation.*

\* \* \* \* \*

**§ 2672. Authority to acquire low-cost interests in land**

【(a) ACQUISITION AUTHORITY.—(1) The Secretary of a military department may acquire any interest in land that—

【(A) the Secretary determines is needed in the interest of national defense; and

【(B) does not cost more than \$750,000, exclusive of administrative costs and the amounts of any deficiency judgments.

【(2) The Secretary of a military department may acquire any interest in land that—

【(A) the Secretary determines is needed solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; and

【(B) does not cost more than \$1,500,000, exclusive of administrative costs and the amounts of any deficiency judgments.

【(b) ACQUISITION OF MULTIPLE PARCELS.—This section does not apply to the acquisition, as a part of the same project, of more than one parcel of land unless the parcels are noncontiguous, or, if contiguous, unless the total cost is not more than \$750,000, in the case of an acquisition under subsection (a)(1), or \$1,500,000, in the case of an acquisition under subsection (a)(2).】

(a) ACQUISITION AUTHORITY.—*The Secretary of a military department may acquire any interest in land that—*

(1) *the Secretary determines is needed in the interest of national defense; and*

(2) *does not cost more than \$1,500,000, exclusive of administrative costs and the amounts of any deficiency judgments.*

(b) *TREATMENT OF MULTIPLE PARCELS.*—This section does not authorize the acquisition, as a part of the same project, of more than one parcel of land unless—

- (1) the parcels are noncontiguous; or
- (2) if contiguous, the total cost for the acquisition of all of the contiguous parcels does not cost more than the amount specified in subsection (a)(2).

\* \* \* \* \*

(d) *AVAILABILITY OF FUNDS.*—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of land or interests in land under this section.

\* \* \* \* \*

**§ 2672a. Acquisition: interests in land when need is urgent**

(a) The Secretary of a military department may acquire any interest in land *in any case in which the Secretary determines* that—

- (1) **[the Secretary determines]** *the acquisition* is needed in the interest of national defense;
- (2) *the acquisition* is required to maintain the operational integrity of a military installation; and

\* \* \* \* \*

**§ 2673. Acquisition of certain interests in land: availability of funds**

**[**Appropriations available to the Department of Defense for maintenance or construction may be used for the acquisition of land or interests in land under section 2672 of this title and for the acquisition of interests in land under section 2675 of this title.**]**

\* \* \* \* \*

**§ 2675. Leases: foreign countries**

(a) *LEASE AUTHORITY; DURATION.*—The Secretary of a military department may acquire by lease in foreign countries structures and real property relating to structures that are needed for military purposes other than for military family housing. A lease under this section may be for a period of up to five years, or 15 years in the case of a lease in Korea, and the rental for each yearly period may be paid from funds appropriated to that military department for that year.

(b) *AVAILABILITY OF FUNDS.*—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of interests in land under this section.

**§ 2676. Acquisition: limitation**

(a) \* \* \*

\* \* \* \* \*

(d) The limitations on reduction in scope or increase in cost of a land acquisition in subsection (c) do not apply if the reduction in scope or the increase in cost, as the case may be, is approved by the Secretary concerned and a written notification of the facts re-

lating to the proposed reduced scope or increased cost (including a statement of the reasons therefor) is submitted by the Secretary concerned to the [appropriate committees of Congress] congressional defense committees. A contract for the acquisition may then be awarded only after a period of 21 days elapses from the date the notification is received by the committees or, if over sooner, a period of 14 days elapses from the date on which a copy of that notification is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2694a. Conveyance of surplus real property for natural resource conservation**

(a) \* \* \*

\* \* \* \* \*

(e) CONGRESSIONAL NOTIFICATION.—The Secretary concerned may not approve of the reconveyance of real property under subsection (c) or grant the release of a covenant under subsection (d) until the Secretary notifies the [appropriate committees of Congress] congressional defense committees of the proposed reconveyance or release and a period of 21 days elapses from the date the notification is received by the committees.

\* \* \* \* \*

(i) DEFINITIONS.—In this section:

(1) The term “[appropriate committees of Congress] congressional defense committees” has the meaning given such term in section 2801 of this title.

[(2) The term “base closure law” means the following:

[(A) Section 2687 of this title.

[(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (10 U.S.C. 2687 note).

[(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

[(D) Any other similar authority for the closure or realignment of military installations that is enacted after the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003.]

(2) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.

\* \* \* \* \*

[(4) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and the territories and possessions of the United States.]

\* \* \* \* \*

**CHAPTER 160—ENVIRONMENTAL RESTORATION**

\* \* \* \* \*

**§ 2701. Environmental restoration program**

(a) ENVIRONMENTAL RESTORATION PROGRAM—

(1) \* \* \*

(2) APPLICATION OF SECTION 120 OF CERCLA.—Activities of the program described in subsection (b)(1) shall be carried out subject to, and in a manner consistent with, section 120 (relating to Federal facilities) of CERCLA (42 U.S.C. 9620).

\* \* \* \* \*

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—

(1) \* \* \*

(2) OTHER RESPONSIBLE PARTIES.—Paragraph (1) shall not apply to a removal or remedial action if the Administrator has provided for response action by a potentially responsible person in accordance with section 122 [of CERCLA (relating to settlements)] (relating to settlements) of CERCLA (42 U.S.C. 9622).

\* \* \* \* \*

(e) RESPONSE ACTION CONTRACTORS.—The provisions of section 119 of CERCLA (42 U.S.C. 9619) apply to response action contractors (as defined in that section) who carry out response actions under this section.

\* \* \* \* \*

(j) APPLICABILITY.—(1) \* \* \*

(2) Subsections (h) and (i) shall not apply to bonds to which section 119(g) of [the Comprehensive Environmental Response, Compensation, and Liability Act of 1980] CERCLA (42 U.S.C. 9619(g)) applies.

\* \* \* \* \*

**§ 2702. Research, development, and demonstration program**

(a) PROGRAM.—As part of the Defense Environmental Restoration Program, the Secretary of Defense shall carry out a program of research, development, and demonstration with respect to hazardous wastes. The program shall be carried out in consultation and cooperation with the Administrator and the advisory council established under section 311(a)(5) of CERCLA (42 U.S.C. 9660(a)(5)). The program shall include research, development, and demonstration with respect to each of the following:

(1) \* \* \*

\* \* \* \* \*

**§ 2703. Environmental restoration accounts**

(a) \* \* \*

(b) PROGRAM ELEMENTS FOR ORDNANCE REMEDIATION.—The Secretary of Defense shall establish a program element for remediation of unexploded ordnance, discarded military munitions, and munitions constituents within each environmental restoration account established under subsection (a). [The terms] For purposes of the preceding sentence, the terms “unexploded ordnance”, “discarded military munitions”, and “munitions constituents” have the meanings given such terms in section 2710 of this title.

\* \* \* \* \*

**§ 2704. Commonly found unregulated hazardous substances**

(a) \* \* \*

\* \* \* \* \*

(c) DOD SUPPORT.—The Secretary of Defense shall transfer to the Secretary of Health and Human Services such toxicological data, such sums from amounts appropriated to the Department of Defense, and such personnel of the Department of Defense as may be necessary (1) for the preparation of toxicological profiles under subsection (b) or (2) for other health related activities under section 104(i) of CERCLA (42 U.S.C. 9604(i)). The Secretary of Defense and the Secretary of Health and Human Services shall enter into a memorandum of understanding regarding the manner in which this section shall be carried out, including the manner for transferring funds and personnel and for coordination of activities under this section.

\* \* \* \* \*

(e) CROSS REFERENCE.—Section 104(i) of CERCLA (42 U.S.C. 9604(i)) applies to facilities under the jurisdiction of the Secretary of Defense in the manner prescribed in that section.

(f) FUNCTIONS OF HHS TO BE CARRIED OUT THROUGH ATSDR.—The functions of the Secretary of Health and Human Services under this section shall be carried out through the Administrator of the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services established under section 104(i) of CERCLA (42 U.S.C. 9604(i)).

\* \* \* \* \*

**CHAPTER 165—ACCOUNTABILITY AND RESPONSIBILITY**

Sec.	
2771.	Final settlement of accounts: deceased members.
	* * * * *
2780a.	<i>Debt collection: general waiver authority for small amounts owed the United States.</i>
	* * * * *
2788.	<i>Licensing of intellectual property of the military departments; authority to charge and retain fees.</i>
	* * * * *

**§ 2780a. Debt collection: general waiver authority for small amounts owed the United States**

(a) AUTHORITY.—In the case of an indebtedness to the United States described in subsection (b) that is for an amount that is less than the threshold amount specified in subsection (c), the Secretary of Defense may, under regulations prescribed under this section, cancel the indebtedness and waive recovery of the amount owed. Such authority may be used only when, based on a cost-benefit analysis, the Secretary determines that the costs of collection are expected to exceed the amount recoverable.

(b) COVERED DEBTS.—(1) Except as provided in paragraph (2), this section applies with respect to amounts owed to the United States that arise out of the activities of, or that are referred to, the Department of Defense (including amounts owed by members of the armed forces and Department of Defense civilian personnel).

(2) *The authority under this section does not apply to amounts owed to the United States arising out of activities of the Department of Defense that have been referred to another executive agency for collection action or that are otherwise within the purview of another executive agency.*

(c) *MAXIMUM AMOUNT WAIVABLE.—The threshold amount referred to in subsection (a) is the micropurchase threshold amount in effect under section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).*

(d) *REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.*

\* \* \* \* \*

**§2788. Licensing of intellectual property of the military departments; authority to charge and retain fees**

(a) *AUTHORITY TO RETAIN FEES.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may license trademarks, service marks, certification marks, and collective marks owned by a military department and may retain and expend fees received from such licensing in accordance with subsection (b).*

(2) *In this section, the terms “trademark”, “service mark”, “certification mark”, “collective mark”, and “mark” have the meanings given those terms in section 45 of the Trademark Act of 1946 (15 U.S.C. 1127).*

(b) *USE OF LICENSING FEES.—(1) Funds received by a military department from licensing under subsection (a)(1) shall be used for the expenses incurred by the department in securing the registration of marks owned by the department and in licensing those marks.*

(2) *If the amount of fees received by a military department during any fiscal year from the licensing of marks exceeds the anticipated expenses under paragraph (1) during that year, the Secretary concerned may designate those funds as excess and expend them as provided in paragraph (3).*

(3) *Not more than 50 percent of any such excess funds shall be available for military personnel recruiting and retention activities of the department. The remainder of such funds shall be available for morale, welfare, and recreation activities of the department.*

(4) *Funds received pursuant to subsection (a)(1) shall remain available for two years after the end of the fiscal year during which the funds are received.*

\* \* \* \* \*

**CHAPTER 169—MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING**

\* \* \* \* \*

**SUBCHAPTER I—MILITARY CONSTRUCTION**

Sec. 2801. Scope of chapter; definitions.

\* \* \* \* \*

【2808. Construction authority in the event of a declaration of war or national emergency.】

2808. *Construction authority related to declaration of war or national emergency; construction requirements related to antiterrorism and force protection.*

\* \* \* \* \*

**§ 2801. Scope of chapter; definitions**

(a) \* \* \*

\* \* \* \* \*

(c) In this chapter:

(1) \* \* \*

[(4) The term “appropriate committees of Congress” means the congressional defense committees and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.]

(4) *The term “congressional defense committees” includes, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense—*

- (A) *the Permanent Select Committee on Intelligence of the House of Representatives; and*
- (B) *the Select Committee on Intelligence of the Senate.*

\* \* \* \* \*

**§ 2803. Emergency construction**

(a) \* \* \*

(b) When a decision is made to carry out a military construction project under this section, the Secretary concerned shall submit a report in writing to the [appropriate committees of Congress] *congressional defense committees* on that decision. Each such report shall include (1) the justification for the project and the current estimate of the cost of the project, (2) the justification for carrying out the project under this section, and (3) a statement of the source of the funds to be used to carry out the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2804. Contingency construction**

(a) \* \* \*

(b) When a decision is made to carry out a military construction project under this section, the Secretary of Defense shall submit a report in writing to the [appropriate committees of Congress] *congressional defense committees* on that decision. Each such report shall include (1) the justification for the project and the current estimate of the cost of the project, and (2) the justification for carrying out the project under this section. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which

a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2805. Unspecified minor construction**

(a) \* \* \*

(b)(1) An unspecified minor military construction project costing more than ~~[\$750,000]~~ \$1,000,000 may not be carried out under this section unless approved in advance by the Secretary concerned. This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.

(2) When a decision is made to carry out an unspecified minor military construction project to which paragraph (1) is applicable, the Secretary concerned shall notify in writing the ~~appropriate committees of Congress~~ congressional defense committees of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

(c)(1) Except as provided in paragraphs (2) and (3), the Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military construction project costing not more than—

~~[(A) \$1,500,000, in the case of an unspecified minor military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or~~

~~[(B) \$750,000, in the case of any other unspecified minor military construction project.]~~

~~(1) Except as provided in paragraphs (2) and (3), the Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military construction project costing not more than \$1,500,000.~~

\* \* \* \* \*

(3) The ~~limitations~~ limitation specified in paragraph (1) shall not apply to an unspecified minor military construction project if the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.

\* \* \* \* \*

**§ 2806. Contributions for North Atlantic Treaty Organizations Security Investment**

(a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

(2) If the Secretary determines that the amount appropriated for contribution under subsection (a) in any fiscal year must be exceeded by more than the amount authorized under paragraph (1),

the Secretary may make contributions in excess of such amount, but not in excess of 125 percent of the amount appropriated (A) after submitting a report in writing to the [appropriate committees of Congress] *congressional defense committees* on such increase, including a statement of the reasons for the increase and a statement of the source of the funds to be used for the increase, and (B) after a period of 21 days has elapsed from the date of receipt of the report.

**§ 2807. Architectural and engineering services and construction design**

(a) \* \* \*

(b) In the case of architectural and engineering services and construction design to be undertaken under subsection (a) for which the estimated cost exceeds \$1,000,000, the Secretary concerned shall notify the [appropriate committees of Congress] *congressional defense committees* of the scope of the proposed project and the estimated cost of such services before the initial obligation of funds for such services. The Secretary may then obligate funds for such services only after the end of the 21-day period beginning on the date on which the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

(c) If the Secretary concerned determines that the amount authorized for activities under subsection (a) in any fiscal year must be increased the Secretary may proceed with activities at such higher level (1) after submitting a report in writing to the [appropriate committees of Congress] *congressional defense committees* on such increase, including a statement of the reasons for the increase and a statement of the source of funds to be used for the increase, and (2) after a period of 21 days has elapsed from the date of receipt of the report or, if over sooner, a period of 14 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**[§ 2808. Construction authority in the event of a declaration of war or national emergency]**

**§ 2808. Construction authority related to declaration of war or national emergency; construction requirements related to antiterrorism and force protection**

(a) *CONSTRUCTION AUTHORITY; LIMITATION.*—In the event of a declaration of war or the declaration by the President of a national emergency in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.) that requires use of the armed forces, the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces. Such projects may be undertaken only within the total amount of funds that have been appropriated for military construction, including funds appropriated for family housing, that have not been obligated.

(b) *CONGRESSIONAL NOTIFICATION.*—When a decision is made to undertake military construction projects authorized by this section, the Secretary of Defense shall notify the [appropriate committees of Congress] *congressional defense committees* of the decision and of the estimated cost of the construction projects, including the cost of any real estate action pertaining to those construction projects.

(c) *TERMINATION.*—The authority described in subsection (a) shall terminate with respect to any war or national emergency at the end of the war or national emergency.

(d) *ANTITERRORISM AND FORCE PROTECTION ASSESSMENTS AND MILITARY CONSTRUCTION REQUIREMENTS.*—(1) *The Secretary of Defense shall develop common guidance and criteria to be used by the Secretary concerned—*

(A) *to assess the vulnerability of military installations located inside and outside of the United States to terrorist attack;*

(B) *to develop construction standards designed to reduce the vulnerability of structures to terrorist attack and improve the security of the occupants of such structures;*

(C) *to prepare and carry out military construction projects, such as gate and fenceline construction, to improve the physical security of military installations; and*

(D) *to assist in prioritizing such projects within the military construction budget of each of the armed forces.*

(2) *The Secretary of Defense shall require vulnerability assessments of military installations to be conducted, at regular intervals, using the criteria developed under paragraph (1).*

(3) *As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 15 of each year, the Secretary of Defense shall submit a report describing—*

(A) *the location and results of the vulnerability assessments conducted during the preceding fiscal year;*

(B) *the military construction requirements anticipated to be necessary during the next three fiscal years to improve the physical security of military installations; and*

(C) *the extent to which funds are not requested in the Department of Defense budget for the next fiscal year to meet those requirements.*

(4) *In the case of the report required under paragraph (3) to be submitted in 2006, the Secretary of Defense shall include a certification by the Secretary that since September 11, 2001, vulnerability assessments have been undertaken at all major military installations. The Secretary shall indicate the basis by which the Secretary differentiated between major and nonmajor military installations for purposes of making the certification.*

**§ 2809. Long-term facilities contracts for certain activities and services**

(a) \* \* \*

\* \* \* \* \*

(f) *NOTICE AND WAIT REQUIREMENTS.*—A contract may not be entered into under this section until—

(1) the Secretary concerned submits to the [appropriate committees of Congress] *congressional defense committees*, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and

\* \* \* \* \*

**§ 2811. Repair of facilities**

(a) \* \* \*

\* \* \* \* \*

(d) CONGRESSIONAL NOTIFICATION.—When a decision is made to carry out a repair project under this section with an estimated cost in excess of [ \$10,000,000 ] \$7,500,000, the Secretary concerned shall submit to the [appropriate committees of Congress] *congressional defense committees* a report containing—

(1) \* \* \*

\* \* \* \* \*

**§ 2812. Lease-purchase of facilities**

(a) \* \* \*

\* \* \* \* \*

(c)(1) The Secretary concerned may not enter into a lease under this section until—

(A) the Secretary submits to the [appropriate committees of Congress] *congressional defense committees* a justification of the need for the facility for which the proposed lease is being entered into and an economic analysis (based upon accepted life-cycle costing procedures) that demonstrates the cost effectiveness of the proposed lease compared with a military construction project for the same facility; and

\* \* \* \* \*

**§ 2813. Acquisition of existing facilities in lieu of authorized construction**

(a) \* \* \*

\* \* \* \* \*

(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the acquisition of a facility under subsection (a) until the Secretary concerned transmits to the [appropriate committees of Congress] *congressional defense committees* a written notification of the determination to acquire an existing facility instead of carrying out the authorized military construction project. The notification shall include the reasons for acquiring the facility. After the notification is transmitted, the Secretary may then enter into the contract only after the end of the 30-day period beginning on the date on which the notification is received by the committees or, if earlier, the end of the 21-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

**§ 2814. Special authority for development of Ford Island, Hawaii**

(a) IN GENERAL.—(1) \* \* \*  
 (2) The Secretary of the Navy may not exercise any authority under this section until—

(A) the Secretary submits to the [appropriate committees of Congress] *congressional defense committees* a master plan for the development of Ford Island, Hawaii; and

\* \* \* \* \*

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the [appropriate committees of Congress] *congressional defense committees* a notification of the transaction, including—

- (A) a detailed description of the transaction; and
- (B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

\* \* \* \* \*

**SUBCHAPTER II—MILITARY FAMILY HOUSING**

\* \* \* \* \*

**§ 2825. Improvements to family housing units**

(a) \* \* \*

(b)(1) Funds may not be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units that are to be converted into or are to be used as a single family housing unit, if the cost per unit of such improvement will exceed (A) \$50,000 multiplied by the area construction cost index as developed by the Department of Defense for the location concerned at the time of contract award, or (B) in the case of improvements necessary to make the unit suitable for habitation by a handicapped person, \$60,000 multiplied by such index. The Secretary concerned may waive the limitations contained in the preceding sentence if such Secretary determines that, considering the useful life of the structure to be improved and the useful life of a newly constructed unit and the cost of construction and of operation and maintenance of each kind of unit over its useful life, the improvement will be cost-effective. If the Secretary concerned makes a determination under the preceding sentence with respect to an improvement, the waiver under that sentence with respect to that improvement may take effect only after the Secretary transmits a notice of the proposed waiver, together with an economic analysis demonstrating that the improvement will be cost effective, to the [appropriate committees of Congress] *congressional defense committees* and a period of 21 days has elapsed after the date on which the notification is received by those committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2827. Relocation of military family housing units**

(a) \* \* \*

(b) A contract to carry out a relocation of military family housing units under subsection (a) may not be awarded until (1) the Secretary concerned has notified the [appropriate committees of Congress] *congressional defense committees* of the proposed new locations of the housing units to be relocated and the estimated cost of and source of funds for the relocation, and (2) a period of 21 days has elapsed after the notification has been received by those committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

**§ 2828. Leasing of military family housing**

(a) \* \* \*

\* \* \* \* \*

(f) A lease for family housing facilities, or for real property related to family housing facilities, in a foreign country for which the average estimated annual rental during the term of the lease exceeds \$500,000 may not be made under this section until (1) the Secretary concerned provides to the [appropriate committees of Congress] *congressional defense committees* written notification of the facts concerning the proposed lease, and (2) a period of 21 days elapses after the notification is received by those committees.

\* \* \* \* \*

**§ 2831. Military family housing management account**

(a) \* \* \*

\* \* \* \* \*

(e) *ANNUAL REPORT OF COST OF GENERAL OFFICERS AND FLAG OFFICERS QUARTERS.—As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 30 of each year, the Secretary of Defense shall submit a report—*

*(1) identifying family housing units used, or intended for use, as quarters for general officers or flag officers for which the total operation and maintenance costs, utility costs, and repair costs are anticipated to exceed \$20,000 in the next fiscal year; and*

*(2) specifying the total of such costs for each unit of family housing identified under paragraph (1).*

\* \* \* \* \*

**§ 2835. Long-term leasing of military family housing to be constructed**

(a) \* \* \*

\* \* \* \* \*

(g) *NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the lease of housing facilities under this section until—*

(1) the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard, submits to the [appropriate committees of Congress] *congressional defense committees*, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost-effective when compared with alternative means of furnishing the same housing facilities; and

(2) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

\* \* \* \* \*

**§ 2836. Military housing rental guarantee program**

(a) \* \* \*

\* \* \* \* \*

(f) NOTICE AND WAIT REQUIREMENTS.—An agreement may not be entered into under subsection (a) until—

(1) the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard, submits to the [appropriate committees of Congress] *congressional defense committees*, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed agreement is cost effective when compared with alternative means of furnishing the same housing facilities; and

(2) a period of 21 days has expired following the date on which the economic analysis is received by those committees or, if over sooner, a period of 14 days has expired following the date on which a copy of the economic analysis is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2837. Limited partnerships with private developers of housing**

(a) \* \* \*

\* \* \* \* \*

(c) SELECTION OF INVESTMENT OPPORTUNITIES.—(1) \* \* \*

(2) When a decision is made to enter into a limited partnership under subsection (a), the Secretary concerned shall submit a report in writing to the [appropriate committees of Congress] *congressional defense committees* on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary concerned. The Secretary concerned may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

SUBCHAPTER III—ADMINISTRATION OF MILITARY  
CONSTRUCTION AND MILITARY FAMILY HOUSING

\* \* \* \* \*

**§ 2853. Authorized cost variations**

(a) \* \* \*

\* \* \* \* \*

(c) The limitation on cost increase in subsection (a) or the limitation on scope reduction in subsection (b) does not apply if—

(1) \* \* \*

(2) the Secretary concerned notifies the [appropriate committees of Congress] *congressional defense committees* in writing of the increase or reduction and the reasons therefor; and

(3) a period of 21 days has elapsed after the date on which the notification is received by the committees *or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.*

\* \* \* \* \*

**§ 2854. Restoration or replacement of damaged or destroyed facilities**

(a) \* \* \*

(b) When a decision is made to carry out construction under this section and the cost of the repair, restoration, or replacement is greater than the maximum amount for a minor construction project, the Secretary concerned shall notify in writing the [appropriate committees of Congress] *congressional defense committees* of that decision, of the justification for the project, of the current estimate of the cost of the project, of the source of funds for the project, and of the justification for carrying out the project under this section. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

**§ 2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds**

(a) \* \* \*

\* \* \* \* \*

(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may not enter into an agreement to convey a family housing facility under this section until—

(1) the Secretary submits to the [appropriate committees of Congress] *congressional defense committees*, in writing, a justification for the conveyance under the agreement, including—

(A) an estimate of the consideration to be provided the United States under the agreement;

(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

\* \* \* \* \*

**§ 2865. Energy savings at military installations**

(a) \* \* \*

\* \* \* \* \*

(e) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—  
(1) \* \* \*

(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify in writing the [appropriate committees of Congress] *congressional defense committees* of that decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2866. Water conservation at military installations**

(a) \* \* \*

\* \* \* \* \*

(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) \* \* \*

(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify the [appropriate committees of Congress] *congressional defense committees* of that decision. Such project may be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2868. Utility services: furnishing for certain buildings**

Appropriations for the Department of Defense may be used for utility services [for—

[(1) buildings constructed at private cost, as authorized by law; and

[(2) buildings on military reservations authorized by regulation to be used for morale, welfare, and recreational purposes.] *for buildings constructed at private cost, as authorized by law.*

\* \* \* \* \*

SUBCHAPTER IV—ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING

\* \* \* \* \*

**§ 2875. Investments**

(a) \* \* \*

\* \* \* \* \*

(e) CONGRESSIONAL NOTIFICATION REQUIRED.—Amounts in the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund may be used to make a cash investment under this section in an eligible entity only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the investment to the [appropriate committees of Congress] *congressional defense committees* or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notice and justification is provided in an electronic medium pursuant to section 480 of this title.

\* \* \* \* \*

**§ 2881a. Pilot projects for acquisition or construction of military unaccompanied housing**

(a) \* \* \*

\* \* \* \* \*

(d) FUNDING.—(1) \* \* \*

(2) Subject to 90 days prior notification to the [appropriate committees of Congress] *congressional defense committees*, such additional amounts as the Secretary of Defense considers necessary may be transferred to the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in military construction accounts. The amounts so transferred shall be merged with and be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund.

(e) REPORTS.—(1) The Secretary of the Navy shall transmit to the [appropriate committees of Congress] *congressional defense committees* a report describing—

(A) \* \* \*

\* \* \* \* \*

**§ 2883. Department of Defense Housing Funds**

(a) \* \* \*

\* \* \* \* \*

(f) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to a Fund under paragraph (1)(B) or (2)(B) of subsection (c) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the [appropriate committees of Congress] *congressional defense committees* or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notice and justification is provided in an electronic medium pursuant to section 480 of this title.

(g) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter shall not exceed—

[(1) \$850,000,000 for the acquisition or construction of military family housing; and

[(2) \$150,000,000 for the acquisition or construction of military unaccompanied housing.]

(g) LIMITATION ON USE OF AUTHORITY TO ACQUIRE OR CONSTRUCT MILITARY UNACCOMPANIED HOUSING.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter for the acquisition or construction of military unaccompanied housing shall not exceed \$150,000,000.

\* \* \* \* \*

§ 2884. Reports

(a) PROJECT REPORTS.—(1) The Secretary of Defense shall transmit to the [appropriate committees of Congress] congressional defense committees a report describing—

(A) \* \* \*

\* \* \* \* \*

Subtitle B—Army

\* \* \* \* \*

PART I—ORGANIZATION

\* \* \* \* \*

CHAPTER 305—THE ARMY STAFF

\* \* \* \* \*

§ 3033. Chief of Staff

(a)(1) There is a Chief of Staff of the Army, appointed [for a period of four years] by the President, by and with the advice and consent of the Senate, from the general officers of the Army. [He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.] The Chief of Staff serves at the pleasure of the President for a term of four years. The President may extend the service of an officer as Chief of Staff for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Chief of Staff for such additional periods as the President determines necessary, except that the total period of an officer's service as Chief of Staff may not exceed eight years.

\* \* \* \* \*

§ 3038. Office of Army Reserve: appointment of Chief

(a) \* \* \*

\* \* \* \* \*

(b) APPOINTMENT.—(1) \* \* \*

\* \* \* \* \*

(4) Until **[December 31, 2004,]** *December 31, 2006*, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Army Reserve if the Secretary of the Army requests the waiver and, in the judgment of the Secretary of Defense—

(A) \* \* \*

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 357—DECORATIONS AND AWARDS**

Sec.  
3741. Medal of honor: award.  
\* \* \* \* \*

**[3755]** 3756. Korea Defense Service Medal.  
\* \* \* \* \*

**§ [3755] 3756. Korea Defense Service Medal**

(a) \* \* \*

\* \* \* \* \*

**CHAPTER 367—RETIREMENT FOR LENGTH OF SERVICE**

Sec.  
3911. Twenty years or more: regular or reserve commissioned officers.  
\* \* \* \* \*

**[3921.** Mandatory retirement: Superintendent of the United States Military Academy.]  
\* \* \* \* \*

**[§ 3921. Mandatory retirement: Superintendent of the United States Military Academy**

**[Upon the termination of the detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which that officer is eligible to retire.]**

\* \* \* \* \*

**PART III—TRAINING**

\* \* \* \* \*

**CHAPTER 403—UNITED STATES MILITARY ACADEMY**

Sec.  
4331. Establishment; Superintendent; faculty.  
\* \* \* \* \*

**[4333a.** Superintendent: condition for detail to position.]  
4333a. *Superintendent: length of assignment.*  
\* \* \* \* \*

4359. *Cadets: charges and fees for attendance; limitation.*  
\* \* \* \* \*

**[§ 4333a. Superintendent: condition for detail to position**

**[As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired.]**

**§ 4333a. Superintendent: length of assignment**

*An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Army shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.*

\* \* \* \* \*

**§ 4359. Cadets: charges and fees for attendance; limitation**

*(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.*

*(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.*

\* \* \* \* \*

**PART IV—SERVICE, SUPPLY, AND  
PROCUREMENT**

\* \* \* \* \*

**CHAPTER 443—DISPOSAL OF OBSOLETE OR SURPLUS  
MATERIAL**

\* \* \* \* \*

**§ 4689. Transfer of material and equipment to the Architect  
of the Capitol**

The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol power plant, the Capitol **[Building]**, and the Senate and House Office Buildings.

\* \* \* \* \*

**CHAPTER 447—TRANSPORTATION**

- Sec.
  - 【4741. Control and supervision.
  - 【4743. Officers: use of transportation.
  - 【4744. Persons and supplies: sea transportation.
  - 【4745. Civilian passengers and commercial cargoes: transports in trans-Atlantic service.
  - 【4746. Civilian personnel in Alaska.
  - 【4747. Passengers and merchandise to Guam: sea transport.】
- \* \* \* \* \*

**【§ 4741. Control and supervision**

【The transportation of members, munitions of war, equipment, military property, and stores of the Army throughout the United States shall be under the immediate control and supervision of the Secretary of the Army and agents appointed or designated by him.

**【§ 4743. Officers: use of transportation**

【Under such conditions as the Secretary of the Army may prescribe, officers of the Army may, in the performance of their duties, use means of transportation provided for the Army and its supplies.】

\* \* \* \* \*

**Subtitle C—Navy and Marine Corps**

\* \* \* \* \*

**PART I—ORGANIZATION**

\* \* \* \* \*

**CHAPTER 505—OFFICE OF THE CHIEF OF NAVAL OPERATIONS**

\* \* \* \* \*

**§ 5033. Chief of Naval Operations**

(a)(1) There is a Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate. The Chief of Naval Operations shall be appointed for a term of four years, from the flag officers of the Navy. 【He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.】 *The Chief of Naval Operations serves at the pleasure of the President. The President may extend the service of an officer as Chief of Naval Operations for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Chief of Naval Operations for such additional periods as the President determines necessary, except that the total period of an officer's service as Chief of Naval Operations may not exceed eight years.*

\* \* \* \* \*

**§ 5036. Deputy Chiefs of Naval Operations**

(a) There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list [in the line] of the Navy serving in grades above captain.

\* \* \* \* \*

**§ 5037. Assistant Chiefs of Naval Operations**

(a) There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list [in the line] of the Navy and officers on the active-duty list of the Marine Corps.

\* \* \* \* \*

**CHAPTER 506—HEADQUARTERS, MARINE CORPS**

\* \* \* \* \*

**§ 5043. Commandant of the Marine Corps**

(a)(1) There is a Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate. The Commandant shall be appointed for a term of four years from the general officers of the Marine Corps. [He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.] *The Commandant serves at the pleasure of the President. The President may extend the service of an officer as Commandant for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Commandant for such additional periods as the President determines necessary, except that the total period of an officer's service as Commandant may not exceed eight years.*

\* \* \* \* \*

**CHAPTER 513—BUREAUS; OFFICE OF THE JUDGE  
ADVOCATE GENERAL**

\* \* \* \* \*

**§ 5143. Office of Naval Reserve: appointment of Chief**

(a) \* \* \*

\* \* \* \* \*

(b) APPOINTMENT.—(1) \* \* \*

\* \* \* \* \*

(4) Until [December 31, 2004,] *December 31, 2006*, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Naval Reserve if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

(A) \* \* \*

\* \* \* \* \*

**§ 5144. Office of Marine Forces Reserve: appointment of Commander**

(a) \* \* \*

(b) APPOINTMENT.—(1) \* \* \*

\* \* \* \* \*

(4) Until **[December 31, 2004,]** *December 31, 2006*, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Commander, Marine Forces Reserve, if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

(A) \* \* \*

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 567—DECORATIONS AND AWARDS**

Sec. 6241. Medal of honor.

\* \* \* \* \*

**[6257] 6258.** Korea Defense Service Medal.

\* \* \* \* \*

**§ [6257] 6258. Korea Defense Service Medal**

(a) \* \* \*

\* \* \* \* \*

**CHAPTER 573—INVOLUNTARY RETIREMENT, SEPARATION, AND FURLOUGH**

Sec. **[6371.** Mandatory retirement: Superintendent of the United States Naval Academy.]

\* \* \* \* \*

**[§ 6371. Mandatory retirement: Superintendent of the United States Naval Academy**

**[Upon the termination of the detail of an officer to the position of Superintendent of the United States Naval Academy, the Secretary of the Navy shall retire the officer under any provision of chapter 571 of this title under which the officer is eligible to retire.]**

\* \* \* \* \*

**PART III—EDUCATION AND TRAINING**

\* \* \* \* \*

**CHAPTER 603—UNITED STATES NAVAL ACADEMY**

Sec.							
6951.	Location.						
		*	*	*	*	*	*
4359.	<i>Midshipmen: charges and fees for attendance; limitation.</i>						
		*	*	*	*	*	*

**§ 6951a. Superintendent**

(a) \* \* \*

(b) The Superintendent shall be detailed to that position by the President. **[As a condition for detail to that position, an officer shall acknowledge that upon termination of that detail the officer shall be retired.]**

(c) *An officer who is detailed to the position of Superintendent shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Navy shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.*

\* \* \* \* \*

**§ 6978. Midshipmen: charges and fees for attendance; limitation**

(a) *PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Naval Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.*

(b) *EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to midshipmen for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Naval Academy in the amount of a charge or fee authorized under this subsection.*

**CHAPTER 605—UNITED STATES NAVAL POSTGRADUATE SCHOOL**

Sec.							
7041.	Function.						
<b>[7042.</b>	Superintendent; assistants.						
<b>[7043.</b>	Academic Dean.]						
7042.	<i>President; assistants.</i>						
7043.	<i>Provost and Academic Dean.</i>						
		*	*	*	*	*	*

**[§ 7042. Superintendent; assistants]**

**§ 7042. President; assistants**

(a) The Secretary of the Navy shall detail as **[Superintendent]** *President* of the Naval Postgraduate School an officer on the active-

duty list in the line of the Navy eligible for command at sea not below the grade of captain. The **【Superintendent】** *President* has military command of the Postgraduate School.

(b) The Secretary shall detail officers of the Navy and the Marine Corps of appropriate grades and qualifications to assist the **【Superintendent】** *President* in—

- (1) the advanced instruction and technical education of students; and
- (2) the administration of the Postgraduate School.

**【§ 7043. Academic Dean】**

**【(a)** There is at the Naval Postgraduate School the civilian position of Academic Dean. The Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy upon the recommendation of the Postgraduate School Council consisting of the Superintendent, the Deputy Superintendent, and the directors of the Technical, Administrative, and Professional Divisions of the school.**】**

**§ 7043. Provost and Academic Dean**

*(a) There is at the Naval Postgraduate School the civilian position of Provost and Academic Dean. The Provost and Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy after consultation with the Naval Postgraduate School Board of Advisors and consideration of the recommendation of the leadership and faculty of the Naval Postgraduate School.*

(b) The **【Academic Dean】** *Provost and Academic Dean* is entitled to such compensation for his services as the Secretary prescribes, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

**§ 7044. Civilian teachers: number; compensation**

The Secretary of the Navy may employ as many civilians as he considers necessary to serve at the Naval Postgraduate School under the direction of the **【Superintendent】** *President of the school* as senior professors, professors, associate professors, assistant professors, and instructors. The Secretary shall prescribe the compensation of those persons.

\* \* \* \* \*

**§ 7048. Conferring of degree on graduates**

(a) The **【Superintendent】** *President* of the Naval Postgraduate School, under regulations prescribed by the Secretary of the Navy, may confer on any qualified graduate a bachelor's, master's, or doctor's degree in engineering or a related field.

\* \* \* \* \*

**§ 7049. Defense industry civilians: admission to defense product development program**

(a) \* \* \*

\* \* \* \* \*

(e) TUITION.—The [Superintendent] of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

\* \* \* \* \*

**CHAPTER 609—PROFESSIONAL MILITARY EDUCATION SCHOOLS**

\* \* \* \* \*

**§ 7102. Marine Corps University: masters degrees; board of advisors**

(a) [AUTHORITY] *MASTER OF MILITARY STUDIES*.—Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of military studies upon graduates of the Command and Staff College who fulfill the requirements for that degree.

(b) [MARINE CORPS WAR COLLEGE] *MASTER OF STRATEGIC STUDIES*.—Upon the recommendation of the Director and faculty of the Marine Corps War College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of strategic studies upon graduates of the Marine Corps War College who fulfill the requirements for that degree.

(c) [COMMAND AND STAFF COLLEGE OF THE MARINE CORPS UNIVERSITY] *MASTER OF OPERATIONAL STUDIES*.—Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the Command and Staff College's School of Advanced Warfighting who fulfill the requirements for that degree.

(d) REGULATIONS.—The authority provided by [subsections (a) and (b)] *this section* shall be exercised under regulations prescribed by the Secretary of the Navy.

\* \* \* \* \*

**PART IV—GENERAL ADMINISTRATION**

\* \* \* \* \*

**CHAPTER 631—SECRETARY OF THE NAVY: MISCELLANEOUS POWERS AND DUTIES**

Sec.	
7204.	Schools near naval activities: financial aid.
	* * * * *
7234.	<i>Submarine safety programs: participation of allied naval personnel.</i>
	* * * * *

**§ 7234. Submarine safety programs: participation of allied naval personnel**

(a) *ACCEPTANCE OF ASSIGNMENT OF FOREIGN NAVAL PERSONNEL*.—*In order to facilitate the development, standardization,*

and interoperability of submarine vessel safety and rescue systems and procedures, the Secretary of the Navy may conduct a program under which members of the naval service of any of the member nations of the North Atlantic Treaty Organization and Australia, Japan, the Republic of Korea, and Sweden may be assigned to United States commands to work on such systems and procedures.

(b) **COSTS FOR FOREIGN PERSONNEL.**—(1) The United States may not pay the following costs for a member of a foreign naval service sent to the United States under the program authorized by this section:

- (A) Salary.
- (B) Per diem.
- (C) Cost of living.
- (D) Travel costs.
- (E) Cost of language or other training.
- (F) Other costs.

(2) Paragraph (1) does not apply to the following costs, which may be paid by the United States:

- (A) The cost of temporary duty directed by the United States Navy.
- (B) The cost of training programs conducted to familiarize, orient, or certify members of foreign naval services regarding unique aspects of their assignments.
- (C) Costs incident to the use of the facilities of the United States Navy in the performance of assigned duties.

(d) **APPLICABILITY TO AUTHORITY TO ENTER INTO AGREEMENTS.**—The requirements of this section shall apply in the exercise of any authority of the Secretary of the Navy to enter into an agreement with the government of a foreign country, subject to the concurrence of the Secretary of State, to provide for the assignment of members of the naval service of the foreign country to a United States Navy submarine safety program.

(e) **REGULATIONS.**—The Secretary of the Navy may prescribe regulations for the application of this section in the exercise of authority referred to in subsection (d).

\* \* \* \* \*

**CHAPTER 633—NAVAL VESSELS**

\* \* \* \* \*

Sec.						
7291.	Classification.					
		*	*	*	*	*
7305a.	Vessels stricken from Naval Vessel Register: contracts for dismantling on net-cost basis.					
		*	*	*	*	*

**§ 7305a. Vessels stricken from Naval Vessel Register: contracts for dismantling on net-cost basis**

(a) **AUTHORITY FOR NET-COST BASIS CONTRACTS.**—When the Secretary of the Navy awards a contract for the dismantling of a vessel stricken from the Naval Vessel Register, the Secretary may award the contract on a net-cost basis.

(b) **RETENTION BY CONTRACTOR OF PROCEEDS OF SALE OF SCRAP AND REUSABLE ITEMS.**—When the Secretary awards a con-

tract on a net-cost basis under subsection (a), the Secretary shall provide in the contract that the contractor may retain the proceeds from the sale of scrap and reusable items removed from the vessel dismantled under the contract.

(c) DEFINITIONS.—In this section:

(1) The term “net-cost basis”, with respect to a contract for the dismantling of a vessel, means that the amount to be paid to the contractor under the contract for dismantling and for removal and disposal of hazardous waste material is discounted by the offeror’s estimate of the value of scrap and reusable items that the contractor will remove from the vessel during performance of the contract.

(2) The term “scrap” means personal property that has no value except for its basic material content.

(3) The term “reusable item” means a demilitarized component or a removable portion of a vessel or equipment that the Secretary of the Navy has identified as excess to the needs of the Navy but which has potential resale value on the open market.

\* \* \* \* \*

**Subtitle D—Air Force**

\* \* \* \* \*

**PART I—ORGANIZATION**

\* \* \* \* \*

**CHAPTER 805—THE AIR STAFF**

\* \* \* \* \*

**§ 8033. Chief of Staff**

(a)(1) There is a Chief of Staff of the Air Force, appointed [for a period of four years] by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. [He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.] *The Chief of Staff serves at the pleasure of the President for a period of four years. The President may extend the service of an officer as Chief of Staff for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Chief of Staff for such additional periods as the President determines necessary, except that the total period of an officer’s service as Chief of Staff may not exceed eight years.*

\* \* \* \* \*

**§ 8038. Office of Air Force Reserve: appointment of Chief**

(a) \* \* \*

(b) APPOINTMENT.—(1) \* \* \*

\* \* \* \* \*

(4) Until **[December 31, 2004,]** *December 31, 2006*, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Air Force Reserve if the Secretary of the Air Force requests the waiver and, in the judgment of the Secretary of Defense—

(A) \* \* \*

\* \* \* \* \*

**CHAPTER 807—THE AIR FORCE**

\* \* \* \* \*

**§ 8084. Officer career field for space**

The Secretary of the Air Force shall establish and implement policies and procedures to develop a career field for officers in the Air Force with technical competence in space-related matters to have the **[capability]** *capability* to—

(1) \* \* \*

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 857—DECORATIONS AND AWARDS**

Sec.  
8741. Medal of honor: award.

\* \* \* \* \*

**[8755]** 8756. Korea Defense Service Medal.

\* \* \* \* \*

**§ [8755] 8756. Korea Defense Service Medal**

(a) \* \* \*

\* \* \* \* \*

**CHAPTER 867—RETIREMENT FOR LENGTH OF SERVICE**

\* \* \* \* \*

**[§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy**

**[Upon the termination of the detail of an officer to the position of Superintendent of the United States Air Force Academy, the Secretary of the Air Force shall retire the officer under any provision of this chapter under which the officer is eligible to retire.]**

\* \* \* \* \*

**PART III—TRAINING**

\* \* \* \* \*

**CHAPTER 901—TRAINING GENERALLY**

Sec.	
9301.	Members of Air Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.
	* * * * *
9317.	Air University: [graduate-level] degrees.
	* * * * *

**§ 9315. Community College of the Air Force: associate degrees**

(a) \* \* \*

\* \* \* \* \*

(c) CONFERRAL OF DEGREES.—(1) Subject to paragraph (2), the commander of the [Air Education and Training Command of the Air Force] *Air University* may confer an academic degree at the level of associate upon any enlisted member who has completed the program prescribed by the Community College of the Air Force.

(2) No degree may be conferred upon any enlisted member under this section unless (A) the Community College of the Air Force certifies to the commander of the [Air Education and Training Command of the Air Force] *Air University* that such member has satisfied all the requirements prescribed for such degree, and (B) the Secretary of Education determines that the standards for the award of academic degrees in agencies of the United States have been met.

\* \* \* \* \*

**§ 9317. Air University: [graduate-level] degrees**

(a) AUTHORITY.—Upon the recommendation of the faculty of the appropriate school of the Air University, the commander of the Air University [may confer—] *may confer degrees as follows:*

(1) [the] *The* degree of master of strategic studies upon graduates of the Air War College who fulfill the requirements for that degree[;].

(2) [the] *The* degree of master of military operational art and science upon graduates of the Air Command and Staff College who fulfill the requirements for that degree[; and].

(3) [the] *The* degree of master of airpower art and science upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree.

(4) *An associate level degree upon graduates of the Community College of the Air Force.*

\* \* \* \* \*

**CHAPTER 903—UNITED STATES AIR FORCE ACADEMY**

Sec.	
9331.	Establishment; Superintendent; faculty.
	* * * * *
[9333a.	Superintendent: condition for detail to position.]
9333a.	<i>Superintendent: length of assignment.</i>
	* * * * *
9359.	<i>Cadets: charges and fees for attendance; limitation.</i>
	* * * * *

**[§ 9333a. Superintendent: condition for detail to position**

**[As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired.]**

**§ 9333a. Superintendent: length of assignment**

*An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Air Force shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.*

\* \* \* \* \*

**§ 9335. Dean of the Faculty**

(a) The Dean of the Faculty is responsible to the Superintendent for developing and sustaining the curriculum and overseeing the faculty of the Academy. The qualifications, selection procedures, training, pay grade, and retention of the Dean shall be prescribed by the Secretary of the Air Force, *except that, if the Dean is not an officer on active duty, the Dean shall be a retired officer or former officer, and a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person's academic field.* If a person appointed as the Dean is not an officer on active duty, the person shall be appointed as a member of the Senior Executive Service.

\* \* \* \* \*

**§ 9359. Cadets: charges and fees for attendance; limitation**

(a) *PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.*

(b) *EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.*

\* \* \* \* \*

**PART IV—SERVICE, SUPPLY, AND  
PROCUREMENT**

\* \* \* \* \*

**CHAPTER 947—TRANSPORTATION**

- Sec.  
 [9741. Control and supervision.  
 [9743. Officers: use of transportation.  
 [9746. Civilian personnel in Alaska.]

**[§ 9741. Control and supervision**

The transportation of members, munitions of war, equipment, military property, and stores of the Air Force throughout the United States shall be under the immediate control and supervision of the Secretary of the Air Force and agents appointed or designated by him.

**[§ 9743. Officers: use of transportation**

Under such conditions as the Secretary of the Air Force may prescribe, officers of the Air Force may, in the performance of their duties, use means of transportation provided for the Air Force and its supplies.

**[§ 9746. Civilian personnel in Alaska**

Persons residing in Alaska who are and have been employed there by the United States for at least two years, and their families, may be transported on airplanes operated by Air Force transport agencies or, within bulk space allocations made to the Department of the Air Force, on vessels or airplanes operated by any military transport agency of the Department of Defense, if—

[(1) the Secretary of the Air Force considers that accommodations are available;

[(2) the transportation is without expense to the United States;

[(3) the transportation is limited to one round trip between Alaska and the United States during any two-year period, except in an emergency such as sickness or death; and

[(4) in case of travel by air—

[(A) the Secretary of Transportation has not certified that commercial air carriers of the United States that can handle the transportation are operating between Alaska and the United States; and

[(B) the transportation cannot be reasonably handled by a United States commercial air carrier.]

\* \* \* \* \*

**Subtitle E—Reserve Components**

\* \* \* \* \*

**PART I—ORGANIZATION AND ADMINISTRATION**

\* \* \* \* \*

**CHAPTER 1003—RESERVE COMPONENTS GENERALLY**

\* \* \* \* \*

**§ 10102. Purpose of reserve components**

The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever[, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization,] more units and persons are needed than are in the regular components.

\* \* \* \* \*

**CHAPTER 1011—NATIONAL GUARD BUREAU**

- Sec.  
 10501. National Guard Bureau.  
**[10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade.]**  
 10502. *Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession.*  
 \* \* \* \* \*  
**[10505. Vice Chief of the National Guard Bureau.]**  
 10505. *Director of the Joint Staff of the National Guard Bureau.*  
 \* \* \* \* \*

**[§ 10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade]**

**§ 10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession**

- (a) \* \* \*  
 \* \* \* \* \*

(e) *SUCCESSION.—(1) Unless otherwise directed by the President or Secretary of Defense, when there is a vacancy in the office of the Chief of the National Guard Bureau or in the event the Chief of the National Guard Bureau is unable to perform the duties of that office, the senior of the officers specified in paragraph (2) shall serve as the acting Chief until a successor is appointed or the Chief once again is able to perform the duties of that office.*

- (2) *The officers specified in this paragraph are the following:*  
 (A) *The senior officer of the Army National Guard of the United States on duty with the National Guard Bureau.*  
 (B) *The senior officer of the Air National Guard of the United States on duty with the National Guard Bureau.*

\* \* \* \* \*

**[§ 10505. Vice Chief of the National Guard Bureau]**

**§ 10505. Director of the Joint Staff of the National Guard Bureau**

(a) *APPOINTMENT.—(1) There is a [Vice Chief of the National Guard Bureau] Director of the Joint Staff of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—*

(A) \* \* \*

\* \* \* \* \*

(2) The Chief and **【Vice Chief of the National Guard Bureau】** *Director of the Joint Staff of the National Guard Bureau* may not both be members of the Army or of the Air Force.

(3)(A) Except as provided in subparagraph (B), an officer appointed as **【Vice Chief of the National Guard Bureau】** *Director of the Joint Staff of the National Guard Bureau* serves for a term of four years, but may be removed from office at any time for cause.

(B) The term of the **【Vice Chief of the National Guard Bureau】** *Director of the Joint Staff of the National Guard Bureau* shall end upon the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

(4) The Secretary of Defense may waive the restrictions in paragraph (2) and the provisions of paragraph (3)(B) for a limited period of time to provide for the orderly transition of officers appointed to serve in the positions of Chief and **【Vice Chief of the National Guard Bureau】** *Director of the Joint Staff of the National Guard Bureau*.

(b) DUTIES.—The **【Vice Chief of the National Guard Bureau】** *Director of the Joint Staff of the National Guard Bureau* performs such duties as may be prescribed by the Chief of the National Guard Bureau.

(c) GRADE.—The **【Vice Chief of the National Guard Bureau】** *Director of the Joint Staff of the National Guard Bureau* shall be appointed to serve in the grade of major general.

**【(d) FUNCTIONS AS ACTING CHIEF.—**When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

**【(e) SUCCESSION AFTER CHIEF AND VICE CHIEF.—**When there is a vacancy in the offices of both Chief and Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.**】**

**§ 10506. Other senior National Guard Bureau officers**

(a) ADDITIONAL GENERAL OFFICERS.—(1) \* \* \*

\* \* \* \* \*

(3)(A) \* \* \*

\* \* \* \* \*

(D) Until **【December 31, 2004,】** *December 31, 2006*, the Secretary of Defense may waive clause (ii) of subparagraph (B) with respect to the appointment of an officer as Director, Army National Guard, or as Director, Air National Guard, if the Secretary of the

military department concerned requests the waiver and, in the judgment of the Secretary of Defense—

(i) \* \* \*

\* \* \* \* \*

**PART II—PERSONNEL GENERALLY**

\* \* \* \* \*

**CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE**

\* \* \* \* \*

**§ 12004. Strength in grade: reserve general and flag officers in an active status**

(a) \* \* \*

\* \* \* \* \*

(c) **[(1)]** The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. **[Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:**

<b>[Line .....</b>	<b>28</b>
<b>[Medical Department staff corps .....</b>	<b>9</b>
<b>[Chaplain Corps .....</b>	<b>1</b>
<b>[Judge Advocate General's Corps .....</b>	<b>1</b>

**[(2)]** The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

**[(A)]** if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

**[(B)]** if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

**[(3)]** Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

**[(4)(A)]** For the purposes of paragraph (1), the Medical Department staff corps referred to in the table are as follows:

- [(i)]** The Medical Corps.
- [(ii)]** The Dental Corps.
- [(iii)]** The Nurse Corps.
- [(iv)]** The Medical Service Corps.

**[(B)]** Each of the Medical Department staff corps is authorized one rear admiral (lower half) within the strength authorization distributed to the Medical Department staff corps under paragraph (1). The Secretary of the Navy shall distribute the remainder of the strength authorization for the Medical Department staff corps under that paragraph among those staff corps as the Secretary determines appropriate to meet the needs of the Navy.]

\* \* \* \* \*

**§ 12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status**

(a) \* \* \*

\* \* \* \* \*

(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

Colonel .....	2 percent
Lieutenant colonel .....	6 percent
Major .....	12 percent
Captain .....	35 percent
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title) .....	32.5 percent.]
<i>Colonel .....</i>	<i>2 percent</i>
<i>Lieutenant colonel .....</i>	<i>8 percent</i>
<i>Major .....</i>	<i>16 percent</i>
<i>Captain .....</i>	<i>39 percent</i>
<i>First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title) .....</i>	<i>35 percent.</i>

\* \* \* \* \*

**§ 12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard**

(a) \* \* \*

\* \* \* \* \*

(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term “full-time reserve component duty” means the following duty:

(1) \* \* \*

[(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.]

(2) *Full-time National Guard duty (other than for training) under section 502(f) of title 32, except for duty under section 115(b)(1)(B) and (C) of this title and section 115(i)(9) of this title.*

\* \* \* \* \*

**§ 12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard**

(a) LIMITATIONS.—Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E-8 and E-9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting,

instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
<b>Army Reserve:</b>		
10,000 .....	1,052	154
11,000 .....	1,126	168
12,000 .....	1,195	180
13,000 .....	1,261	191
14,000 .....	1,327	202
15,000 .....	1,391	213
16,000 .....	1,455	224
17,000 .....	1,519	235
18,000 .....	1,583	246
19,000 .....	1,647	257
20,000 .....	1,711	268
21,000 .....	1,775	278
* * * *	*	*
<b>Air National Guard:</b>		
5,000 .....	1,020	405
6,000 .....	1,070	435
7,000 .....	1,120	465
8,000 .....	1,170	490
9,000 .....	1,220	510
10,000 .....	1,270	530
11,000 .....	1,320	550
12,000 .....	1,370	570
13,000 .....	1,420	589
14,000 .....	1,470	608
15,000 .....	1,520	626
16,000 .....	1,570	644
17,000 .....	1,620	661
18,000 .....	1,670	678
19,000 .....	1,720	695
20,000 .....	1,770	712.
* * * *	*	*

**CHAPTER 1209—ACTIVE DUTY**

\* \* \* \*

**§ 12301. Reserve components generally**

(a) In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty [(other than for training)] for the duration of the war or emergency and for six

months thereafter. However a member on an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available.

\* \* \* \* \*

(c) So far as practicable, during any expansion of the active armed forces that requires that units and members of the reserve components be ordered to active duty [(other than for training)] *as provided in subsection (a)*, members of units organized and trained to serve as units who are ordered to that duty without their consent shall be so ordered with their units. However, members of those units may be reassigned after being [ordered to active duty (other than for training)] *so ordered to active duty*.

\* \* \* \* \*

(e) The period of time allowed between the date when a Reserve ordered to active duty [(other than for training)] *as provided in subsection (a)* is alerted for that duty and the date when the Reserve is required to enter upon that duty shall be determined by the Secretary concerned based upon military requirements at that time.

\* \* \* \* \*

**§ 12302. Ready Reserve**

(a) In time of national emergency declared by the President after January 1, 1953, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve under the jurisdiction of that Secretary to active duty [(other than for training)] for not more than 24 consecutive months.

\* \* \* \* \*

(c) Not more than 1,000,000 members of the Ready Reserve may be on active duty [(other than for training)], without their consent, under this section at any one time.

\* \* \* \* \*

**§ 12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency**

(a) **AUTHORITY.**—Notwithstanding the provisions of section 12302(a) or any other provision of law, when the President determines that it is necessary to augment the active forces for any operational mission or that it is necessary to provide assistance referred to in subsection (b), he may authorize the Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, without the consent of the members concerned, to order any unit, and any member not assigned to a unit organized to serve as a unit

of the Selected Reserve (as defined in section 10143(a) of this title), or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned, under their respective jurisdictions, to active duty [(other than for training)] for not more than 270 days.

\* \* \* \* \*

**§ 12306. Standby Reserve**

(a) Units and members in the Standby Reserve may be ordered to active duty [(other than for training) only] *as provided in section 12301(a)* as provided in section 12301 of this title.

(b) In time of emergency—

(1) no unit in the Standby Reserve organized to serve as a unit or any member thereof may be ordered to active duty [(other than for training)] *as provided in section 12301(a) of this title*, unless the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, determines that there are not enough of the required kinds of units in the Ready Reserve that are readily available; and

(2) no other member in the Standby Reserve may be ordered to active duty [(other than for training)] *as provided in section 12301(a) of this title* as an individual without his consent, unless the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, determines that there are not enough qualified members in the Ready Reserve in the required category who are readily available.

\* \* \* \* \*

**CHAPTER 1221—SEPARATION**

\* \* \* \* \*

**§ 12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty**

(a) LIMITATION.—Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system (*other than the retirement system under chapter 1223 of this title*), may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary.

\* \* \* \* \*

**CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE**

\* \* \* \* \*

**§ 12731. Age and service requirements**

(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

(1) \* \* \*

\* \* \* \* \*

(3) *in the case of a person who completed the service requirements of paragraph (2) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005, performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed the service requirements of paragraph (2) before October 5, 1994, the number of years of such qualifying service under this paragraph shall be eight; and*

\* \* \* \* \*

**PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS**

\* \* \* \* \*

**CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS**

\* \* \* \* \*

**§ 16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties**

(a)(1) \* \* \*

(2) **[The Secretary]** *Except as provided in paragraph (3), the Secretary of Defense may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.*

(3) *In the case of a commitment made by the Secretary of Defense after the date of the enactment of this paragraph to repay a loan under paragraph (1) conditioned upon the performance by the borrower of service as an enlisted member under paragraph (2), the Secretary shall repay the loan for service performed by the borrower as an officer (rather than as an enlisted member) in the case of a borrower who, after such commitment is entered into and while performing service as an enlisted member, accepts an appointment or commission as a warrant officer or commissioned officer of the Selected Reserve.*

\* \* \* \* \*

**§ 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages**

(a) Under regulations prescribed by the Secretary of Defense and subject to the other provisions of this section, the Secretary concerned may repay—

(1) \* \* \*

\* \* \* \* \*

(5) a loan made, insured, or guaranteed through a recognized financial or educational institution if that loan was used to finance education regarding a *basic professional qualifying degree (as determined under regulations prescribed by the Secretary of Defense) or graduate education in a health profession* that the Secretary of Defense determines to be critically needed in order to meet identified wartime combat medical skill shortages.

\* \* \* \* \*

(d) The authority provided in this section shall apply only in the case of a person first appointed as a commissioned officer before **[January 1, 2005]** *January 1, 2006*.

\* \* \* \* \*

**PART V—SERVICE, SUPPLY, AND PROCUREMENT**

\* \* \* \* \*

**CHAPTER 1803—FACILITIES FOR RESERVE COMPONENTS**

\* \* \* \* \*

**§ 18233. Acquisition**

(a) \* \* \*

\* \* \* \* \*

(g)(1) *The Secretary of Defense may convey, by exchange or sale, an existing facility of a reserve component of the armed forces for the purpose of acquiring a replacement facility under this section or using the proceeds from the sale to acquire a replacement facility under this section, if the Secretary determines it is in the best interests of the United States to acquire the replacement facility by such exchange or sale. The United States shall receive funds or a replacement facility, or a combination of both, having a total value at least equal to the fair market value of the conveyed facility.*

(2) *Acquisition of a replacement facility under this subsection may be accomplished by construction, expansion, rehabilitation, or conversion and must result in a fully equipped and operational replacement facility. Nothing in this subsection prohibits the Secretary of Defense from contributing additional funds, in accordance with this section, to obtain a fully equipped and operational replacement facility.*

(3) *Funds received under this subsection shall be deposited in a separate account and remain available to the Secretary of Defense,*

*without appropriation, for use in accordance with this subsection. Any funds received under this subsection in connection with a conveyance in excess of the funds required to obtain a fully equipped and operational replacement facility for the conveyed facility may be used by the Secretary for the purposes of subsection (a).*

\* \* \* \* \*

**BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2003**

\* \* \* \* \*

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

\* \* \* \* \*

**[(SEC. 1004. DEVELOPMENT AND IMPLEMENTATION OF FINANCIAL  
MANAGEMENT ENTERPRISE ARCHITECTURE.]**

**[(a) REQUIREMENT FOR ENTERPRISE ARCHITECTURE AND FOR  
TRANSITION PLAN.—Not later than May 1, 2003, the Secretary of  
Defense shall develop—**

**[(1) a financial management enterprise architecture for all  
budgetary, accounting, finance, enterprise resource planning,  
and mixed information systems of the Department of Defense;  
and**

**[(2) a transition plan for implementing that financial man-  
agement enterprise architecture.**

**[(b) COMPOSITION OF ENTERPRISE ARCHITECTURE.—(1) The fi-  
nancial management enterprise architecture developed under sub-  
section (a)(1) shall describe an information infrastructure that, at  
a minimum, would enable the Department of Defense to—**

**[(A) comply with all Federal accounting, financial manage-  
ment, and reporting requirements;**

**[(B) routinely produce timely, accurate, and reliable finan-  
cial information for management purposes;**

**[(C) integrate budget, accounting, and program informa-  
tion and systems; and**

**[(D) provide for the systematic measurement of perform-  
ance, including the ability to produce timely, relevant, and reli-  
able cost information.**

**[(2) That enterprise architecture shall also include policies,  
procedures, data standards, and system interface requirements  
that are to apply uniformly throughout the Department of Defense.**

**[(c) COMPOSITION OF TRANSITION PLAN.—The transition plan  
developed under subsection (a)(2) shall include the following:**

**[(1) The acquisition strategy for the enterprise architec-  
ture, including specific time-phased milestones, performance  
metrics, and financial and nonfinancial resource needs.**

**[(2) A listing of the mission critical or mission essential  
operational and developmental financial and nonfinancial man-  
agement systems of the Department of Defense, as defined by**

the Under Secretary of Defense (Comptroller), consistent with budget justification documentation, together with—

【(A) the costs to operate and maintain each of those systems during fiscal year 2002; and

【(B) the estimated cost to operate and maintain each of those systems during fiscal year 2003.

【(3) A listing of the operational and developmental financial management systems of the Department of Defense as of the date of the enactment of this Act (known as “legacy systems”) that will not be part of the objective financial and non-financial management system, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

【(d) CONDITIONS FOR OBLIGATION OF SIGNIFICANT AMOUNTS FOR FINANCIAL SYSTEM IMPROVEMENTS.—An amount in excess of \$1,000,000 may be obligated for a defense financial system improvement only if the Under Secretary of Defense (Comptroller) makes a determination regarding that improvement as follows:

【(1) Before the date of an approval specified in paragraph (2), a determination that the defense financial system improvement is necessary for either of the following reasons:

【(A) To achieve a critical national security capability or address a critical requirement in an area such as safety or security.

【(B) To prevent a significant adverse effect (in terms of a technical matter, cost, or schedule) on a project that is needed to achieve an essential capability, taking into consideration in the determination the alternative solutions for preventing the adverse effect.

【(2) On and after the date of any approval by the Secretary of Defense of a financial management enterprise architecture and a transition plan that satisfy the requirements of this section, a determination that the defense financial system improvement is consistent with both the enterprise architecture and the transition plan.

【(e) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2004 through 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the enterprise architecture and transition plan required by this section. Each report shall include, at a minimum—

【(1) a description of the actions taken during the preceding fiscal year to implement the enterprise architecture and transition plan (together with the estimated costs of such actions);

【(2) an explanation of any action planned in the enterprise architecture and transition plan to be taken during the preceding fiscal year that was not taken during that fiscal year;

【(3) a description of the actions taken and planned to be taken during the current fiscal year to implement the enterprise architecture and transition plan (together with the estimated costs of such actions); and

【(4) a description of the actions taken and planned to be taken during the next fiscal year to implement the enterprise architecture and transition plan (together with the estimated costs of such actions).

[(f) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the approval of an enterprise architecture and transition plan in accordance with the requirements of subsection (a), and not later than 60 days after the submission of an annual report required by subsection (e), the Comptroller General shall submit to the congressional defense committees an assessment of the extent to which the actions taken by the Department comply with the requirements of this section.

[(g) DEFINITIONS.—In this section:

[(1) The term “defense financial system improvement” means the acquisition of a new budgetary, accounting, finance, enterprise resource planning, or mixed information system for the Department of Defense or a modification of an existing budgetary, accounting, finance, enterprise resource planning, or mixed information system of the Department of Defense. Such term does not include routine maintenance and operation of any such system.

[(2) The term “mixed information system” means an information system that supports financial and non-financial functions of the Federal Government as defined in Office of Management and Budget Circular A–127 (Financial management Systems).

[(h) REPEAL.—(1) Section 2222 of title 10, United States Code, is repealed. The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to such section.

[(2) Section 185(d) of such title is amended by striking “has the meaning given that term in section 2222(c)(2) of this title” and inserting “means an automated or manual system from which information is derived for a financial management system or an accounting system”.]

\* \* \* \* \*

## Subtitle F—Other Matters

\* \* \* \* \*

### SEC. 1064. ENHANCED AUTHORITY TO OBTAIN FOREIGN LANGUAGE SERVICES DURING PERIODS OF EMERGENCY.

(a) NATIONAL FOREIGN LANGUAGE SKILLS REGISTRY.—(1) \* \* \*

(2) The table of sections at the beginning of such chapter is amended by inserting after *the item relating to* section 1596a the following new item:

“1596b. Foreign language proficiency: National Foreign Language Skills Registry.”.

\* \* \* \* \*

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

### SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2003”.

**TITLE XXI—ARMY****SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$1,900,000
	Fort Rucker	\$15,808,000
Alaska	Redstone Arsenal	\$1,950,000
	Fort Greely	\$2,700,000
Arizona	Fort Richardson	\$20,011,000
	Fort Wainwright	\$139,906,000
	Fort Huachuca	\$10,400,000
California	Yuma Proving Ground	\$4,500,000
	Fort Irwin	\$2,522,000
Colorado	Fort Carson	\$9,698,000
District of Columbia	Walter Reed Army Medical Center	\$13,794,000
Georgia	Fort Benning	\$86,250,000
	Fort Stewart/Hunter Army Air Field	\$26,000,000
Hawaii	Schofield Barracks	\$191,000,000
Kansas	Fort Leavenworth	\$7,979,000
	Fort Riley	\$81,095,000
Kentucky	Blue Grass Army Depot	\$5,500,000
	Fort Campbell	\$106,300,000
	Fort Knox	\$5,873,000
Louisiana	Fort Polk	\$37,620,000
Maryland	Fort Detrick	\$22,500,000
Massachusetts	Natick Research, Development, and Engineering Center	\$4,100,000
Missouri	Fort Leonard Wood	\$24,993,000
New Jersey	Picatinny Arsenal	\$7,500,000
New York	Fort Drum	\$18,300,000
	United States Military Academy, West Point	\$4,991,000
North Carolina	Fort Bragg	\$99,632,000
Oklahoma	Fort Sill	\$40,752,000
Pennsylvania	Letterkenny Army Depot	\$1,550,000
		<b>[\$39,652,000]</b>

**Army: Inside the United States—Continued**

State	Installation or location	Amount
South Carolina .....	Fort Jackson .....	\$3,051,000
Texas .....	Fort Bliss .....	\$5,200,000
	Fort Hood .....	\$83,061,000
Virginia .....	Fort Eustis .....	\$4,133,000
	Fort Lee .....	\$7,103,000
Washington .....	Fort Lewis .....	\$56,195,000
	Yakima Training Center .....	\$3,000,000
	<b>Total .....</b>	<b>【\$1,155,767,000】 \$1,157,267,000</b>

\* \* \* \* \*

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) \* \* \*

\* \* \* \* \*

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—**Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) \* \* \*

\* \* \* \* \*

(6) **[\$25,000,000] \$26,100,000** (the balance of the amount authorized under section 2101(a) for construction of a consolidated maintenance complex at Fort Sill, Oklahoma).

\* \* \* \* \*

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**FLOYD D. SPENCE NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL YEAR 2001**

\* \* \* \* \*

**TITLE III—OPERATION AND MAINTENANCE**

\* \* \* \* \*

**Subtitle D—Department of Defense  
Industrial Facilities**

\* \* \* \* \*

**SEC. 343. ARSENAL SUPPORT PROGRAM INITIATIVE.**

(a) **DEMONSTRATION PROGRAM REQUIRED.—**To help maintain the viability of the Army manufacturing arsenals and the unique capabilities of these arsenals to support the national security interests of the United States, the Secretary of the Army shall carry out a demonstration program under this section during fiscal years 2001 through **[2004] 2008** at each manufacturing arsenal of the Department of the Army.

\* \* \* \* \*

(g) **REPORTING REQUIREMENTS.—**(1) Not later than July 1 of each year in which a guarantee issued under subsection (d) is in effect, the Secretary of the Army shall submit to Congress a report specifying the amounts of loans guaranteed under such subsection during the preceding calendar year. No report is required after fiscal year **[2004] 2008**.

(2) Not later than July 1, **[2003] 2007**, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b). The report shall contain a com-

prehensive review of contracting at the Army manufacturing arsenals covered by the program and such recommendations as the Secretary considers appropriate regarding changes to the program.

\* \* \* \* \*

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

\* \* \* \* \*

**Subtitle D—Other Matters**

\* \* \* \* \*

**SEC. 1238. UNITED STATES-CHINA SECURITY REVIEW COMMISSION.**

(a) \* \* \*

\* \* \* \* \*

(c) DUTIES.—

(1) ANNUAL REPORT.—Not later than March 1 each year [(beginning in 2002)], the Commission shall submit to Congress a report, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People’s Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, if any, of the national security implications for the United States of the trade and current balances with the People’s Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable. *The report shall include a full discussion of the activities of the Commission under each of the subparagraphs of paragraph (2).*

[(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall include, at a minimum, a full discussion of the following:]

[(A) The portion of trade in goods and services with the United States that the People’s Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

[(B) The acquisition by the People’s Republic of China of advanced military or dual-use technologies from the United States by trade (including procurement) and other technology transfers, especially those transfers, if any, that contribute to the proliferation of weapons of mass destruction or their delivery systems, or that undermine international agreements or United States laws with respect to nonproliferation.

[(C) Any transfers, other than those identified under subparagraph (B), to the military systems of the People’s Republic of China made by United States firms and United States-based multinational corporations.

【(D) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions, if any, of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, or cooperation with, the United States and the Asian allies of the United States.

【(E) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the regional stability of the Asian allies of the United States.

【(F) The effects, if any, on the national security interests of the United States of the use by the People's Republic of China of financial transactions and capital flow and currency manipulations.

【(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse or favorable to the United States national security interests.

【(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences have any national security implications for the United States.

【(I) The extent to which the trade surplus of the People's Republic of China with the United States enhances the military budget of the People's Republic of China.

【(J) An overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.】

(2) *AREAS OF FOCUS.*—*The Commission shall focus, in lieu of any other area of work or study, on the following:*

(A) *PROLIFERATION PRACTICES.*—*The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the United States might take, including economic sanctions, to encourage the Chinese to stop such practices.*

(B) *ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.*—*The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on United States economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's*

*fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.*

(C) *ENERGY.*—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the United States can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

(D) *UNITED STATES CAPITAL MARKETS.*—The Commission shall evaluate the extent of Chinese access to, and use of United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities or other activities harmful to United States security interests.

(E) *CORPORATE REPORTING.*—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

(F) *REGIONAL ECONOMIC AND SECURITY IMPACTS.*—The Commission shall assess the extent of China's "hollowing-out" of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) *UNITED STATES-CHINA BILATERAL PROGRAMS.*—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) *WORLD TRADE ORGANIZATION COMPLIANCE.*—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) *MEDIA CONTROL.*—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

\* \* \* \* \*

**SECTION 901 OF THE NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL YEAR 1998**

**[(SEC. 901. ASSISTANTS TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR NATIONAL GUARD MATTERS AND FOR RESERVE MATTERS.**

**[(a) ESTABLISHMENT OF POSITIONS.—**The Secretary of Defense shall establish the following positions within the Joint Staff:

**[(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.**

**[(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.**

**[(b) SELECTION.—(1)** The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

**[(A)** are recommended for such selection by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

**[(B)** have had at least 10 years of federally recognized commissioned service in the National Guard; and

**[(C)** are in a grade above the grade of colonel.

**[(2)** The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters shall be selected by the Chairman from officers of the Army Reserve, the Naval Reserve, the Marine Corps Reserve, or the Air Force Reserve who—

**[(A)** are recommended for such selection by the Secretary of the military department concerned;

**[(B)** have had at least 10 years of commissioned service in their reserve component; and

**[(C)** are in a grade above the grade of colonel or, in the case of the Naval Reserve, captain.

**[(c) TERM OF OFFICE.—**Each Assistant to the Chairman under subsection (a) serves at the pleasure of the Chairman for a term of two years and may be continued in that assignment in the same manner for one additional term. However, in time of war there is no limit on the number of terms.

**[(d) GRADE.—**Each Assistant to the Chairman, while so serving, holds the grade of major general or, in the case of the Naval Reserve, rear admiral. Each such officer shall be considered to be serving in a position external to that officer's Armed Force for purposes of section 721 of title 10, United States Code, as added by section 501(a).

**[(e) DUTIES.—**The Assistant to the Chairman for National Guard Matters is an adviser to the Chairman on matters relating to the National Guard and performs the duties prescribed for that position by the Chairman. The Assistant to the Chairman for Reserve Matters is an adviser to the Chairman on matters relating to the reserves and performs the duties prescribed for that position by the Chairman.

**[(f) OTHER RESERVE COMPONENT REPRESENTATION ON JOINT STAFF.—(1)** The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs, shall develop appropriate policy guidance to ensure that, to the maximum extent practicable, the level of reserve component officer representation within the Joint

Staff is commensurate with the significant role of the reserve components within the Total Force.

[(2) Not later than March 1, 1998, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the steps taken and being taken to implement this subsection.

[(g) EFFECTIVE DATE.—The positions specified in subsection (a) shall be established by the Secretary of Defense not later than 60 days after the date of the enactment of this Act.]

\* \* \* \* \*

**SECTION 1123 OF THE NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991**

**SEC. 1123. PROFESSIONAL MILITARY EDUCATION IN JOINT MATTERS**

(a) \* \* \*

[(b) STATEMENT OF CONGRESSIONAL POLICY.—As part of the efforts of the Secretary of Defense to improve professional military education, Congress urges, as a matter of policy, and fully expects the Secretary to establish the following:

[(1) A coherent and comprehensive framework for the education of officers, including officers nominated for the joint specialty.

[(2) A two-phase approach to strengthening the focus on joint matters, as follows:

[(A) Phase I instruction consisting of a joint curriculum, in addition to the principal curriculum taught to all officers at service-operated professional military education schools.

[(B) Phase II instruction consisting of a follow-on, solely joint curriculum taught at the Armed Forces Staff College to officers who are expected to be selected for the joint specialty. The curriculum should emphasize multiple “hands on” exercises and must adequately prepare students to perform effectively from the outset in what will probably be their first exposure to a totally new environment, an assignment to a joint, multiservice organization. Phase II instruction should be structured so that students progress from a basic knowledge of joint matters learned in Phase I to the level of expertise necessary for successful performance in the joint arena.

[(3) A sequenced approach to joint education in which the norm would require an officer to complete Phase I instruction before proceeding to Phase II instruction. An exception to the normal sequence should be granted by the Chairman of the Joint Chiefs of Staff only on a case-by-case basis for compelling cause. Officers selected to receive such an exception should be required to demonstrate a basic knowledge of joint matters and other aspects of the Phase I curriculum that qualifies them to meet the minimum requirements established for entry into Phase II instruction without first completing Phase I instruction. The number of officers selected to attend an offering of the principal course of instruction at the Armed Forces Staff

College who have not completed Phase I instruction should comprise only a small portion of the total number of officers selected.]

\* \* \* \* \*

**TITLE 5, UNITED STATES CODE**

\* \* \* \* \*

**PART III—EMPLOYEES**

\* \* \* \* \*

**Subpart B—Employment and Retention**

\* \* \* \* \*

**CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT**

\* \* \* \* \*

**SUBCHAPTER III—DETAILS, VACANCIES, AND APPOINTMENTS**

\* \* \* \* \*

**§ 3341. Details; within Executive or military departments**

(a) \* \* \*

\* \* \* \* \*

[(c) For purposes of this section—

[(1) the term “base closure law” means—

[(A) section 2687 of title 10;

[(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); and

[(C) the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

[(2) the term “military installation”—

[(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

[(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

[(C) in the case of an installation covered by the Act referred to in subparagraph (C) of that paragraph, has the meaning given such term in section 2910(4) of such Act.]

(c) For purposes of this section, the term “base closure law” has the meaning given such term in section 101(a)(17) of title 10.

\* \* \* \* \*

**Subpart D—Pay and Allowances**

\* \* \* \* \*

**§ 5102. Definitions; application**

(a) \* \* \*

\* \* \* \* \*

(c) This chapter does not apply to—

(2) \* \* \*

\* \* \* \* \*

(10) civilian professors, instructors, and lecturers at a professional military education school (and, in the case of the George C. Marshall European Center for Security Studies, the Director and the Deputy Director) whose pay is fixed under section 1595, 4021, 7478, or 9081 of title 10; civilian professors, lecturers, and instructors at the Military Academy, the Naval Academy, and the Air Force Academy whose pay is fixed under sections 4338, 6952, and 9338, respectively, of title 10; senior professors, professors, associate and assistant professors, and instructors at the Naval Postgraduate School whose pay is fixed under section 7044 of title 10; the **【Academic Dean】** *Provost and Academic Dean* of the Postgraduate School of the Naval Academy whose pay is fixed under section 7043 of title 10; civilian professors, instructors, and lecturers in the defense acquisition university structure (including the Defense Systems Management College) whose pay is fixed under section 1746(b) of title 10;

\* \* \* \* \*

**Subpart E—Attendance and Leave**

\* \* \* \* \*

**CHAPTER 63—LEAVE**

\* \* \* \* \*

**SUBCHAPTER II—OTHER PAID LEAVE**

\* \* \* \* \*

**§ 6323. Military leave; Reserves and National Guardsmen**

(a)(1) \* \* \*

\* \* \* \* \*

(d)(1) A military reserve technician described in section 8401(30) is entitled at such person’s request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 **【(other than active duty during a war or national emergency declared by the President or Congress)】** for par-

ticipation in operations outside the United States, its territories and possessions.

\* \* \* \* \*

**CHAPTER 89—HEALTH INSURANCE**

**§ 8905a. Continued coverage**

(a) Any individual described in [paragraph (1) or (2) of] subsection (b) may elect to continue coverage under this chapter in accordance with the provisions of this section.

(b) This section applies with respect to—

(1) any employee who—

(A) \* \* \*

(B) would not otherwise be eligible for any benefits under this chapter (determined without regard to any temporary extension of coverage and without regard to any benefits available under a nongroup contract); [and]

(2) any individual who—

(A) \* \* \*

\* \* \* \* \*

(C) would not otherwise be eligible for any benefits under this chapter (determined without regard to any temporary extension of coverage and without regard to any benefits available under a nongroup contract)[.]; and

(3) any employee who—

(A) is enrolled in a health benefits plan under this chapter;

(B) is a member of a Reserve component of the armed forces;

(C) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

(D) is placed on leave without pay or separated from service to perform active duty; and

(E) serves on active duty for a period of more than 30 consecutive days.

\* \* \* \* \*

(e)(1) Continued coverage under this section may not extend beyond—

(A) in the case of an individual whose continued coverage is based on separation from service, the date which is 18 months after the effective date of the separation; [or]

(B) in the case of an individual whose continued coverage is based on ceasing to meet the requirements for being considered an unmarried dependent child, the date which is 36 months after the date on which the individual first ceases to meet those requirements, subject to paragraph (2)[.]; or

(C) in the case of an employee described in subsection (b)(3), the date which is 24 months after the employee is placed on leave without pay or separated from service to perform active duty.

\* \* \* \* \*

**§ 8906. Contributions**

- (a) \* \* \*
- \* \* \*
- (e)(1) \* \* \*
- \* \* \*
- (3)(A) \* \* \*
- \* \* \*

(C) Notwithstanding the one-year limitation on coverage described in paragraph (1)(A), payment may be made under this paragraph for a period not to exceed **[18]** 24 months.

\* \* \* \* \*

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**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002**

\* \* \* \* \*

**TITLE XVI—UNIFORMED SERVICES VOTING**

\* \* \* \* \*

**[SEC. 1604. ELECTRONIC VOTING DEMONSTRATION PROJECT.]**

- [(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—**  
**[(1) IN GENERAL.—**Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002 through an electronic voting system. The project shall be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant.  
**[(2) AUTHORITY TO DELAY IMPLEMENTATION.—**If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Committee on Armed Services and the Committee on Rules and Administration of the Senate and the Committee on Armed Services and the Committee on House Administration of the House of Representatives of any decision to delay implementation of the demonstration project.
- [(b) COORDINATION WITH STATE ELECTION OFFICIALS.—**The Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials of States that agree to participate in the project.
- [(c) REPORT TO CONGRESS.—**Not later than June 1 of the year following the year in which the demonstration project is conducted

under this section, the Secretary of Defense shall submit to Congress a report analyzing the demonstration project. The Secretary shall include in the report any recommendations the Secretary considers appropriate for continuing the project on an expanded basis for absent uniformed services voters during the next regularly scheduled general election for Federal office.

[(d) DEFINITIONS.—In this section:

[(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

[(2) STATE.—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.]

\* \* \* \* \*

**TITLE XXVIII—GENERAL PROVISIONS**

\* \* \* \* \*

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

\* \* \* \* \*

**SEC. 2814. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.**

(a) **AUTHORITY TO CARRY OUT PROGRAM.**—The Secretary of Defense [or the Secretary of a military department] *and the Secretaries of the military departments* may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects for the purpose of determining whether such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

(b) **CONTRACTS.**—(1) Not more than [12 contracts per military department] *36 contracts* may contain requirements referred to in subsection (a) for the purpose of the demonstration program.

(2) The demonstration program may only cover contracts entered into on or after [the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003] *December 2, 2002*, except that the Secretary of the Army shall treat any contract containing requirements referred to in subsection (a) that was entered into under the authority in such subsection between that date and December 28, 2001, as a contract for the purpose of the demonstration program.

\* \* \* \* \*

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

\* \* \* \* \*

**SEC. 3306. RESTRICTION ON DISPOSAL OF MANGANESE FERRO.**

(a) TEMPORARY QUANTITY RESTRICTIONS.—During fiscal years 2002 through 2005, the disposal of manganese ferro in the National Defense Stockpile may not exceed the following quantities:

(1) \* \* \*

\* \* \* \* \*

(3) During [each of the fiscal years 2004 and 2005] *fiscal year 2004*, 50,000 short tons of high carbon manganese ferro of the highest grade.

(4) *During fiscal year 2005, 100,000 short tons of high carbon manganese ferro of the highest grade.*

\* \* \* \* \*

**SECTION 128 OF THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004**

\* \* \* \* \*

**GENERAL PROVISIONS**

\* \* \* \* \*

【SEC. 128. (a) COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.—(1) There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the “Commission”).

【(2)(A) The Commission shall be composed of eight members of whom—

【(i) two shall be appointed by the Majority Leader of the Senate;

【(ii) two shall be appointed by the Minority Leader of the Senate;

【(iii) two shall be appointed by the Speaker of the House of Representatives; and

【(iv) two shall be appointed by the Minority Leader of the House of Representatives.

【(B) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

【(C) Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

【(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

【(4) Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

【(5) The Commission shall meet at the call of the Chairman.

【(6) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

【(7) The Commission shall select a Chairman and Vice Chairman from among its members.

[(b) DUTIES.—(1) The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

[(2) In conducting the study, the Commission shall—

[(A) assess the number of forces required to be forward based outside the United States;

[(B) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

[(C) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

[(D) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

[(E) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas; and

[(F) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

[(3)(A) Not later than December 31, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

[(B) In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

[(c) POWERS.—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

[(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

[(3) Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

[(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

[(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

【(d) PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

【(2)(A) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

【(B) Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

【(3)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

【(B) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

【(C) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

【(4) Any employee of the Department of Defense, the Department of State, or the General Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

【(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

【(e) SECURITY.—(1) Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

【(2) The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the na-

tional security of the United States that is received, considered, or used by the Commission under this section.

[(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

[(g) FUNDING.—(1) Of the amount appropriated by this Act, \$3,000,000 shall be available to the Commission to carry out this section.

[(2) The amount made available by paragraph (1) shall remain available, without fiscal year limitation, until September 2005.]

**TITLE 32, UNITED STATES CODE**

**CHAPTER 1—ORGANIZATION**

Chap.		Sec.
	1. Organization .....	101
	* * * * *	
	9. <i>Operations of a National or Federal Interest</i> .....	901
	* * * * *	

**CHAPTER 1—ORGANIZATION**

\* \* \* \* \*

**§ 112. Drug interdiction and counter-drug activities**

(a) \* \* \*

\* \* \* \* \*

[(e) EXCLUSION FROM END-STRENGTH COMPUTATION.—Members of the National Guard on active duty or full-time National Guard duty for the purposes of administering (or during fiscal year 1993 otherwise implementing) this section shall not be counted toward the annual end strength authorized for reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 12011 and 12012 of title 10.]

[(f)] (e) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty [(for a period of more than 180 days)]; or

(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty [(for a period of more than 180 days)] with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

\* \* \* \* \*

[(g)] (f) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report regarding assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

(1) \* \* \*

\* \* \* \* \*

[(h)] (g) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

[(i)] (h) DEFINITIONS.—For purposes of this section:

(1) \* \* \*

\* \* \* \* \*

**CHAPTER 3—PERSONNEL**

\* \* \* \* \*

**§ 305. Federal recognition of commissioned officers: persons eligible**

(a) The following categories are eligible for Federal recognition as commissioned officers of the National Guard:

- (1) Members of the National Guard.
- (2) Members of the [Army, Navy, Air Force, or Marine Corps] *armed forces*.
- (3) Former officers of the [Army, Navy, Air Force, or Marine Corps] *armed forces*.
- (4) Former enlisted members of the [Army, Navy, Air Force, or Marine Corps] *armed forces* who were discharged honorably or under honorable conditions.
- (5) Graduates of the United States Military Academy, the United States Naval Academy, [or the United States Air Force Academy] *the United States Air Force Academy, or the United States Coast Guard Academy*.

\* \* \* \* \*

**CHAPTER 9—OPERATIONS OF A NATIONAL OR FEDERAL INTEREST**

- Sec.
- 901. *Operational activities.*
- 902. *Operational duty.*
- 903. *Funding assistance.*
- 904. *Operations requests.*

**§ 901. Operational activities**

*The Secretary of Defense may provide funds in advance or on a reimbursable basis to a Governor to employ National Guard units and individuals to conduct operational activities that the Secretary determines to be in the national interest. The Secretary of Defense shall prescribe regulations to implement this chapter.*

**§ 902. Operational duty**

*All duty performed under this chapter shall be considered to be full-time National Guard duty under section 502(f) of this title. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support*

or execute operational activities performed by the National Guard under this chapter.

**§903. Funding assistance**

When the Secretary of Defense determines that certain operational activities of the National Guard are in the national interest under section 901 of this title, the Secretary shall provide funds to a State in an amount that the Secretary determines is appropriate for the following costs of the operational activities from funds available to the Department for related purposes:

- (1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State.
- (2) The operation and maintenance of the equipment and facilities of the National Guard of that State.
- (3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

**§904. Operations requests**

(a) *REQUESTS.*—A Governor of a State may request funding assistance for the operational activities of the National Guard of that State from the Secretary of Defense. Any such request shall include the following:

- (1) The specific intended operational activities of the National Guard of that State.
- (2) An explanation of why the operational activities are in the national interest.
- (3) A certification that operational activities are to be conducted at a time when the personnel involved are not in Federal service.
- (4) A certification that participation by National Guard personnel in the operational activities is service in addition to training required under section 502 of this title.

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000**

\* \* \* \* \*

**TITLE V—MILITARY PERSONNEL POLICY**

\* \* \* \* \*

**Subtitle H—Matters Related to Recruiting**

\* \* \* \* \*

**[SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.**

[(a) *PROGRAM REQUIRED.*—The Secretary of the Army shall establish a pilot program (to be known as the “Army College First” program) to assess whether the Army could increase the number of, and the level of the qualifications of, persons entering the Army as enlisted members by encouraging recruits to pursue higher edu-

cation or vocational or technical training before entry into active service in the Army.

[(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may—

[(1) exercise the authority under section 513 of title 10, United States Code—

[(A) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of the Army Reserve or, notwithstanding the scope of the authority under subsection (a) of that section, in the Army National Guard of the United States; and

[(B) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within the maximum period of delay determined for that person under subsection (c); and

[(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of that subsection, pay an allowance to a person accepted for enlistment under paragraph (1)(A) for each month of the period during which that person is enrolled in and pursuing a program described in paragraph (1)(B).

[(c) MAXIMUM PERIOD OF DELAY.—The period of delay authorized a person under paragraph (1)(B) of subsection (b) may not exceed the 30-month period beginning on the date of the person's enlistment accepted under paragraph (1)(A) of such subsection.

[(d) ALLOWANCE.—(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps with the corresponding number of years of participation under section 209(a) of title 37, United States Code.

[(2) An allowance may not be paid to a person under this section for more than 24 months.

[(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of title 10, United States Code, or section 502(a) of title 32, United States Code. Satisfactory performance shall be determined under regulations prescribed by the Secretary.

[(4) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

[(f) RECOUPMENT OF ALLOWANCE.—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 of title 10, United States Code, shall repay the United States the amount which bears the same ratio to the total amount of that allowance

paid to the person as the unserved part of the total required period of service bears to the total period.

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

[(3) A discharge of a person in bankruptcy under title 11, United States Code, that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 of title 10, United States Code, does not discharge that person from a debt arising under paragraph (1).

[(4) The Secretary of the Army may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

[(g) COMPARISON GROUP.—To perform the assessment under subsection (a), the Secretary may define and study any group not including persons receiving a benefit under subsection (b) and compare that group with any group or groups of persons who receive such benefits under the pilot program.

[(h) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 1999, and ending on September 30, 2004.

[(i) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

[(1) The assessment of the Secretary regarding the value of the authority under this section for achieving the objectives of increasing the number of, and the level of the qualifications of, persons entering the Army as enlisted members.

[(2) Any recommendation for legislation or other action that the Secretary considers appropriate to achieve those objectives through grants of entry delays and financial benefits for advanced education and training of recruits.]

\* \* \* \* \*

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

\* \* \* \* \*

**Subtitle B—Department of Defense Organization**

\* \* \* \* \*

**SEC. 914. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.**

[(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs as part of the National Defense University. The Center shall be organized under the Institute for National Strategic Studies of the University.]

(a) *ESTABLISHMENT.*—*There shall be a Center for the Study of Chinese Military Affairs organized under the United States-China Economic and Security Review Commission established by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002).*

\* \* \* \* \*

[(d) *STARTUP OF CENTER.*—The Secretary of Defense shall establish the Center for the Study of Chinese Military Affairs not later than March 1, 2000. The first Director of the Center shall be appointed not later than June 1, 2000. The Center should be fully operational not later than June 1, 2001.

[(e) *IMPLEMENTATION REPORT.*—(1) Not later than January 1, 2001, the President of the National Defense University shall submit to the Secretary of Defense a report setting forth the President’s organizational plan for the Center for the Study of Chinese Military Affairs, the proposed budget for the Center, and the timetable for initial and full operations of the Center. The President of the National Defense University shall prepare that report in consultation with the Director of the Center and the Director of the Institute for National Strategic Studies of the University.

[(2) The Secretary of Defense shall transmit the report under paragraph (1), together with whatever comments the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than February 1, 2001.]

\* \* \* \* \*

**CHAPTER 9 OF TITLE 14, UNITED STATES CODE**

**CHAPTER 9—COAST GUARD ACADEMY**

Sec.	
181.	Administration of Academy.
	* * * * *
197.	<i>Cadets: charges and fees for attendance; limitation.</i>
	* * * * *

**§ 197. Cadets: charges and fees for attendance; limitation**

(a) *PROHIBITION.*—*Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.*

(b) *EXCEPTION.*—*The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Homeland Security shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.*

**MERCHANT MARINE ACT, 1936**

\* \* \* \* \*

TITLE XII—WAR RISK INSURANCE

\* \* \* \* \*

SEC. 1208. (a) The Secretary shall create an insurance fund in the Treasury to enable him to carry out the provisions of this title. Moneys appropriated by Congress to carry out the provisions of this title and all moneys received from premiums, salvage, or other recoveries and all receipts in connection with this title shall be deposited in the Treasury to the credit of such fund. [Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this title shall be made from such fund through the Division of Disbursement, Treasury Department.] *The Secretary of Transportation may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary of Transportation, required to meet the current needs of the fund. Such investments shall be made by the Secretary of the Treasury in public debt securities of the United States, with maturities suitable to the needs of the fund, and bearing interest rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.* Upon the request of the Secretary of Transportation, the Secretary of the Treasury may invest or reinvest all or any part of the fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from such securities shall be deposited to the credit of the fund.

\* \* \* \* \*

SEC. 1214. The authority of the Secretary to provide insurance and reinsurance under this title shall expire [June 30, 2005] *December 31, 2010.*

TITLE XIII—MARITIME EDUCATION AND TRAINING

\* \* \* \* \*

SEC. 1303. (a) \* \* \*

\* \* \* \* \*

(j) *LIMITATION ON CHARGES AND FEES FOR ATTENDANCE.—*

*(1) Except as provided in paragraph (2), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.*

*(2) The prohibition specified in paragraph (1) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Transportation shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this paragraph.*

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**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 1995**

\* \* \* \* \*

**TITLE III—OPERATION AND MAINTENANCE**

\* \* \* \* \*

**Subtitle E—Civilian Employees**

\* \* \* \* \*

**SEC. 349. UNIFORM HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE ASSIGNED TO NON-APPROPRIATED FUND INSTRUMENTALITIES.**

(a) \* \* \*

\* \* \* \* \*

(c) *TREATMENT OF PROGRAM AS FEDERAL HEALTH BENEFIT PROGRAM.—(1) No State tax, fee, other monetary payment, or State health plan requirement, may be imposed, directly or indirectly, on the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense, or on a carrier or an underwriting or plan administration contractor of the Program, to the same extent as such prohibition applies to the health insurance program authorized by chapter 89 of title 5, United States Code, under section 8909(f) of such title.*

*(2) Paragraph (1) shall not be construed to exempt the Non-appropriated Fund Uniform Health Benefits Program of the Department of Defense, or any carrier or underwriting or plan administration contractor of the Program from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to, or realized by, the Program or by such carrier or contractor from business conducted under the Program, so long as the tax, fee, or payment is applicable to a broad range of business activity.*

*(3) In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any political subdivision or other non-Federal authority thereof.*

\* \* \* \* \*

**TITLE V—MILITARY PERSONNEL POLICY**

\* \* \* \* \*

**Subtitle E—Other Matters**

\* \* \* \* \*

**[SEC. 553. PROHIBITION ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.**

**[(a) PROHIBITION.—**Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at an academy named in subsection (c) may be imposed unless the charge or

fee is specifically authorized by a law enacted after the date of the enactment of this Act.

[(b) EXCEPTION.—The prohibition specified in subsection (a) shall not apply with respect to any item or service provided to cadets or midshipmen at an academy named in subsection (c) for which a charge or fee is imposed as of the date of the enactment of this Act.

[(c) COVERED ACADEMIES.—This section applies to the following:

- [(1) The United States Military Academy.
- [(2) The United States Naval Academy.
- [(3) The United States Air Force Academy.
- [(4) The United States Coast Guard Academy.
- [(5) The United States Merchant Marine Academy.]

\* \* \* \* \*

### TITLE XV—ARMS CONTROL MATTERS

\* \* \* \* \*

#### SEC. 1504. AMOUNTS FOR COUNTERPROLIFERATION ACTIVITIES.

(a) \* \* \*

\* \* \* \* \*

(e) USE OF FUNDS FOR TECHNOLOGY DEVELOPMENT.—(1) \* \* \*

\* \* \* \* \*

(3)(A) [The training program referred to in paragraph (1)(B) is a] *The Secretary of Defense may participate in a training program carried out jointly by the Secretary of Defense and the Director of the Federal Bureau of Investigation in order to expand and improve United States efforts to deter the possible proliferation and acquisition of weapons of mass destruction by organized crime organizations in Eastern Europe, the Baltic countries, and states of the former Soviet Union, and in other countries in which, as determined by the Secretary of Defense, there exists a significant threat of such proliferation and acquisition.*

\* \* \* \* \*

### TITLE XXVIII—GENERAL PROVISIONS

\* \* \* \* \*

#### Subtitle B—Defense Base Closure and Realignment

\* \* \* \* \*

#### SEC. 2814. GOVERNMENT RENTAL OF FACILITIES LOCATED ON CLOSED MILITARY INSTALLATIONS.

(a) \* \* \*

[(b) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term “base closure law” means each of the following:

[(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

[(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).]

(b) *BASE CLOSURE LAW DEFINED.*—*In this section, the term “base closure law” has the meaning given such term in section 101(a)(17) of title 10, United States Code.*

\* \* \* \* \*

**STROM THURMOND NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL YEAR 1999**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF  
DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

\* \* \* \* \*

**Subtitle E—Other Matters**

\* \* \* \* \*

**SEC. 142. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.**

[(a) PROGRAM MANAGEMENT.—The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program. In performing such management, the program manager shall act independently of the program manager for Chemical Demilitarization and shall report to the Under Secretary of Defense for Acquisition and Technology.

[(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment may carry out those activities necessary to ensure that an alternative technology for the destruction of lethal chemical munitions can be implemented immediately after—

[(A) the technology has been demonstrated to be successful; and

[(B) the Under Secretary of Defense for Acquisition and Technology has submitted a report on the demonstration to Congress that includes a decision to proceed with the pilot-scale facility phase for an alternative technology.

[(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

[(A) Establish program requirements.

[(B) Prepare procurement documentation.

[(C) Develop environmental documentation.

[(D) Identify and prepare to meet public outreach and public participation requirements.

[(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999.

[(c) INDEPENDENT EVALUATION.—The Under Secretary of Defense for Acquisition and Technology shall provide for an independent evaluation of the cost and schedule of the Assembled Chemical Weapons Assessment, which shall be performed and submitted to the Under Secretary not later than September 30, 1999. The evaluation shall be performed by a nongovernmental organization qualified to make such an evaluation.

[(d) PILOT FACILITIES CONTRACTS.—(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

[(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

[(A) certifies in writing to Congress is—

[(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

[(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

[(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

[(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

[(4) In this subsection, the term “Chemical Weapons Convention” means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

[(e) PLAN FOR PILOT PROGRAM.—If the Secretary of Defense proceeds with a pilot program under section 152(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521 note), the Secretary shall prepare a plan for the pilot program and shall submit to Congress a

report on such plan (including information on the cost of, and schedule for, implementing the pilot program).

[(f) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, funds shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

[(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

[(B) Planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, including planning and preparation for—

[(i) continued development of the technology leading to deployment of the technology for use;

[(ii) satisfaction of requirements for environmental permits;

[(iii) demonstration, testing, and evaluation;

[(iv) initiation of actions to design a pilot plant;

[(v) provision of support at the field office or depot level for deployment of the technology for use; and

[(vi) educational outreach to the public to engender support for the deployment.

[(C) The independent evaluation of cost and schedule required under subsection (c).

[(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

[(g) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—In this section, the term “Assembled Chemical Weapons Assessment” means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).]

(a) PROGRAM MANAGEMENT.—(1) *The program manager for the Assembled Chemical Weapons Alternatives program shall report to the Secretary of the Army.*

(2) *The Secretary of the Army shall provide for that program to be managed as part of the management organization within the Department of the Army specified in section 1412(e) of Public Law 99–145 (50 U.S.C. 1521(e)).*

(b) CONTINUED IMPLEMENTATION OF PREVIOUSLY SELECTED ALTERNATIVE TECHNOLOGIES.—(1) *In carrying out the destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on July 16, 2002.*

(2) *In carrying out the destruction of lethal chemical munitions at Blue Grass Army Depot, Kentucky, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on February 3, 2003.*

\* \* \* \* \*

## TITLE III—OPERATION AND MAINTENANCE

\* \* \* \* \*

### Subtitle F—Commissaries and Nonappropriated Fund Instrumentalities

\* \* \* \* \*

#### [SEC. 367. PROHIBITION ON CONSOLIDATION OR OTHER ORGANIZATIONAL CHANGES OF DEPARTMENT OF DEFENSE RETAIL SYSTEMS.

[(a) DEFENSE RETAIL SYSTEMS DEFINED.—For purposes of this section, the term “defense retail systems” means the defense commissary system and exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces.

[(b) PROHIBITION.—The operation and administration of the defense retail systems may not be consolidated or otherwise merged unless the consolidation or merger is specifically authorized by a law enacted after the date of the enactment of this Act.

[(c) EFFECT ON EXISTING STUDY.—Nothing in this section shall be construed to prohibit the study of defense retail systems, known as the “Joint Exchange Due Diligence Study”, which is underway on the date of the enactment of this Act pursuant to a contract awarded by the Department of the Navy on April 21, 1998, except that any recommendation contained in the completed study regarding the operation or administration of the defense retail systems may not be implemented unless implementation of the recommendation is specifically authorized by a law enacted after the date of the enactment of this Act.]

\* \* \* \* \*

## TITLE V—MILITARY PERSONNEL POLICY

\* \* \* \* \*

### Subtitle G—Other Matters

\* \* \* \* \*

#### SEC. 571. PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTMENT IN THE ARMED FORCES.

(a) \* \* \*

\* \* \* \* \*

[(e) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 1998, and ending on September 30, 2003.]

(e) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 2004, and ending on September 30, 2005.

\* \* \* \* \*

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

\* \* \* \* \*

**Subtitle D—Other Matters**

\* \* \* \* \*

**SEC. 1237. APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO COMMUNIST CHINESE MILITARY COMPANIES.**

(a) \* \* \*

(b) DETERMINATION AND REPORTING OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN UNITED STATES.—

(1) \* \* \*

\* \* \* \* \*

(4) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1) and of carrying out paragraph (2), the term “Communist Chinese military company” means—

(A) \* \* \*

(B) any other person that—

(i) is owned or controlled by the People’s Liberation Army, by a ministry of the government of the People’s Republic of China, or by an entity affiliated with the defense industrial base of the People’s Republic of China; and

\* \* \* \* \*

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

\* \* \* \* \*

**SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in total amounts not less than—

(1) \* \* \*

\* \* \* \* \*

[(4) \$760,000,000 by the end of fiscal year 2005; and

[(5) \$770,000,000 by the end of fiscal year 2011.]

(4) \$785,000,000 by the end of fiscal year 2005; and

(5) \$870,000,000 by the end of fiscal year 2009.

\* \* \* \* \*

**SECTION 8120 OF THE DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 2000**

【SEC. 8120. During the current fiscal year and hereafter, any Federal grant of funds to an institution of higher education to be available solely for student financial assistance or related administrative costs may be used for the purpose for which the grant is made without regard to any provision to the contrary in section 514 of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1997 (10 U.S.C. 503 note), or section 983 of title 10, United States Code.】

**DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF  
1990**

\* \* \* \* \*

**TITLE XXIX—DEFENSE BASE CLOSURES AND  
REALIGNMENTS**

PART A—DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

**SEC. 2901. SHORT TITLE AND PURPOSE**

(a) **SHORT TITLE.**—This part may be cited as the “Defense Base Closure and Realignment Act of 1990”.

\* \* \* \* \*

**SEC. 2902. THE COMMISSION**

(a) \* \* \*

\* \* \* \* \*

(e) **MEETINGS.**—(1) \* \* \*

(2)(A) \* \* \*

(B) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(i) The Chairman and the ranking minority party member of the 【Subcommittee on Readiness, Sustainability, and Support】 *Subcommittee on Readiness and Management Support* of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(ii) The Chairman and the ranking minority party member of the 【Subcommittee on Military Installations and Facilities】 *Subcommittee on Readiness* of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

\* \* \* \* \*

**SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall—

(1) \* \* \*

\* \* \* \* \*

(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission **[in the 2005 report]** *in a report submitted after 2001* only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations of the Commission in such report and is determined by the Commission to be the most cost-effective method of implementation of the recommendation;

\* \* \* \* \*

**SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990**

(a) \* \* \*

\* \* \* \* \*

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account **[2005]** *2007* under section 2906A and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

**SEC. 2906A. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT **[2005]** *2007*.**

(a) IN GENERAL.—(1) If the Secretary makes the certifications required under section 2912(b), there shall be established on the books of the Treasury an account to be known as the “Department of Defense Base Closure Account **[2005]** *2007*” (in this section referred to as the “Account”). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) \* \* \*

\* \* \* \* \*

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after January 1, **[2005]** *2007*.

\* \* \* \* \*

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after January 1, **[2005]** *2007*.

\* \* \* \* \*

(c) REPORTS.—(1) \* \* \*

(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after January 1, **[2005]** *2007*, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) \* \* \*

\* \* \* \* \*

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after January 1, [2005] 2007, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

\* \* \* \* \*

**SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY**

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on November 5, 1990, and ending on April 15, [2006] 2008, this part shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

\* \* \* \* \*

**SEC. 2912. [2005] 2007 ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS.**

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—

(1) PREPARATION AND SUBMISSION.—As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year [2005] 2007, the Secretary shall include the following:

(A) A force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with fiscal year [2005] 2007, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet these threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

\* \* \* \* \*

(4) REVISION.—The Secretary may revise the force-structure plan and infrastructure inventory. If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress as part of the budget justification documents submitted to Congress for fiscal year 2006.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—

(1) CERTIFICATION REQUIRED.—On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) for fiscal year 2007 and the descriptions and economic analysis prepared under such subsection, the Secretary

shall include as part of the submission of the plan and inventory—

(A) \* \* \*

\* \* \* \* \*

(2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the certifications referred to in paragraph (1), the process by which military installations may be selected for closure or realignment under this part [in 2005] *under section 2914* shall be terminated.

(c) COMPTROLLER GENERAL EVALUATION.—

(1) EVALUATION REQUIRED.—If the certification is provided under subsection (b), the Comptroller General shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection [criteria prepared under section 2913] *criteria specified in section 2913*, including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

\* \* \* \* \*

(d) AUTHORIZATION OF ADDITIONAL ROUND; COMMISSION.—

(1) APPOINTMENT OF COMMISSION.—Subject to the certifications required under subsection (b), the President may commence an additional round for the selection of military installations for closure and realignment under this part [in 2005] *under section 2914* by transmitting to the Senate, not later than March 15, [2005] *2007*, nominations pursuant to section 2902(c) for the appointment of new members to the Defense Base Closure and Realignment Commission.

(2) EFFECT OF FAILURE TO NOMINATE.—If the President does not transmit to the Senate the nominations for the Commission by March 15, [2005] *2007*, the process by which military installations may be selected for closure or realignment under this part [in 2005] *under section 2914* shall be terminated.

\* \* \* \* \*

(4) TERMS; MEETINGS; TERMINATION.—Notwithstanding subsections (d), (e)(1), and (l) of section 2902, the Commission appointed under the authority of this subsection shall meet during [calendar year 2005 and shall terminate on April 15, 2006] *calendar year 2007 and shall terminate on April 15, 2008*.

(5) FUNDING.—If no funds are appropriated to the Commission by the end of the [second session of the 108th Congress for the activities of the Commission in 2005] *second session of the 109th Congress for the activities of the Commission under section 2914*, the Secretary may transfer to the Commission for purposes of its activities under this part in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.

(e) INFRASTRUCTURE-RELATED REPORTS.—

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

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

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

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

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

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

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

(2) *TIME FOR SUBMISSION OF REPORTS.*—The reports required by paragraph (1) shall be submitted to the congressional defense committees only during the period beginning on January 1, 2006, and ending on March 15, 2006.

(3) *TERMINATION OF ROUND FOR FAILURE TO SUBMIT REPORTS AS REQUIRED.*—If the reports required by paragraph (1) are not submitted during the period specified in paragraph (2), the process for the making of recommendations to the Congress for the closure or realignment of military installations and the

*selection of installations for closure or realignment under this part in 2007 shall be terminated.*

**[SEC. 2913. SELECTION CRITERIA FOR 2005 ROUND.**

**[(a) PREPARATION OF PROPOSED SELECTION CRITERIA.—**

**[(1) IN GENERAL.—**Not later than December 31, 2003, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.

**[(2) PUBLIC COMMENT.—**The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under this subsection.

**[(b) MILITARY VALUE AS PRIMARY CONSIDERATION.—**The selection criteria prepared by the Secretary shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part in 2005. Military value shall include at a minimum the following:

**[(1)** Preservation of training areas suitable for maneuver by ground, naval, or air forces to guarantee future availability of such areas to ensure the readiness of the Armed Forces.

**[(2)** Preservation of military installations in the United States as staging areas for the use of the Armed Forces in homeland defense missions.

**[(3)** Preservation of military installations throughout a diversity of climate and terrain areas in the United States for training purposes.

**[(4)** The impact on joint warfighting, training, and readiness.

**[(5)** Contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations and training.

**[(c) SPECIAL CONSIDERATIONS.—**The selection criteria for military installations shall also address at a minimum the following:

**[(1)** The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

**[(2)** The economic impact on existing communities in the vicinity of military installations.

**[(3)** The ability of both existing and potential receiving communities' infrastructure to support forces, missions, and personnel.

**[(4)** The impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

**[(d) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—**Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of military installations shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that

may be required to assume responsibility for activities at the military installations.

[(e) FINAL SELECTION CRITERIA.—Not later than February 16, 2004, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005. Such criteria shall be the final criteria to be used, along with the force-structure plan and infrastructure inventory referred to in section 2912, in making such recommendations unless disapproved by an Act of Congress enacted on or before March 15, 2004.]

[(f) RELATION TO CRITERIA FOR EARLIER ROUNDS.—Section 2903(b), and the selection criteria prepared under such section, shall not apply with respect to the process of making recommendations for the closure or realignment of military installations in 2005.]

**SEC. 2913. FINAL SELECTION CRITERIA FOR ADDITIONAL ROUND OF BASE CLOSURES AND REALIGNMENTS.**

(a) *FINAL SELECTION CRITERIA.—The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this part in any additional round of base closures and realignments are as follows:*

(1) *The current and future mission requirements and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, readiness, and research, development, test, and evaluation of weapons systems and equipment.*

(2) *The availability and condition of land, facilities, infrastructure, and associated air and water space (including preservation of training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas, the preservation of testing ranges able to accommodate current or future military weapons systems and equipment, and the preservation of staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.*

(3) *The ability to accommodate contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations, training, maintenance, and repair.*

(4) *Preservation of land, air, and water space, facilities, and infrastructure necessary to support training and operations of military forces determined to be surge requirements by the Secretary of Defense, as required by section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1726).*

(5) *The extent and timing of potential costs and savings of base realignment and closure actions on the entire Federal budget, as well as the Department of Defense, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs. Costs shall include those costs related to potential environmental res-*

*toration, waste management, and environmental compliance activities.*

*(6) The economic impact on existing communities in the vicinity of military installations.*

*(7) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel, including quality of living standards for members of the Armed Forces and their dependents.*

*(8) The environmental impact on receiving locations.*

*(b) PRIORITY GIVEN TO MILITARY VALUE.—In recommending military installations for closure or realignment, the Secretary shall give priority consideration to the first four criteria specified in subsection (a).*

*(c) RELATION TO OTHER MATERIALS.—The final selection criteria specified in subsection (a) shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in section 2912, in making recommendations for the closure or realignment of military installations inside the United States under this part after December 31, 2003.*

*(d) RELATION TO CRITERIA FOR EARLIER ROUNDS.—Section 2903(b), and the selection criteria prepared under such section, shall not apply with respect to the process of making recommendations for the closure or realignment of military installations after December 31, 2003.*

**SEC. 2914. SPECIAL PROCEDURES FOR MAKING RECOMMENDATIONS FOR REALIGNMENTS AND CLOSURES FOR [2005] 2007 ROUND; COMMISSION CONSIDERATION OF RECOMMENDATIONS.**

**(a) RECOMMENDATIONS REGARDING CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.—**If the Secretary makes the certifications required under section 2912(b), the Secretary shall publish in the Federal Register and transmit to the congressional defense committees and the Commission, not later than May 16, [2005] 2007, a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under section 2912 and the final selection [criteria prepared by the Secretary under section 2913] *criteria specified in section 2913.*

\* \* \* \* \*

**(d) COMMISSION REVIEW AND RECOMMENDATIONS.—**

**(1) IN GENERAL.—**Except as provided in this subsection, section 2903(d) shall apply to the consideration by the Commission of the recommendations transmitted by the Secretary in 2005. The Commission's report containing its findings and conclusions, based on a review and analysis of the Secretary's recommendations, shall be transmitted to the President not later than September 8, [2005] 2007.

**(2) AVAILABILITY OF RECOMMENDATIONS TO CONGRESS.—**After September 8, [2005] 2007, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

**(3) LIMITATIONS ON AUTHORITY [TO ADD] TO CONSIDER ADDITIONS** to closure or realignment lists.—The Commission may not consider making a change in the recommendations of the

Secretary that would add a military installation to the Secretary's list of installations recommended for closure or realignment unless, in addition to the requirements of section 2903(d)(2)(C)—

(A) \* \* \*

\* \* \* \* \*

[(5) SITE VISIT.—In the report required under section 2903(d)(2)(A) that is to be transmitted under paragraph (1), the Commission may not recommend the closure of a military installation not recommended for closure by the Secretary under subsection (a) unless at least two members of the Commission visit the installation before the date of the transmittal of the report.]

(5) *REQUIREMENTS TO EXPAND CLOSURE OR REALIGNMENT RECOMMENDATIONS.*—*In the report required under section 2903(d)(2)(A) that is to be transmitted under paragraph (1), the Commission may not make a change in the recommendations of the Secretary that would close a military installation not recommended for closure by the Secretary, would realign a military installation not recommended for closure or realignment by the Secretary, or would expand the extent of the realignment of a military installation recommended for realignment by the Secretary unless—*

(A) *at least two members of the Commission visit the military installation before the date of the transmittal of the report; and*

(B) *the decision of the Commission to make the change to recommend the closure of the military installation, the realignment of the installation, or the expanded realignment of the installation is unanimous.*

(6) *COMPTROLLER GENERAL REPORT.*—The Comptroller General report required by section 2903(d)(5)(B) analyzing the recommendations of the Secretary and the selection process [in 2005] *under this section* shall be transmitted to the congressional defense committees not later than July 1, [2005] 2007.

(e) *REVIEW BY THE PRESIDENT.*—

(1) *IN GENERAL.*—Except as provided in this subsection, section 2903(e) shall apply to the review by the President of the recommendations of the Commission under this section, and the actions, if any, of the Commission in response to such review, [in 2005] *under this section*. The President shall review the recommendations of the Secretary and the recommendations contained in the report of the Commission under subsection (d) and prepare a report, not later than September 23, [2005] 2007, containing the President's approval or disapproval of the Commission's recommendations.

(2) *COMMISSION RECONSIDERATION.*—If the Commission prepares a revised list of recommendations under section 2903(e)(3) in 2005 in response to the review of the President in that year under paragraph (1), the Commission shall transmit the revised list to the President not later than October 20, [2005] 2007.

(3) *EFFECT OF FAILURE TO TRANSMIT.*—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) of section 2903(e) by November

7, [2005] 2007, the process by which military installations may be selected for closure or realignment under this part in [2005] 2007 shall be terminated.

\* \* \* \* \*

**SEC. 2915. ADHERENCE TO CERTAIN AUTHORITIES ON PRESERVATION OF MILITARY DEPOT CAPABILITIES DURING ANY SUBSEQUENT ROUND OF BASE CLOSURES AND REALIGNMENTS.**

(a) *ADHERENCE REQUIRED.*—(1) Any base closure and realignment actions under section 2914 or subsequent round of base closure and realignment, and any actions to carry out the closure or realignment of military installations as a result of such actions, shall reflect a strict adherence to the provisions of title 10, United States Code, for the maintenance of government-owned, government-operated depot-level maintenance, repair, and logistics capabilities within the Department of Defense, including the provisions of chapter 146 of such title and other applicable provisions.

(2) No action to carry out the closure or realignment of military installations in any base closures and realignments under this part after the date of the enactment of this section may include a waiver authorized by paragraph (2) or (3) of section 2464(b) or section 2466(b) of title 10, United States Code.

(b) *BASE CLOSURE AND REALIGNMENT ACTIONS DEFINED.*—In this section, the term “base closure and realignment actions” means the following:

(1) The preparation by the Secretary of Defense of recommendations on installations for closure or realignment under this part or any subsequent base closure law.

(2) The review by the Commission of the recommendations referred to in paragraph (1).

(3) The review by the President of the recommendations referred to in paragraphs (1) and (2).

\* \* \* \* \*

**NATIONAL SECURITY ACT OF 1947**

\* \* \* \* \*

**TITLE VII—PROTECTION OF OPERATIONAL FILES**

\* \* \* \* \*

**OPERATIONAL FILES OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY**

**SEC. 702. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) \* \* \***

\* \* \* \* \*

(6)(A) \* \* \*

(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

(i) \* \* \*

\* \* \* \* \*

(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of

operational files, NGA shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain [responsible records] responsive records currently perform the functions set forth in paragraph (2).

\* \* \* \* \*

OPERATIONAL FILES OF THE NATIONAL RECONNAISSANCE OFFICE

SEC. 703. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) \* \* \*

\* \* \* \* \*

(6)(A) \* \* \*

(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

(i) \* \* \*

\* \* \* \* \*

(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, NRO shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain [responsible records] responsive records currently perform the functions set forth in paragraph (2).

\* \* \* \* \*

OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY

SEC. 704. (a) \* \* \*

\* \* \* \* \*

(f) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) \* \* \*

(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

(A) \* \* \*

\* \* \* \* \*

(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the National Security Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain [responsible records] responsive records currently perform the functions set forth in subsection (b).

\* \* \* \* \*

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ARMS EXPORT CONTROL ACT

\* \* \* \* \*

**Chapter 2.—FOREIGN MILITARY SALES  
AUTHORIZATIONS**

\* \* \* \* \*  
 SEC. 27. AUTHORITY OF PRESIDENT TO ENTER INTO COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.—(a) \* \* \*

\* \* \* \* \*

[(g) In the case of a cooperative project with a North Atlantic Treaty Organization country, section 36(b) of this Act shall not apply to sales made under section 21 or 22 of this Act and to production and exports made pursuant to cooperative projects under this section, and section 36(c) of this Act shall not apply to the issuance of licenses or other approvals under section 38 of this Act, if such sales are made, such production and exports ensue, or such licenses or approvals are issued, as part of a cooperative project.]

*(g) Unless the President states in his certification that an emergency exists which requires the immediate approval of the cooperative agreement in the national security interests of the United States (in which case the President shall set forth in the certification a justification for this determination), an agreement shall not be signed if, within the 30-day period specified in subsection (f), a joint resolution prohibiting the agreement is enacted into law.*

\* \* \* \* \*

*(h) A license shall be required for the export of defense articles or defense services relating to a cooperative project by any person required to be registered under section 38(b)(1)(A)(i) whenever such export is made pursuant to, or in furtherance of, a private contract, purchase order, or similar commercial arrangement with a foreign corporation.*

\* \* \* \* \*

**Chapter 3.—MILITARY EXPORT CONTROLS**

\* \* \* \* \*

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a) \* \* \*  
 (b)(1) \* \* \*

[(2) Except] (2)(A) *Except* as otherwise specifically provided in regulations issued under subsection (a)(1), no defense articles or defense services designated by the President under subsection (a)(1) may be exported or imported without a license for such export or import, issued in accordance with this Act and regulations issued under this Act, except that no license shall be required for exports or imports made by or for an agency of the United States Government [(A) for official] (i) *for official* use by a department or agency of the United States Government, or [(B) for carrying out] (ii) *for carrying out* any foreign assistance or sales program authorized by law and subject to the control of the President by other means.

*(B) The President may not establish an exemption in regulation or otherwise from the license requirements of this section for the export of a defense article that is significant military equipment (other than a firearm that is intended for personal use).*

\* \* \* \* \*

**Chapter 4.—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS**

\* \* \* \* \*  
SEC. 47. DEFINITIONS.—For purposes of this Act, the term—  
(1) \* \* \*

\* \* \* \* \*  
(10) “weapons of mass destruction” has the meaning provided by section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)); [and]

(11) “Sales territory” means a country or group of countries to which a defense article or defense service is authorized to be reexported[.];

(12) “license” means a document bearing the word license issued by the United States Government agency charged with implementing section 38 of this Act, which permits the export or import of a defense article or defense service;

(13) “agent” means a representative or emissary of a government other than an officer or employee of the government; and

(14) “exporting agent” means a freight forwarder or other consignee designated on a license application who is authorized to act on behalf of and the control of the license applicant.

\* \* \* \* \*

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**SECTION 1424 OF THE DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION ACT OF 1996**

**SEC. 1424. INTERNATIONAL BORDER SECURITY.**

(a) \* \* \*

[(b) FUNDING.—Of the total amount authorized to be appropriated by section 301, \$15,000,000 is available for carrying out the programs referred to in subsection (a).]

(b) OTHER COUNTRIES.—*The Secretary of Defense may carry out programs under subsection (a) in a country other than a country specified in that subsection if the Secretary determines that there exists in that country a significant threat of the unauthorized transfer and transportation of nuclear, biological, or chemical weapons or related materials.*

\* \* \* \* \*

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**SECTION 4601 OF THE ATOMIC ENERGY DEFENSE ACT**

**SEC. 4601. AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.**

(a) \* \* \*

\* \* \* \* \*

(c) TERMINATION.—(1) The authority provided under subsection (a)(1) shall terminate on September 30, [2004] 2006.

\* \* \* \* \*

**SECTION 2710 OF THE EMERGENCY WARTIME  
SUPPLEMENTAL APPROPRIATIONS ACT, 2003**

SEC. 2710. None of the funds in this Act or any other Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States: *Provided*, That for purposes of implementing section 41106, an air carrier shall not be considered to be effectively controlled by citizens of the United States if the air carrier receives 50 percent or more of its operating revenue over the most recent 3-year period from a person not a citizen of the United States and such person, directly or indirectly, either owns a voting interest in the air carrier or is owned by an agency or instrumentality of a foreign state: *Provided further*, That this prohibition applies to transportation performed under any contract awarded or re-awarded after the date of enactment of this Act: *Provided further*, That when the Secretary of Defense decides that no air carrier holding a certificate under section 41102 is capable of providing, and willing to provide, such transportation, the Secretary of Defense may make a contract to provide the transportation with an air carrier not having a certificate: *Provided further*, That the Secretary of Transportation is directed to use an Administrative Law Judge in a formal proceeding to resolve docket number OST-2002-13089. *Any determination for purposes of this section of whether (in accordance with the first proviso of this section) an air carrier is effectively controlled by citizens of the United States shall be made by, or shall be based on determinations made by, the Secretary of Transportation.*

