

***In the Senate of the United States,***

*June 24, 2004.*

*Resolved*, That the bill from the House of Representatives (H.R. 4613) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2005, for military func-*
- 4 *tions administered by the Department of Defense, and for*
- 5 *other purposes, namely:*

1

*TITLE I*

2

*MILITARY PERSONNEL*

3

*MILITARY PERSONNEL, ARMY*

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

14

*MILITARY PERSONNEL, NAVY*

15       *For pay, allowances, individual clothing, subsistence,*  
16 *interest on deposits, gratuities, permanent change of station*  
17 *travel (including all expenses thereof for organizational*  
18 *movements), and expenses of temporary duty travel between*  
19 *permanent duty stations, for members of the Navy on active*  
20 *duty (except members of the Reserve provided for elsewhere),*  
21 *midshipmen, and aviation cadets; and for payments pursu-*  
22 *ant to section 156 of Public Law 97–377, as amended (42*  
23 *U.S.C. 402 note), and to the Department of Defense Mili-*  
24 *tary Retirement Fund, \$24,330,171,000.*

1                    *MILITARY PERSONNEL, MARINE CORPS*

2            *For pay, allowances, individual clothing, subsistence,*  
3 *interest on deposits, gratuities, permanent change of station*  
4 *travel (including all expenses thereof for organizational*  
5 *movements), and expenses of temporary duty travel between*  
6 *permanent duty stations, for members of the Marine Corps*  
7 *on active duty (except members of the Reserve provided for*  
8 *elsewhere); and for payments pursuant to section 156 of*  
9 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*  
10 *to the Department of Defense Military Retirement Fund,*  
11 *\$9,567,768,000.*

12                    *MILITARY PERSONNEL, AIR FORCE*

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

23                    *RESERVE PERSONNEL, ARMY*

24            *For pay, allowances, clothing, subsistence, gratuities,*  
25 *travel, and related expenses for personnel of the Army Re-*

1 *serve on active duty under sections 10211, 10302, and 3038*  
2 *of title 10, United States Code, or while serving on active*  
3 *duty under section 12301(d) of title 10, United States Code,*  
4 *in connection with performing duty specified in section*  
5 *12310(a) of title 10, United States Code, or while under-*  
6 *going reserve training, or while performing drills or equiva-*  
7 *lent duty or other duty, and for members of the Reserve*  
8 *Officers' Training Corps, and expenses authorized by sec-*  
9 *tion 16131 of title 10, United States Code; and for pay-*  
10 *ments to the Department of Defense Military Retirement*  
11 *Fund, \$3,675,390,000.*

12 *RESERVE PERSONNEL, NAVY*

13 *For pay, allowances, clothing, subsistence, gratuities,*  
14 *travel, and related expenses for personnel of the Navy Re-*  
15 *serve on active duty under section 10211 of title 10, United*  
16 *States Code, or while serving on active duty under section*  
17 *12301(d) of title 10, United States Code, in connection with*  
18 *performing duty specified in section 12310(a) of title 10,*  
19 *United States Code, or while undergoing reserve training,*  
20 *or while performing drills or equivalent duty, and for mem-*  
21 *bers of the Reserve Officers' Training Corps, and expenses*  
22 *authorized by section 16131 of title 10, United States Code;*  
23 *and for payments to the Department of Defense Military*  
24 *Retirement Fund, \$2,132,432,000.*

1                    *RESERVE PERSONNEL, MARINE CORPS*

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

15                    *RESERVE PERSONNEL, AIR FORCE*

16            *For pay, allowances, clothing, subsistence, gratuities,*  
17 *travel, and related expenses for personnel of the Air Force*  
18 *Reserve on active duty under sections 10211, 10305, and*  
19 *8038 of title 10, United States Code, or while serving on*  
20 *active duty under section 12301(d) of title 10, United States*  
21 *Code, in connection with performing duty specified in sec-*  
22 *tion 12310(a) of title 10, United States Code, or while un-*  
23 *dergoing reserve training, or while performing drills or*  
24 *equivalent duty or other duty, and for members of the Air*  
25 *Reserve Officers' Training Corps, and expenses authorized*

1 *by section 16131 of title 10, United States Code; and for*  
2 *payments to the Department of Defense Military Retire-*  
3 *ment Fund, \$1,458,650,000.*

4 *NATIONAL GUARD PERSONNEL, ARMY*

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

18 *NATIONAL GUARD PERSONNEL, AIR FORCE*

19 *For pay, allowances, clothing, subsistence, gratuities,*  
20 *travel, and related expenses for personnel of the Air Na-*  
21 *tional Guard on duty under section 10211, 10305, or 12402*  
22 *of title 10 or section 708 of title 32, United States Code,*  
23 *or while serving on duty under section 12301(d) of title 10*  
24 *or section 502(f) of title 32, United States Code, in connec-*  
25 *tion with performing duty specified in section 12310(a) of*

1 *title 10, United States Code, or while undergoing training,*  
2 *or while performing drills or equivalent duty or other duty,*  
3 *and expenses authorized by section 16131 of title 10, United*  
4 *States Code; and for payments to the Department of Defense*  
5 *Military Retirement Fund, \$2,543,892,000.*

6

## TITLE II

7

### OPERATION AND MAINTENANCE

8

#### OPERATION AND MAINTENANCE, ARMY

9 *For expenses, not otherwise provided for, necessary for*  
10 *the operation and maintenance of the Army, as authorized*  
11 *by law, \$25,705,109,000, to remain available for obligation*  
12 *until September 30, 2006: Provided, That not more than*  
13 *\$11,000,000 may be used for emergency and extraordinary*  
14 *expenses authorized under section 127 of title 10, United*  
15 *States Code: Provided further, That \$5,096,000,000 may*  
16 *not be obligated before September 30, 2005.*

17

#### OPERATION AND MAINTENANCE, NAVY

18 *For expenses, not otherwise provided for, necessary for*  
19 *the operation and maintenance of the Navy and Marine*  
20 *Corps, as authorized by law, \$29,591,679,000, to remain*  
21 *available for obligation until September 30, 2006: Provided,*  
22 *That not more than \$4,000,000 may be used for emergency*  
23 *and extraordinary expenses authorized under section 127*  
24 *of title 10, United States Code: Provided further, That*

1 \$5,918,336,000 may not be obligated before September 30,  
2 2005.

3 *OPERATION AND MAINTENANCE, MARINE CORPS*

4 *For expenses, not otherwise provided for, necessary for*  
5 *the operation and maintenance of the Marine Corps, as au-*  
6 *thorized by law, \$3,617,473,000: Provided, That not more*  
7 *than \$1,000,000 may be used for emergency and extraor-*  
8 *dinary expenses authorized under section 127 of title 10,*  
9 *United States Code.*

10 *OPERATION AND MAINTENANCE, AIR FORCE*

11 *For expenses, not otherwise provided for, necessary for*  
12 *the operation and maintenance of the Air Force, as author-*  
13 *ized by law, \$28,282,160,000, to remain available for obli-*  
14 *gation until September 30, 2006: Provided, That not more*  
15 *than \$7,000,000 may be used for emergency and extraor-*  
16 *dinary expenses authorized under section 127 of title 10,*  
17 *United States Code: Provided further, That \$5,474,432,000*  
18 *may not be obligated before September 30, 2005.*

19 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For expenses, not otherwise provided for, necessary for*  
22 *the operation and maintenance of activities and agencies*  
23 *of the Department of Defense (other than the military de-*  
24 *partments), as authorized by law, \$17,552,314,000, to re-*  
25 *main available for obligation until September 30, 2006:*

1 *Provided, That not more than \$25,000,000 may be used for*  
2 *the Combatant Commander Initiative Fund authorized*  
3 *under section 166a of title 10, United States Code: Provided*  
4 *further, That not more than \$32,000,000 may be used for*  
5 *emergency and extraordinary expenses authorized under*  
6 *section 127 of title 10, United States Code: Provided fur-*  
7 *ther, That none of the funds appropriated or otherwise*  
8 *made available by this Act may be used to plan or imple-*  
9 *ment the consolidation of a budget or appropriations liai-*  
10 *son office of the Office of the Secretary of Defense, the office*  
11 *of the Secretary of a military department, or the service*  
12 *headquarters of one of the Armed Forces into a legislative*  
13 *affairs or legislative liaison office: Provided further, That*  
14 *of the funds provided under this heading not less than*  
15 *\$28,000,000 shall be made available for the Procurement*  
16 *Technical Assistance Cooperative Agreement Program, of*  
17 *which not less than \$3,600,000 shall be available for centers*  
18 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*  
19 *\$4,000,000, to remain available until expended, is available*  
20 *only for expenses relating to certain classified activities,*  
21 *and may be transferred as necessary by the Secretary to*  
22 *operation and maintenance appropriations or research, de-*  
23 *velopment, test and evaluation appropriations, to be merged*  
24 *with and to be available for the same time period as the*  
25 *appropriations to which transferred: Provided further, That*

1 *any ceiling on the investment item unit cost of items that*  
2 *may be purchased with operation and maintenance funds*  
3 *shall not apply to the funds described in the preceding pro-*  
4 *viso: Provided further, That the transfer authority provided*  
5 *under this heading is in addition to any other transfer au-*  
6 *thority provided elsewhere in this Act: Provided further,*  
7 *That \$3,510,463,000 may not be obligated before September*  
8 *30, 2004.*

9 *OPERATION AND MAINTENANCE, ARMY RESERVE*

10 *For expenses, not otherwise provided for, necessary for*  
11 *the operation and maintenance, including training, organi-*  
12 *zation, and administration, of the Army Reserve; repair of*  
13 *facilities and equipment; hire of passenger motor vehicles;*  
14 *travel and transportation; care of the dead; recruiting; pro-*  
15 *curement of services, supplies, and equipment; and commu-*  
16 *nications, \$1,979,038,000.*

17 *OPERATION AND MAINTENANCE, NAVY RESERVE*

18 *For expenses, not otherwise provided for, necessary for*  
19 *the operation and maintenance, including training, organi-*  
20 *zation, and administration, of the Navy Reserve; repair of*  
21 *facilities and equipment; hire of passenger motor vehicles;*  
22 *travel and transportation; care of the dead; recruiting; pro-*  
23 *curement of services, supplies, and equipment; and commu-*  
24 *nications, \$1,244,838,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

2 *For expenses, not otherwise provided for, necessary for*  
3 *the operation and maintenance, including training, organi-*  
4 *zation, and administration, of the Marine Corps Reserve;*  
5 *repair of facilities and equipment; hire of passenger motor*  
6 *vehicles; travel and transportation; care of the dead; recruit-*  
7 *ing; procurement of services, supplies, and equipment; and*  
8 *communications, \$188,696,000.*

9 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

10 *For expenses, not otherwise provided for, necessary for*  
11 *the operation and maintenance, including training, organi-*  
12 *zation, and administration, of the Air Force Reserve; repair*  
13 *of facilities and equipment; hire of passenger motor vehicles;*  
14 *travel and transportation; care of the dead; recruiting; pro-*  
15 *curement of services, supplies, and equipment; and commu-*  
16 *nications, \$2,200,790,000.*

17 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

18 *For expenses of training, organizing, and admin-*  
19 *istering the Army National Guard, including medical and*  
20 *hospital treatment and related expenses in non-Federal hos-*  
21 *pitals; maintenance, operation, and repairs to structures*  
22 *and facilities; hire of passenger motor vehicles; personnel*  
23 *services in the National Guard Bureau; travel expenses*  
24 *(other than mileage), as authorized by law for Army per-*  
25 *sonnel on active duty, for Army National Guard division,*

1 *regimental, and battalion commanders while inspecting*  
2 *units in compliance with National Guard Bureau regula-*  
3 *tions when specifically authorized by the Chief, National*  
4 *Guard Bureau; supplying and equipping the Army Na-*  
5 *tional Guard as authorized by law; and expenses of repair,*  
6 *modification, maintenance, and issue of supplies and*  
7 *equipment (including aircraft), \$4,372,436,000.*

8 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

9 *For operation and maintenance of the Air National*  
10 *Guard, including medical and hospital treatment and re-*  
11 *lated expenses in non-Federal hospitals; maintenance, oper-*  
12 *ation, repair, and other necessary expenses of facilities for*  
13 *the training and administration of the Air National Guard,*  
14 *including repair of facilities, maintenance, operation, and*  
15 *modification of aircraft; transportation of things, hire of*  
16 *passenger motor vehicles; supplies, materials, and equip-*  
17 *ment, as authorized by law for the Air National Guard;*  
18 *and expenses incident to the maintenance and use of sup-*  
19 *plies, materials, and equipment, including such as may be*  
20 *furnished from stocks under the control of agencies of the*  
21 *Department of Defense; travel expenses (other than mileage)*  
22 *on the same basis as authorized by law for Air National*  
23 *Guard personnel on active Federal duty, for Air National*  
24 *Guard commanders while inspecting units in compliance*  
25 *with National Guard Bureau regulations when specifically*

1 *authorized by the Chief, National Guard Bureau,*  
2 *\$4,454,238,000.*

3 *OVERSEAS CONTINGENCY OPERATIONS TRANSFER*

4 *ACCOUNT*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For expenses directly relating to Overseas Contingency*  
7 *Operations by United States military forces, \$30,000,000,*  
8 *to remain available until expended: Provided, That the Sec-*  
9 *retary of Defense may transfer these funds only to military*  
10 *personnel accounts; operation and maintenance accounts*  
11 *within this title; the Defense Health Program appropria-*  
12 *tion; procurement accounts; research, development, test and*  
13 *evaluation accounts; and to working capital funds: Pro-*  
14 *vided further, That the funds transferred shall be merged*  
15 *with and shall be available for the same purposes and for*  
16 *the same time period, as the appropriation to which trans-*  
17 *ferred: Provided further, That upon a determination that*  
18 *all or part of the funds transferred from this appropriation*  
19 *are not necessary for the purposes provided herein, such*  
20 *amounts may be transferred back to this appropriation:*  
21 *Provided further, That the transfer authority provided in*  
22 *this paragraph is in addition to any other transfer author-*  
23 *ity contained elsewhere in this Act.*

1     *UNITED STATES COURT OF APPEALS FOR THE ARMED*  
2                                     *FORCES*

3         *For salaries and expenses necessary for the United*  
4 *States Court of Appeals for the Armed Forces, \$10,825,000:*  
5 *Provided, That not more than \$5,000 may be used for emer-*  
6 *gency and extraordinary expenses authorized under section*  
7 *127 of title 10, United States Code.*

8                             *ENVIRONMENTAL RESTORATION, ARMY*  
9                             *(INCLUDING TRANSFER OF FUNDS)*

10         *For the Department of the Army, \$566,948,000, to re-*  
11 *main available until transferred: Provided, That the Sec-*  
12 *retary of the Army shall, upon determining that such funds*  
13 *are required for environmental restoration, reduction and*  
14 *recycling of hazardous waste, removal of unsafe buildings*  
15 *and debris of the Department of the Army, or for similar*  
16 *purposes, transfer the funds made available by this appro-*  
17 *priation to other appropriations made available to the De-*  
18 *partment of the Army, to be merged with and to be available*  
19 *for the same purposes and for the same time period as the*  
20 *appropriations to which transferred: Provided further, That*  
21 *upon a determination that all or part of the funds trans-*  
22 *ferred from this appropriation are not necessary for the*  
23 *purposes provided herein, such amounts may be transferred*  
24 *back to this appropriation.*

1                    *ENVIRONMENTAL RESTORATION, NAVY*2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For the Department of the Navy, \$447,820,000, to re-*  
4 *main available until transferred: Provided, That the Sec-*  
5 *retary of the Navy shall, upon determining that such funds*  
6 *are required for environmental restoration, reduction and*  
7 *recycling of hazardous waste, removal of unsafe buildings*  
8 *and debris of the Department of the Navy, or for similar*  
9 *purposes, transfer the funds made available by this appro-*  
10 *priation to other appropriations made available to the De-*  
11 *partment of the Navy, to be merged with and to be available*  
12 *for the same purposes and for the same time period as the*  
13 *appropriations to which transferred: Provided further, That*  
14 *upon a determination that all or part of the funds trans-*  
15 *ferred from this appropriation are not necessary for the*  
16 *purposes provided herein, such amounts may be transferred*  
17 *back to this appropriation.*

18                    *ENVIRONMENTAL RESTORATION, AIR FORCE*19                    *(INCLUDING TRANSFER OF FUNDS)*

20            *For the Department of the Air Force, \$397,368,000,*  
21 *to remain available until transferred: Provided, That the*  
22 *Secretary of the Air Force shall, upon determining that*  
23 *such funds are required for environmental restoration, re-*  
24 *duction and recycling of hazardous waste, removal of unsafe*  
25 *buildings and debris of the Department of the Air Force,*

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

10 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of Defense, \$23,684,000, to remain*  
13 *available until transferred: Provided, That the Secretary of*  
14 *Defense shall, upon determining that such funds are re-*  
15 *quired for environmental restoration, reduction and recy-*  
16 *cling of hazardous waste, removal of unsafe buildings and*  
17 *debris of the Department of Defense, or for similar purposes,*  
18 *transfer the funds made available by this appropriation to*  
19 *other appropriations made available to the Department of*  
20 *Defense, to be merged with and to be available for the same*  
21 *purposes and for the same time period as the appropria-*  
22 *tions to which transferred: Provided further, That upon a*  
23 *determination that all or part of the funds transferred from*  
24 *this appropriation are not necessary for the purposes pro-*

1 *vided herein, such amounts may be transferred back to this*  
2 *appropriation.*

3 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

4 *DEFENSE SITES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Department of the Army, \$276,516,000, to re-*  
7 *main available until transferred: Provided, That the Sec-*  
8 *retary of the Army shall, upon determining that such funds*  
9 *are required for environmental restoration, reduction and*  
10 *recycling of hazardous waste, removal of unsafe buildings*  
11 *and debris at sites formerly used by the Department of De-*  
12 *fense, transfer the funds made available by this appropri-*  
13 *ation to other appropriations made available to the Depart-*  
14 *ment of the Army, to be merged with and to be available*  
15 *for the same purposes and for the same time period as the*  
16 *appropriations to which transferred: Provided further, That*  
17 *upon a determination that all or part of the funds trans-*  
18 *ferred from this appropriation are not necessary for the*  
19 *purposes provided herein, such amounts may be transferred*  
20 *back to this appropriation.*

21 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

22 *For expenses relating to the Overseas Humanitarian,*  
23 *Disaster, and Civic Aid programs of the Department of De-*  
24 *fense (consisting of the programs provided under sections*  
25 *401, 402, 404, 2557, and 2561 of title 10, United States*

1 Code), \$59,000,000, to remain available until September  
2 30, 2006.

3 *FORMER SOVIET UNION THREAT REDUCTION*

4 *For assistance to the republics of the former Soviet*  
5 *Union, including assistance provided by contract or by*  
6 *grants, for facilitating the elimination and the safe and se-*  
7 *curity transportation and storage of nuclear, chemical and*  
8 *other weapons; for establishing programs to prevent the pro-*  
9 *liferation of weapons, weapons components, and weapon-*  
10 *related technology and expertise; for programs relating to*  
11 *the training and support of defense and military personnel*  
12 *for demilitarization and protection of weapons, weapons*  
13 *components and weapons technology and expertise, and for*  
14 *defense and military contacts, \$409,200,000, to remain*  
15 *available until September 30, 2007: Provided, That of the*  
16 *amounts provided under this heading, \$15,000,000 shall be*  
17 *available only to support the dismantling and disposal of*  
18 *nuclear submarines, submarine reactor components, and se-*  
19 *curity enhancements for transport and storage of nuclear*  
20 *warheads in the Russian Far East.*

21 *TITLE III*

22 *PROCUREMENT*

23 *AIRCRAFT PROCUREMENT, ARMY*

24 *For construction, procurement, production, modifica-*  
25 *tion, and modernization of aircraft, equipment, including*

1 *ordnance, ground handling equipment, spare parts, and ac-*  
2 *cessories therefor; specialized equipment and training de-*  
3 *vices; expansion of public and private plants, including the*  
4 *land necessary therefor, for the foregoing purposes, and such*  
5 *lands and interests therein, may be acquired, and construc-*  
6 *tion prosecuted thereon prior to approval of title; and pro-*  
7 *curement and installation of equipment, appliances, and*  
8 *machine tools in public and private plants; reserve plant*  
9 *and Government and contractor-owned equipment layaway;*  
10 *and other expenses necessary for the foregoing purposes,*  
11 *\$2,653,241,000, to remain available for obligation until*  
12 *September 30, 2007.*

13 *MISSILE PROCUREMENT, ARMY*

14 *For construction, procurement, production, modifica-*  
15 *tion, and modernization of missiles, equipment, including*  
16 *ordnance, ground handling equipment, spare parts, and ac-*  
17 *cessories therefor; specialized equipment and training de-*  
18 *vices; expansion of public and private plants, including the*  
19 *land necessary therefor, for the foregoing purposes, and such*  
20 *lands and interests therein, may be acquired, and construc-*  
21 *tion prosecuted thereon prior to approval of title; and pro-*  
22 *curement and installation of equipment, appliances, and*  
23 *machine tools in public and private plants; reserve plant*  
24 *and Government and contractor-owned equipment layaway;*  
25 *and other expenses necessary for the foregoing purposes,*



1 *lands and interests therein, may be acquired, and construc-*  
2 *tion prosecuted thereon prior to approval of title; and pro-*  
3 *curement and installation of equipment, appliances, and*  
4 *machine tools in public and private plants; reserve plant*  
5 *and Government and contractor-owned equipment layaway;*  
6 *and other expenses necessary for the foregoing purposes,*  
7 *\$1,606,502,000, to remain available for obligation until*  
8 *September 30, 2007.*

9 *OTHER PROCUREMENT, ARMY*

10 *For construction, procurement, production, and modi-*  
11 *fication of vehicles, including tactical, support, and non-*  
12 *tracked combat vehicles; the purchase of passenger motor ve-*  
13 *hicles for replacement only; and the purchase of 1 vehicle*  
14 *required for physical security of personnel, notwithstanding*  
15 *price limitations applicable to passenger vehicles but not*  
16 *to exceed \$200,000 per vehicle; communications and elec-*  
17 *tronic equipment; other support equipment; spare parts,*  
18 *ordnance, and accessories therefor; specialized equipment*  
19 *and training devices; expansion of public and private*  
20 *plants, including the land necessary therefor, for the fore-*  
21 *going purposes, and such lands and interests therein, may*  
22 *be acquired, and construction prosecuted thereon prior to*  
23 *approval of title; and procurement and installation of*  
24 *equipment, appliances, and machine tools in public and*  
25 *private plants; reserve plant and Government and con-*

1 tractor-owned equipment layaway; and other expenses nec-  
2 essary for the foregoing purposes, \$4,685,846,000, to remain  
3 available for obligation until September 30, 2007.

4 *AIRCRAFT PROCUREMENT, NAVY*

5 *For construction, procurement, production, modifica-*  
6 *tion, and modernization of aircraft, equipment, including*  
7 *ordnance, spare parts, and accessories therefor; specialized*  
8 *equipment; expansion of public and private plants, includ-*  
9 *ing the land necessary therefor, and such lands and inter-*  
10 *ests therein, may be acquired, and construction prosecuted*  
11 *thereon prior to approval of title; and procurement and in-*  
12 *stallation of equipment, appliances, and machine tools in*  
13 *public and private plants; reserve plant and Government*  
14 *and contractor-owned equipment layaway, \$8,899,367,000,*  
15 *to remain available for obligation until September 30,*  
16 *2007.*

17 *WEAPONS PROCUREMENT, NAVY*

18 *For construction, procurement, production, modifica-*  
19 *tion, and modernization of missiles, torpedoes, other weap-*  
20 *ons, and related support equipment including spare parts,*  
21 *and accessories therefor; expansion of public and private*  
22 *plants, including the land necessary therefor, and such*  
23 *lands and interests therein, may be acquired, and construc-*  
24 *tion prosecuted thereon prior to approval of title; and pro-*  
25 *curement and installation of equipment, appliances, and*

1 *machine tools in public and private plants; reserve plant*  
2 *and Government and contractor-owned equipment layaway,*  
3 *\$2,222,620,000, to remain available for obligation until*  
4 *September 30, 2007.*

5 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*  
6 *CORPS*

7 *For construction, procurement, production, and modi-*  
8 *fication of ammunition, and accessories therefor; specialized*  
9 *equipment and training devices; expansion of public and*  
10 *private plants, including ammunition facilities authorized*  
11 *by section 2854 of title 10, United States Code, and the*  
12 *land necessary therefor, for the foregoing purposes, and such*  
13 *lands and interests therein, may be acquired, and construc-*  
14 *tion prosecuted thereon prior to approval of title; and pro-*  
15 *curement and installation of equipment, appliances, and*  
16 *machine tools in public and private plants; reserve plant*  
17 *and Government and contractor-owned equipment layaway;*  
18 *and other expenses necessary for the foregoing purposes,*  
19 *\$881,140,000, to remain available for obligation until Sep-*  
20 *tember 30, 2007.*

21 *SHIPBUILDING AND CONVERSION, NAVY*

22 *For expenses necessary for the construction, acquisi-*  
23 *tion, or conversion of vessels as authorized by law, includ-*  
24 *ing armor and armament thereof, plant equipment, appli-*  
25 *ances, and machine tools and installation thereof in public*

1 *and private plants; reserve plant and Government and con-*  
 2 *tractor-owned equipment layaway; procurement of critical,*  
 3 *long leadtime components and designs for vessels to be con-*  
 4 *structed or converted in the future; and expansion of public*  
 5 *and private plants, including land necessary therefor, and*  
 6 *such lands and interests therein, may be acquired, and con-*  
 7 *struction prosecuted thereon prior to approval of title, as*  
 8 *follows:*

9           *Carrier Replacement Program (AP),*  
 10        \$485,184,000;  
 11           *NSSN, \$1,581,143,000;*  
 12           *NSSN (AP), \$871,864,000;*  
 13           *SSGN, \$469,226,000;*  
 14           *SSGN (AP), \$48,000,000;*  
 15           *CVN Refuelings (AP), \$223,061,000;*  
 16           *SSN Submarine Refuelings (AP), \$19,368,000;*  
 17           *SSBN Submarine Refuelings, \$262,229,000;*  
 18           *SSBN Submarine Refuelings (AP), \$72,171,000;*  
 19           *DDG-51 Destroyer, \$3,444,950,000;*  
 20           *DD(X) (AP), \$320,516,000;*  
 21           *LPD-17, \$966,559,000;*  
 22           *LHD-8, \$236,018,000;*  
 23           *LHA-R (AP), \$175,000,000;*  
 24           *LCU (X), \$25,048,000;*  
 25           *LCAC Landing Craft Air Cushion, \$90,490,000;*

1           *Prior year shipbuilding costs, \$484,390,000;*  
2           *Service Craft, \$32,099,000; and*  
3           *For outfitting, post delivery, conversions, and*  
4           *first destination transportation, \$349,327,000.*

5           *In all: \$10,171,643,000, to remain available for obliga-*  
6           *tion until September 30, 2009: Provided, That additional*  
7           *obligations may be incurred after September 30, 2009, for*  
8           *engineering services, tests, evaluations, and other such budg-*  
9           *eted work that must be performed in the final stage of ship*  
10           *construction: Provided further, That none of the funds pro-*  
11           *vided under this heading for the construction or conversion*  
12           *of any naval vessel to be constructed in shipyards in the*  
13           *United States shall be expended in foreign facilities for the*  
14           *construction of major components of such vessel: Provided*  
15           *further, That none of the funds provided under this heading*  
16           *shall be used for the construction of any naval vessel in*  
17           *foreign shipyards.*

18                                    *OTHER PROCUREMENT, NAVY*

19           *For procurement, production, and modernization of*  
20           *support equipment and materials not otherwise provided*  
21           *for, Navy ordnance (except ordnance for new aircraft, new*  
22           *ships, and ships authorized for conversion); the purchase*  
23           *of passenger motor vehicles for replacement only, and the*  
24           *purchase of 9 vehicles required for physical security of per-*  
25           *sonnel, notwithstanding price limitations applicable to pas-*

1 *senger vehicles but not to exceed \$200,000 per vehicle; ex-*  
2 *pansion of public and private plants, including the land*  
3 *necessary therefor, and such lands and interests therein,*  
4 *may be acquired, and construction prosecuted thereon prior*  
5 *to approval of title; and procurement and installation of*  
6 *equipment, appliances, and machine tools in public and*  
7 *private plants; reserve plant and Government and con-*  
8 *tractor-owned equipment layaway, \$4,797,025,000, to re-*  
9 *main available for obligation until September 30, 2007.*

10 *PROCUREMENT, MARINE CORPS*

11 *For expenses necessary for the procurement, manufac-*  
12 *ture, and modification of missiles, armament, military*  
13 *equipment, spare parts, and accessories therefor; plant*  
14 *equipment, appliances, and machine tools, and installation*  
15 *thereof in public and private plants; reserve plant and Gov-*  
16 *ernment and contractor-owned equipment layaway; vehicles*  
17 *for the Marine Corps, including the purchase of passenger*  
18 *motor vehicles for replacement only; and expansion of pub-*  
19 *lic and private plants, including land necessary therefor,*  
20 *and such lands and interests therein, may be acquired, and*  
21 *construction prosecuted thereon prior to approval of title,*  
22 *\$1,266,803,000, to remain available for obligation until*  
23 *September 30, 2007.*

1                    *AIRCRAFT PROCUREMENT, AIR FORCE*

2            *For construction, procurement, and modification of*  
3 *aircraft and equipment, including armor and armament,*  
4 *specialized ground handling equipment, and training de-*  
5 *vices, spare parts, and accessories therefor; specialized*  
6 *equipment; expansion of public and private plants, Govern-*  
7 *ment-owned equipment and installation thereof in such*  
8 *plants, erection of structures, and acquisition of land, for*  
9 *the foregoing purposes, and such lands and interests therein,*  
10 *may be acquired, and construction prosecuted thereon prior*  
11 *to approval of title; reserve plant and Government and con-*  
12 *tractor-owned equipment layaway; and other expenses nec-*  
13 *essary for the foregoing purposes including rents and trans-*  
14 *portation of things, \$13,547,524,000, to remain available*  
15 *for obligation until September 30, 2007.*

16                    *MISSILE PROCUREMENT, AIR FORCE*

17            *For construction, procurement, and modification of*  
18 *missiles, spacecraft, rockets, and related equipment, includ-*  
19 *ing spare parts and accessories therefor, ground handling*  
20 *equipment, and training devices; expansion of public and*  
21 *private plants, Government-owned equipment and installa-*  
22 *tion thereof in such plants, erection of structures, and ac-*  
23 *quisition of land, for the foregoing purposes, and such lands*  
24 *and interests therein, may be acquired, and construction*  
25 *prosecuted thereon prior to approval of title; reserve plant*

1 *and Government and contractor-owned equipment layaway;*  
2 *and other expenses necessary for the foregoing purposes in-*  
3 *cluding rents and transportation of things, \$4,609,213,000,*  
4 *to remain available for obligation until September 30,*  
5 *2007.*

6 *PROCUREMENT OF AMMUNITION, AIR FORCE*

7 *For construction, procurement, production, and modi-*  
8 *fication of ammunition, and accessories therefor; specialized*  
9 *equipment and training devices; expansion of public and*  
10 *private plants, including ammunition facilities authorized*  
11 *by section 2854 of title 10, United States Code, and the*  
12 *land necessary therefor, for the foregoing purposes, and such*  
13 *lands and interests therein, may be acquired, and construc-*  
14 *tion prosecuted thereon prior to approval of title; and pro-*  
15 *curement and installation of equipment, appliances, and*  
16 *machine tools in public and private plants; reserve plant*  
17 *and Government and contractor-owned equipment layaway;*  
18 *and other expenses necessary for the foregoing purposes,*  
19 *\$1,353,859,000, to remain available for obligation until*  
20 *September 30, 2007.*

21 *OTHER PROCUREMENT, AIR FORCE*

22 *For procurement and modification of equipment (in-*  
23 *cluding ground guidance and electronic control equipment,*  
24 *and ground electronic and communication equipment), and*  
25 *supplies, materials, and spare parts therefor, not otherwise*

1 *provided for; the purchase of passenger motor vehicles for*  
2 *replacement only, and the purchase of 1 vehicle required*  
3 *for physical security of personnel, notwithstanding price*  
4 *limitations applicable to passenger vehicles but not to ex-*  
5 *ceed \$200,000 per vehicle; lease of passenger motor vehicles;*  
6 *and expansion of public and private plants, Government-*  
7 *owned equipment and installation thereof in such plants,*  
8 *erection of structures, and acquisition of land, for the fore-*  
9 *going purposes, and such lands and interests therein, may*  
10 *be acquired, and construction prosecuted thereon, prior to*  
11 *approval of title; reserve plant and Government and con-*  
12 *tractor-owned equipment layaway, \$13,284,897,000, to re-*  
13 *main available for obligation until September 30, 2007.*

14 *PROCUREMENT, DEFENSE-WIDE*

15 *For expenses of activities and agencies of the Depart-*  
16 *ment of Defense (other than the military departments) nec-*  
17 *essary for procurement, production, and modification of*  
18 *equipment, supplies, materials, and spare parts therefor,*  
19 *not otherwise provided for; the purchase of passenger motor*  
20 *vehicles for replacement only; expansion of public and pri-*  
21 *vate plants, equipment, and installation thereof in such*  
22 *plants, erection of structures, and acquisition of land for*  
23 *the foregoing purposes, and such lands and interests therein,*  
24 *may be acquired, and construction prosecuted thereon prior*  
25 *to approval of title; reserve plant and Government and con-*

1 *tractor-owned equipment layaway, \$2,867,303,000, to re-*  
2 *main available for obligation until September 30, 2007.*

3 *NATIONAL GUARD AND RESERVE EQUIPMENT*

4 *For procurement of aircraft, missiles, tracked combat*  
5 *vehicles, ammunition, other weapons, and other procure-*  
6 *ment for the reserve components of the Armed Forces,*  
7 *\$500,000,000, to remain available for obligation until Sep-*  
8 *tember 30, 2007: Provided, That the Chiefs of the Reserve*  
9 *and National Guard components shall, not later than 30*  
10 *days after the enactment of this Act, individually submit*  
11 *to the congressional defense committees the modernization*  
12 *priority assessment for their respective Reserve or National*  
13 *Guard component.*

14 *DEFENSE PRODUCTION ACT PURCHASES*

15 *For activities by the Department of Defense pursuant*  
16 *to sections 108, 301, 302, and 303 of the Defense Production*  
17 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*  
18 *\$42,515,000, to remain available until expended.*

19 *TITLE IV*

20 *RESEARCH, DEVELOPMENT, TEST AND*

21 *EVALUATION*

22 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

23 *For expenses necessary for basic and applied scientific*  
24 *research, development, test and evaluation, including main-*  
25 *tenance, rehabilitation, lease, and operation of facilities*

1 *and equipment, \$10,308,804,000, to remain available for*  
2 *obligation until September 30, 2006.*

3 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

4 *For expenses necessary for basic and applied scientific*  
5 *research, development, test and evaluation, including main-*  
6 *tenance, rehabilitation, lease, and operation of facilities*  
7 *and equipment, \$16,748,035,000, to remain available for*  
8 *obligation until September 30, 2006: Provided, That funds*  
9 *appropriated in this paragraph which are available for the*  
10 *V-22 may be used to meet unique operational requirements*  
11 *of the Special Operations Forces: Provided further, That*  
12 *funds appropriated in this paragraph shall be available for*  
13 *the Cobra Judy program.*

14 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*

15 *FORCE*

16 *For expenses necessary for basic and applied scientific*  
17 *research, development, test and evaluation, including main-*  
18 *tenance, rehabilitation, lease, and operation of facilities*  
19 *and equipment, \$21,002,308,000, to remain available for*  
20 *obligation until September 30, 2006.*

21 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*

22 *DEFENSE-WIDE*

23 *For expenses of activities and agencies of the Depart-*  
24 *ment of Defense (other than the military departments), nec-*  
25 *essary for basic and applied scientific research, develop-*



1 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*  
2 *necessary expenses to maintain and preserve a U.S.-flag*  
3 *merchant fleet to serve the national security needs of the*  
4 *United States, \$441,936,000, to remain available until ex-*  
5 *pended: Provided, That none of the funds provided in this*  
6 *paragraph shall be used to award a new contract that pro-*  
7 *vides for the acquisition of any of the following major com-*  
8 *ponents unless such components are manufactured in the*  
9 *United States: auxiliary equipment, including pumps, for*  
10 *all shipboard services; propulsion system components (that*  
11 *is; engines, reduction gears, and propellers); shipboard*  
12 *cranes; and spreaders for shipboard cranes: Provided fur-*  
13 *ther, That the exercise of an option in a contract awarded*  
14 *through the obligation of previously appropriated funds*  
15 *shall not be considered to be the award of a new contract:*  
16 *Provided further, That the Secretary of the military depart-*  
17 *ment responsible for such procurement may waive the re-*  
18 *strictions in the first proviso on a case-by-case basis by cer-*  
19 *tifying in writing to the Committees on Appropriations of*  
20 *the House of Representatives and the Senate that adequate*  
21 *domestic supplies are not available to meet Department of*  
22 *Defense requirements on a timely basis and that such an*  
23 *acquisition must be made in order to acquire capability for*  
24 *national security purposes.*



1 *until September 30, 2007; \$206,209,000 shall be for Re-*  
2 *search, development, test and evaluation to remain avail-*  
3 *able until September 30, 2006; and no less than*  
4 *\$137,404,000 may be for the Chemical Stockpile Emergency*  
5 *Preparedness Program, of which \$44,631,000 shall be for*  
6 *activities on military installations and \$92,773,000 shall*  
7 *be to assist State and local governments.*

8 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*  
9 *DEFENSE*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For drug interdiction and counter-drug activities of*  
12 *the Department of Defense, for transfer to appropriations*  
13 *available to the Department of Defense for military per-*  
14 *sonnel of the reserve components serving under the provi-*  
15 *sions of title 10 and title 32, United States Code; for Oper-*  
16 *ation and maintenance; for Procurement; and for Research,*  
17 *development, test and evaluation, \$908,797,000: Provided,*  
18 *That the funds appropriated under this heading shall be*  
19 *available for obligation for the same time period and for*  
20 *the same purpose as the appropriation to which transferred:*  
21 *Provided further, That upon a determination that all or*  
22 *part of the funds transferred from this appropriation are*  
23 *not necessary for the purposes provided herein, such*  
24 *amounts may be transferred back to this appropriation:*  
25 *Provided further, That the transfer authority provided*

1 *under this heading is in addition to any other transfer au-*  
2 *thority contained elsewhere in this Act.*

3 *OFFICE OF THE INSPECTOR GENERAL*

4 *For expenses and activities of the Office of the Inspec-*  
5 *tor General in carrying out the provisions of the Inspector*  
6 *General Act of 1978, as amended, \$244,562,000, of which*  
7 *\$242,362,000 shall be for Operation and maintenance, of*  
8 *which not more than \$700,000 may be used for emergency*  
9 *and extraordinary expenses authorized under section 127*  
10 *of title 10, United States Code; and of which \$2,100,000,*  
11 *to remain available until September 30, 2007, shall be for*  
12 *Procurement; and of which \$100,000, to remain available*  
13 *until September 30, 2006, shall be for Research, develop-*  
14 *ment, test and evaluation.*

15 *TITLE VII*

16 *RELATED AGENCIES*

17 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

18 *DISABILITY SYSTEM FUND*

19 *For payment to the Central Intelligence Agency Retire-*  
20 *ment and Disability System Fund, to maintain the proper*  
21 *funding level for continuing the operation of the Central*  
22 *Intelligence Agency Retirement and Disability System,*  
23 *\$239,400,000.*





1 *the Foreign Service Act of 1980: Provided further, That the*  
2 *limitations of this provision shall not apply to foreign na-*  
3 *tional employees of the Department of Defense in the Re-*  
4 *public of Turkey.*

5 *SEC. 8003. No part of any appropriation contained*  
6 *in this Act shall remain available for obligation beyond the*  
7 *current fiscal year, unless expressly so provided herein.*

8 *SEC. 8004. No more than 20 percent of the appropria-*  
9 *tions in this Act which are limited for obligation during*  
10 *the current fiscal year shall be obligated during the last 2*  
11 *months of the fiscal year: Provided, That this section shall*  
12 *not apply to obligations for support of active duty training*  
13 *of reserve components or summer camp training of the Re-*  
14 *serve Officers' Training Corps.*

15 *(TRANSFER OF FUNDS)*

16 *SEC. 8005. Upon determination by the Secretary of*  
17 *Defense that such action is necessary in the national inter-*  
18 *est, he may, with the approval of the Office of Management*  
19 *and Budget, transfer not to exceed \$4,000,000,000 of work-*  
20 *ing capital funds of the Department of Defense or funds*  
21 *made available in this Act to the Department of Defense*  
22 *for military functions (except military construction) be-*  
23 *tween such appropriations or funds or any subdivision*  
24 *thereof, to be merged with and to be available for the same*  
25 *purposes, and for the same time period, as the appropria-*  
26 *tion or fund to which transferred: Provided, That such au-*

1 *thority to transfer may not be used unless for higher pri-*  
2 *ority items, based on unforeseen military requirements,*  
3 *than those for which originally appropriated and in no case*  
4 *where the item for which funds are requested has been de-*  
5 *nied by the Congress: Provided further, That the Secretary*  
6 *of Defense shall notify the Congress promptly of all transfers*  
7 *made pursuant to this authority or any other authority in*  
8 *this Act: Provided further, That no part of the funds in*  
9 *this Act shall be available to prepare or present a request*  
10 *to the Committees on Appropriations for reprogramming*  
11 *of funds, unless for higher priority items, based on unfore-*  
12 *seen military requirements, than those for which originally*  
13 *appropriated and in no case where the item for which re-*  
14 *programming is requested has been denied by the Congress:*  
15 *Provided further, That a request for multiple*  
16 *reprogrammings of funds using authority provided in this*  
17 *section must be made prior to June 30, 2005.*

18 *(TRANSFER OF FUNDS)*

19 *SEC. 8006. During the current fiscal year, cash bal-*  
20 *ances in working capital funds of the Department of De-*  
21 *fense established pursuant to section 2208 of title 10, United*  
22 *States Code, may be maintained in only such amounts as*  
23 *are necessary at any time for cash disbursements to be made*  
24 *from such funds: Provided, That transfers may be made be-*  
25 *tween such funds: Provided further, That transfers may be*  
26 *made between working capital funds and the “Foreign Cur-*

1 *rency Fluctuations, Defense” appropriation and the “Oper-*  
2 *ation and Maintenance” appropriation accounts in such*  
3 *amounts as may be determined by the Secretary of Defense,*  
4 *with the approval of the Office of Management and Budget,*  
5 *except that such transfers may not be made unless the Sec-*  
6 *retary of Defense has notified the Congress of the proposed*  
7 *transfer. Except in amounts equal to the amounts appro-*  
8 *priated to working capital funds in this Act, no obligations*  
9 *may be made against a working capital fund to procure*  
10 *or increase the value of war reserve material inventory, un-*  
11 *less the Secretary of Defense has notified the Congress prior*  
12 *to any such obligation.*

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

17 *SEC. 8008. None of the funds provided in this Act shall*  
18 *be available to initiate: (1) a multiyear contract that em-*  
19 *ployes economic order quantity procurement in excess of*  
20 *\$20,000,000 in any 1 year of the contract or that includes*  
21 *an unfunded contingent liability in excess of \$20,000,000;*  
22 *or (2) a contract for advance procurement leading to a*  
23 *multiyear contract that employs economic order quantity*  
24 *procurement in excess of \$20,000,000 in any 1 year, unless*  
25 *the congressional defense committees have been notified at*

1 *least 30 days in advance of the proposed contract award:*  
2  *Provided, That no part of any appropriation contained in*  
3  *this Act shall be available to initiate a multiyear contract*  
4  *for which the economic order quantity advance procurement*  
5  *is not funded at least to the limits of the Government's li-*  
6  *ability: Provided further, That no part of any appropri-*  
7  *ation contained in this Act shall be available to initiate*  
8  *multiyear procurement contracts for any systems or compo-*  
9  *nent thereof if the value of the multiyear contract would*  
10  *exceed \$500,000,000 unless specifically provided in this Act:*  
11  *Provided further, That no multiyear procurement contract*  
12  *can be terminated without 10-day prior notification to the*  
13  *congressional defense committees: Provided further, That the*  
14  *execution of multiyear authority shall require the use of a*  
15  *present value analysis to determine lowest cost compared*  
16  *to an annual procurement.*

17  *Funds appropriated in title III of this Act may be*  
18  *used for multiyear procurement contracts as follows:*

19  *155 mm Lightweight Towed Howitzer.*

20  *SEC. 8009. Within the funds appropriated for the oper-*  
21  *ation and maintenance of the Armed Forces, funds are here-*  
22  *by appropriated pursuant to section 401 of title 10, United*  
23  *States Code, for humanitarian and civic assistance costs*  
24  *under chapter 20 of title 10, United States Code. Such funds*  
25  *may also be obligated for humanitarian and civic assist-*

1 *ance costs incidental to authorized operations and pursuant*  
2 *to authority granted in section 401 of chapter 20 of title*  
3 *10, United States Code, and these obligations shall be re-*  
4 *ported as required by section 401(d) of title 10, United*  
5 *States Code: Provided, That funds available for operation*  
6 *and maintenance shall be available for providing humani-*  
7 *tarian and similar assistance by using Civic Action Teams*  
8 *in the Trust Territories of the Pacific Islands and freely*  
9 *associated states of Micronesia, pursuant to the Compact*  
10 *of Free Association as authorized by Public Law 99–239:*  
11 *Provided further, That upon a determination by the Sec-*  
12 *retary of the Army that such action is beneficial for grad-*  
13 *uate medical education programs conducted at Army med-*  
14 *ical facilities located in Hawaii, the Secretary of the Army*  
15 *may authorize the provision of medical services at such fa-*  
16 *cilities and transportation to such facilities, on a non-*  
17 *reimbursable basis, for civilian patients from American*  
18 *Samoa, the Commonwealth of the Northern Mariana Is-*  
19 *lands, the Marshall Islands, the Federated States of Micro-*  
20 *nesia, Palau, and Guam.*

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

1 *on the number of such personnel who may be employed on*  
2 *the last day of such fiscal year.*

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

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

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

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

19 *SEC. 8013. None of the funds appropriated by this Act*  
20 *shall be available for the basic pay and allowances of any*  
21 *member of the Army participating as a full-time student*  
22 *and receiving benefits paid by the Secretary of Veterans Af-*  
23 *fairs from the Department of Defense Education Benefits*  
24 *Fund when time spent as a full-time student is credited*  
25 *toward completion of a service commitment: Provided, That*

1 *this subsection shall not apply to those members who have*  
2 *reenlisted with this option prior to October 1, 1987: Pro-*  
3 *vided further, That this subsection applies only to active*  
4 *components of the Army.*

5       *SEC. 8014. (a) LIMITATION ON CONVERSION TO CON-*  
6 *TRACTOR PERFORMANCE.—None of the funds appropriated*  
7 *by this Act shall be available to convert to contractor per-*  
8 *formance an activity or function of the Department of De-*  
9 *fense that, on or after the date of the enactment of this Act,*  
10 *is performed by more than 10 Department of Defense civil-*  
11 *ian employees unless—*

12               *(1) the conversion is based on the result of a pub-*  
13 *lic-private competition that includes a most efficient*  
14 *and cost effective organization plan developed by such*  
15 *activity or function; and*

16               *(2) the Competitive Sourcing Official determines*  
17 *that, over all performance periods stated in the solici-*  
18 *tation of offers for performance of the activity or*  
19 *function, the cost of performance of the activity or*  
20 *function by a contractor would be less costly to the*  
21 *Department of Defense by an amount that equals or*  
22 *exceeds the lesser of—*

23                       *(A) 10 percent of the most efficient organi-*  
24 *zation's personnel-related costs for performance*

1           *of that activity or function by Federal employ-*  
2           *ees; or*

3                   *(B) \$10,000,000.*

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

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

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

19                   *(C) is planned to be converted to performance by*  
20           *a qualified firm under at least 51 percent ownership*  
21           *by an Indian tribe, as defined in section 4(e) of the*  
22           *Indian Self-Determination and Education Assistance*  
23           *Act (25 U.S.C. 450b(e)), or a Native Hawaiian Orga-*  
24           *nization, as defined in section 8(a)(15) of the Small*  
25           *Business Act (15 U.S.C. 637(a)(15)).*



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

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

1 *vider for inpatient mental health service for care received*  
2 *when a patient is referred to a provider of inpatient mental*  
3 *health care or residential treatment care by a medical or*  
4 *health care professional having an economic interest in the*  
5 *facility to which the patient is referred: Provided, That this*  
6 *limitation does not apply in the case of inpatient mental*  
7 *health services provided under the program for persons with*  
8 *disabilities under subsection (d) of section 1079 of title 10,*  
9 *United States Code, provided as partial hospital care, or*  
10 *provided pursuant to a waiver authorized by the Secretary*  
11 *of Defense because of medical or psychological circumstances*  
12 *of the patient that are confirmed by a health professional*  
13 *who is not a Federal employee after a review, pursuant to*  
14 *rules prescribed by the Secretary, which takes into account*  
15 *the appropriate level of care for the patient, the intensity*  
16 *of services required by the patient, and the availability of*  
17 *that care.*

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

1 *States Treasury: Provided, That such credits may be uti-*  
2 *lized only for the construction of facilities to support United*  
3 *States military forces in that host nation, or such real prop-*  
4 *erty maintenance and base operating costs that are cur-*  
5 *rently executed through monetary transfers to such host na-*  
6 *tions: Provided further, That the Department of Defense's*  
7 *budget submission for fiscal year 2006 shall identify such*  
8 *sums anticipated in residual value settlements, and identify*  
9 *such construction, real property maintenance or base oper-*  
10 *ating costs that shall be funded by the host nation through*  
11 *such credits: Provided further, That all military construc-*  
12 *tion projects to be executed from such accounts must be pre-*  
13 *viously approved in a prior Act of Congress: Provided fur-*  
14 *ther, That each such executive agreement with a NATO*  
15 *member host nation shall be reported to the congressional*  
16 *defense committees, the Committee on International Rela-*  
17 *tions of the House of Representatives and the Committee*  
18 *on Foreign Relations of the Senate 30 days prior to the*  
19 *conclusion and endorsement of any such agreement estab-*  
20 *lished under this provision.*

21       *SEC. 8019. None of the funds available to the Depart-*  
22 *ment of Defense may be used to demilitarize or dispose of*  
23 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*  
24 *rifles, .30 caliber rifles, or M-1911 pistols.*

1        *SEC. 8020. No more than \$500,000 of the funds appro-*  
2 *priated or made available in this Act shall be used during*  
3 *a single fiscal year for any single relocation of an organiza-*  
4 *tion, unit, activity or function of the Department of Defense*  
5 *into or within the National Capital Region: Provided, That*  
6 *the Secretary of Defense may waive this restriction on a*  
7 *case-by-case basis by certifying in writing to the congres-*  
8 *sional defense committees that such a relocation is required*  
9 *in the best interest of the Government.*

10        *SEC. 8021. In addition to the funds provided elsewhere*  
11 *in this Act, \$8,000,000 is appropriated only for incentive*  
12 *payments authorized by Section 504 of the Indian Financ-*  
13 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*  
14 *contractor or a subcontractor at any tier that makes a sub-*  
15 *contract award to any subcontractor or supplier as defined*  
16 *in 25 U.S.C. 1544 or a small business owned and controlled*  
17 *by an individual or individuals defined under 25 U.S.C.*  
18 *4221(9) shall be considered a contractor for the purposes*  
19 *of being allowed additional compensation under section 504*  
20 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*  
21 *whenever the prime contract or subcontract amount is over*  
22 *\$500,000 and involves the expenditure of funds appro-*  
23 *priated by an Act making Appropriations for the Depart-*  
24 *ment of Defense with respect to any fiscal year: Provided*  
25 *further, That notwithstanding 41 U.S.C. 430, this section*

1 *shall be applicable to any Department of Defense acquisi-*  
2 *tion of supplies or services, including any contract and any*  
3 *subcontract at any tier for acquisition of commercial items*  
4 *produced or manufactured, in whole or in part by any sub-*  
5 *contractor or supplier defined in 25 U.S.C. 1544 or a small*  
6 *business owned and controlled by an individual or individ-*  
7 *uals defined under 25 U.S.C. 4221(9): Provided further,*  
8 *That businesses certified as 8(a) by the Small Business Ad-*  
9 *ministration pursuant to section 8(a)(15) of Public Law*  
10 *85-536, as amended, shall have the same status as other*  
11 *program participants under section 602 of Public Law*  
12 *100-656, 102 Stat. 3825 (Business Opportunity Develop-*  
13 *ment Reform Act of 1988) for purposes of contracting with*  
14 *agencies of the Department of Defense.*

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

22       *SEC. 8023. Funds appropriated by this Act for the*  
23 *American Forces Information Service shall not be used for*  
24 *any national or international political or psychological ac-*  
25 *tivities.*

1       *SEC. 8024. Notwithstanding any other provision of*  
2 *law or regulation, the Secretary of Defense may adjust wage*  
3 *rates for civilian employees hired for certain health care*  
4 *occupations as authorized for the Secretary of Veterans Af-*  
5 *fairs by section 7455 of title 38, United States Code.*

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

17       *SEC. 8026. In addition to amounts provided elsewhere*  
18 *in this Act, \$2,500,000 is hereby appropriated for “Oper-*  
19 *ation and Maintenance, Air Force” for acquisition by the*  
20 *United States Air Force of Native Allotment F-14589: Pro-*  
21 *vided, That in consideration of its unauthorized use and*  
22 *contamination of Native Allotment F-14589, consisting of*  
23 *159.7 acres, at Oliktok Point, Alaska, the United States Air*  
24 *Force shall acquire Native Allotment F-14589 by payment*  
25 *of \$2,500,000 to the current owners of the Native Allotment.*



1        *SEC. 8029. (a) None of the funds appropriated in this*  
2 *Act are available to establish a new Department of Defense*  
3 *(department) federally funded research and development*  
4 *center (FFRDC), either as a new entity, or as a separate*  
5 *entity administrated by an organization managing another*  
6 *FFRDC, or as a nonprofit membership corporation con-*  
7 *sisting of a consortium of other FFRDCs and other non-*  
8 *profit entities.*

9        *(b) No member of a Board of Directors, Trustees, Over-*  
10 *seers, Advisory Group, Special Issues Panel, Visiting Com-*  
11 *mittee, or any similar entity of a defense FFRDC, and no*  
12 *paid consultant to any defense FFRDC, except when acting*  
13 *in a technical advisory capacity, may be compensated for*  
14 *his or her services as a member of such entity, or as a paid*  
15 *consultant by more than one FFRDC in a fiscal year: Pro-*  
16 *vided, That a member of any such entity referred to pre-*  
17 *viously in this subsection shall be allowed travel expenses*  
18 *and per diem as authorized under the Federal Joint Travel*  
19 *Regulations, when engaged in the performance of member-*  
20 *ship duties.*

21        *(c) Notwithstanding any other provision of law, none*  
22 *of the funds available to the department from any source*  
23 *during fiscal year 2005 may be used by a defense FFRDC,*  
24 *through a fee or other payment mechanism, for construction*  
25 *of new buildings, for payment of cost sharing for projects*

1 *funded by Government grants, for absorption of contract*  
2 *overruns, or for certain charitable contributions, not to in-*  
3 *clude employee participation in community service and/or*  
4 *development.*

5 *(d) Notwithstanding any other provision of law, of the*  
6 *funds available to the department during fiscal year 2005,*  
7 *not more than 6,321 staff years of technical effort (staff*  
8 *years) may be funded for defense FFRDCs: Provided, That*  
9 *of the specific amount referred to previously in this sub-*  
10 *section, not more than 1,050 staff years may be funded for*  
11 *the defense studies and analysis FFRDCs.*

12 *(e) The Secretary of Defense shall, with the submission*  
13 *of the department's fiscal year 2006 budget request, submit*  
14 *a report presenting the specific amounts of staff years of*  
15 *technical effort to be allocated for each defense FFRDC dur-*  
16 *ing that fiscal year.*

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

20 *SEC. 8030. None of the funds appropriated or made*  
21 *available in this Act shall be used to procure carbon, alloy*  
22 *or armor steel plate for use in any Government-owned facil-*  
23 *ity or property under the control of the Department of De-*  
24 *fense which were not melted and rolled in the United States*  
25 *or Canada: Provided, That these procurement restrictions*

1 shall apply to any and all Federal Supply Class 9515,  
2 American Society of Testing and Materials (ASTM) or  
3 American Iron and Steel Institute (AISI) specifications of  
4 carbon, alloy or armor steel plate: Provided further, That  
5 the Secretary of the military department responsible for the  
6 procurement may waive this restriction on a case-by-case  
7 basis by certifying in writing to the Committees on Appro-  
8 priations of the House of Representatives and the Senate  
9 that adequate domestic supplies are not available to meet  
10 Department of Defense requirements on a timely basis and  
11 that such an acquisition must be made in order to acquire  
12 capability for national security purposes: Provided further,  
13 That these restrictions shall not apply to contracts which  
14 are in being as of the date of the enactment of this Act.

15       SEC. 8031. For the purposes of this Act, the term “con-  
16 gressional defense committees” means the Armed Services  
17 Committee of the House of Representatives, the Armed Serv-  
18 ices Committee of the Senate, the Subcommittee on Defense  
19 of the Committee on Appropriations of the Senate, and the  
20 Subcommittee on Defense of the Committee on Appropria-  
21 tions of the House of Representatives.

22       SEC. 8032. During the current fiscal year, the Depart-  
23 ment of Defense may acquire the modification, depot main-  
24 tenance and repair of aircraft, vehicles and vessels as well  
25 as the production of components and other Defense-related

1 *articles, through competition between Department of De-*  
2 *fense depot maintenance activities and private firms: Pro-*  
3 *vided, That the Senior Acquisition Executive of the military*  
4 *department or Defense Agency concerned, with power of del-*  
5 *egation, shall certify that successful bids include comparable*  
6 *estimates of all direct and indirect costs for both public and*  
7 *private bids: Provided further, That Office of Management*  
8 *and Budget Circular A-76 shall not apply to competitions*  
9 *conducted under this section.*

10       *SEC. 8033. (a)(1) If the Secretary of Defense, after con-*  
11 *sultation with the United States Trade Representative, de-*  
12 *termines that a foreign country which is party to an agree-*  
13 *ment described in paragraph (2) has violated the terms of*  
14 *the agreement by discriminating against certain types of*  
15 *products produced in the United States that are covered by*  
16 *the agreement, the Secretary of Defense shall rescind the*  
17 *Secretary's blanket waiver of the Buy American Act with*  
18 *respect to such types of products produced in that foreign*  
19 *country.*

20       *(2) An agreement referred to in paragraph (1) is any*  
21 *reciprocal defense procurement memorandum of under-*  
22 *standing, between the United States and a foreign country*  
23 *pursuant to which the Secretary of Defense has prospec-*  
24 *tively waived the Buy American Act for certain products*  
25 *in that country.*





1 convey at no cost to the Air Force, without consideration,  
2 to Indian tribes located in the States of North Dakota,  
3 South Dakota, Montana, and Minnesota relocatable mili-  
4 tary housing units located at Grand Forks Air Force Base  
5 and Minot Air Force Base that are excess to the needs of  
6 the Air Force.

7 (b) *PROCESSING OF REQUESTS.*—The Secretary of the  
8 Air Force shall convey, at no cost to the Air Force, military  
9 housing units under subsection (a) in accordance with the  
10 request for such units that are submitted to the Secretary  
11 by the Operation Walking Shield Program on behalf of In-  
12 dian tribes located in the States of North Dakota, South  
13 Dakota, Montana, and Minnesota.

14 (c) *RESOLUTION OF HOUSING UNIT CONFLICTS.*—The  
15 Operation Walking Shield program shall resolve any con-  
16 flicts among requests of Indian tribes for housing units  
17 under subsection (a) before submitting requests to the Sec-  
18 retary of the Air Force under subsection (b).

19 (d) *INDIAN TRIBE DEFINED.*—In this section, the term  
20 “Indian tribe” means any recognized Indian tribe included  
21 on the current list published by the Secretary of the Interior  
22 under section 104 of the Federally Recognized Indian Tribe  
23 Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25  
24 U.S.C. 479a–1).

1       *SEC. 8040. During the current fiscal year, appropria-*  
2 *tions which are available to the Department of Defense for*  
3 *operation and maintenance may be used to purchase items*  
4 *having an investment item unit cost of not more than*  
5 *\$250,000.*

6       *SEC. 8041. (a) During the current fiscal year, none*  
7 *of the appropriations or funds available to the Department*  
8 *of Defense Working Capital Funds shall be used for the pur-*  
9 *chase of an investment item for the purpose of acquiring*  
10 *a new inventory item for sale or anticipated sale during*  
11 *the current fiscal year or a subsequent fiscal year to cus-*  
12 *tomers of the Department of Defense Working Capital*  
13 *Funds if such an item would not have been chargeable to*  
14 *the Department of Defense Business Operations Fund dur-*  
15 *ing fiscal year 1994 and if the purchase of such an invest-*  
16 *ment item would be chargeable during the current fiscal*  
17 *year to appropriations made to the Department of Defense*  
18 *for procurement.*

19       *(b) The fiscal year 2006 budget request for the Depart-*  
20 *ment of Defense as well as all justification material and*  
21 *other documentation supporting the fiscal year 2006 De-*  
22 *partment of Defense budget shall be prepared and submitted*  
23 *to the Congress on the basis that any equipment which was*  
24 *classified as an end item and funded in a procurement ap-*  
25 *propriation contained in this Act shall be budgeted for in*

1 *a proposed fiscal year 2006 procurement appropriation and*  
2 *not in the supply management business area or any other*  
3 *area or category of the Department of Defense Working*  
4 *Capital Funds.*

5       *SEC. 8042. None of the funds appropriated by this Act*  
6 *for programs of the Central Intelligence Agency shall re-*  
7 *main available for obligation beyond the current fiscal year,*  
8 *except for funds appropriated for the Reserve for Contin-*  
9 *gencies, which shall remain available until September 30,*  
10 *2006: Provided, That funds appropriated, transferred, or*  
11 *otherwise credited to the Central Intelligence Agency Cen-*  
12 *tral Services Working Capital Fund during this or any*  
13 *prior or subsequent fiscal year shall remain available until*  
14 *expended: Provided further, That any funds appropriated*  
15 *or transferred to the Central Intelligence Agency for ad-*  
16 *vanced research and development acquisition, for agent op-*  
17 *erations, and for covert action programs authorized by the*  
18 *President under section 503 of the National Security Act*  
19 *of 1947, as amended, shall remain available until Sep-*  
20 *tember 30, 2006.*

21       *SEC. 8043. Notwithstanding any other provision of*  
22 *law, funds made available in this Act for the Defense Intel-*  
23 *ligence Agency may be used for the design, development, and*  
24 *deployment of General Defense Intelligence Program intel-*  
25 *ligence communications and intelligence information sys-*

1 *tems for the Services, the Unified and Specified Commands,*  
2 *and the component commands.*

3       *SEC. 8044. Of the funds appropriated to the Depart-*  
4 *ment of Defense under the heading “Operation and Mainte-*  
5 *nance, Defense-Wide”, not less than \$10,000,000 shall be*  
6 *made available only for the mitigation of environmental*  
7 *impacts, including training and technical assistance to*  
8 *tribes, related administrative support, the gathering of in-*  
9 *formation, documenting of environmental damage, and de-*  
10 *veloping a system for prioritization of mitigation and cost*  
11 *to complete estimates for mitigation, on Indian lands re-*  
12 *sulting from Department of Defense activities.*

13       *SEC. 8045. (a) None of the funds appropriated in this*  
14 *Act may be expended by an entity of the Department of*  
15 *Defense unless the entity, in expending the funds, complies*  
16 *with the Buy American Act. For purposes of this subsection,*  
17 *the term “Buy American Act” means title III of the Act*  
18 *entitled “An Act making appropriations for the Treasury*  
19 *and Post Office Departments for the fiscal year ending June*  
20 *30, 1934, and for other purposes”, approved March 3, 1933*  
21 *(41 U.S.C. 10a et seq.).*

22       *(b) If the Secretary of Defense determines that a person*  
23 *has been convicted of intentionally affixing a label bearing*  
24 *a “Made in America” inscription to any product sold in*  
25 *or shipped to the United States that is not made in Amer-*

1 *ica, the Secretary shall determine, in accordance with sec-*  
2 *tion 2410f of title 10, United States Code, whether the per-*  
3 *son should be debarred from contracting with the Depart-*  
4 *ment of Defense.*

5 *(c) In the case of any equipment or products purchased*  
6 *with appropriations provided under this Act, it is the sense*  
7 *of the Congress that any entity of the Department of De-*  
8 *fense, in expending the appropriation, purchase only Amer-*  
9 *ican-made equipment and products, provided that Amer-*  
10 *ican-made equipment and products are cost-competitive,*  
11 *quality-competitive, and available in a timely fashion.*

12 *SEC. 8046. None of the funds appropriated by this Act*  
13 *shall be available for a contract for studies, analysis, or*  
14 *consulting services entered into without competition on the*  
15 *basis of an unsolicited proposal unless the head of the activ-*  
16 *ity responsible for the procurement determines—*

17 *(1) as a result of thorough technical evaluation,*  
18 *only one source is found fully qualified to perform the*  
19 *proposed work;*

20 *(2) the purpose of the contract is to explore an*  
21 *unsolicited proposal which offers significant scientific*  
22 *or technological promise, represents the product of*  
23 *original thinking, and was submitted in confidence*  
24 *by one source; or*

1           (3) *the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:*

2           *Provided, That this limitation shall not apply to contracts*  
3           *in an amount of less than \$25,000, contracts related to im-*  
4           *provements of equipment that is in development or produc-*  
5           *tion, or contracts as to which a civilian official of the De-*  
6           *partment of Defense, who has been confirmed by the Senate,*  
7           *determines that the award of such contract is in the interest*  
8           *of the national defense.*

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

12           (1) *to establish a field operating agency; or*  
13           (2) *to pay the basic pay of a member of the*  
14          *Armed Forces or civilian employee of the department*  
15          *who is transferred or reassigned from a headquarters*  
16          *activity if the member or employee's place of duty re-*  
17          *mains at the location of that headquarters.*

18          (b) *The Secretary of Defense or Secretary of a military*  
19          *department may waive the limitations in subsection (a),*  
20          *on a case-by-case basis, if the Secretary determines, and cer-*  
21          *tifies to the Committees on Appropriations of the House of*  
22          *Representatives,*

1 *Representatives and Senate that the granting of the waiver*  
2 *will reduce the personnel requirements or the financial re-*  
3 *quirements of the department.*

4 *(c) This section does not apply to field operating agen-*  
5 *cies funded within the National Foreign Intelligence Pro-*  
6 *gram.*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 8048. (a) Upon a determination by the Secretary*  
9 *of the Navy that the vessel USNS Capable (T-AGOS 16)*  
10 *is no longer needed by the Navy, the Secretary shall transfer*  
11 *such vessel to the National Oceanic and Atmospheric Ad-*  
12 *ministration as an exploration and research ship.*

13 *(b) Upon a transfer of the vessel USNS Capable (T-*  
14 *AGOS 16) under subsection (a), the Secretary of the Navy*  
15 *shall transfer to the Secretary of Commerce \$18,000,000 out*  
16 *of funds appropriated by title IV under the heading “Re-*  
17 *search, Development, Test and Evaluation, Navy”. The*  
18 *amount so transferred shall be available to the National*  
19 *Oceanographic and Atmospheric Administration for the*  
20 *conversion of the vessel for use as an exploration and re-*  
21 *search ship.*

22 *(RESCISSIONS)*

23 *SEC. 8049. Of the funds appropriated in Department*  
24 *of Defense Appropriations Acts, the following funds are*  
25 *hereby rescinded from the following accounts and programs*  
26 *in the specified amounts:*

1           *“Shipbuilding and Conversion, Navy, 2002/*  
2           *2006”*, \$20,444,000;

3           *“Weapons Procurement, Navy, 2004/2006”*,  
4           *\$15,157,000;*

5           *“Other Procurement, Navy, 2004/2006”*,  
6           *\$54,338,000;*

7           *“Procurement, Defense-Wide, 2004/2006”*,  
8           *\$23,571,000;*

9           *“Research, Development, Test and Evaluation,*  
10          *Army, 2004/2005”*, \$25,000,000; and

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

13          *SEC. 8050. None of the funds available in this Act may*  
14          *be used to reduce the authorized positions for military (ci-*  
15          *vilian) technicians of the Army National Guard, the Air*  
16          *National Guard, Army Reserve and Air Force Reserve for*  
17          *the purpose of applying any administratively imposed ci-*  
18          *vilian personnel ceiling, freeze, or reduction on military (ci-*  
19          *vilian) technicians, unless such reductions are a direct re-*  
20          *sult of a reduction in military force structure.*

21          *SEC. 8051. None of the funds appropriated or other-*  
22          *wise made available in this Act may be obligated or ex-*  
23          *pended for assistance to the Democratic People’s Republic*  
24          *of North Korea unless specifically appropriated for that*  
25          *purpose.*

1        *SEC. 8052. During the current fiscal year, funds ap-*  
2 *propriated in this Act are available to compensate members*  
3 *of the National Guard for duty performed pursuant to a*  
4 *plan submitted by a Governor of a State and approved by*  
5 *the Secretary of Defense under section 112 of title 32,*  
6 *United States Code: Provided, That during the performance*  
7 *of such duty, the members of the National Guard shall be*  
8 *under State command and control: Provided further, That*  
9 *such duty shall be treated as full-time National Guard duty*  
10 *for purposes of sections 12602(a)(2) and (b)(2) of title 10,*  
11 *United States Code.*

12        *SEC. 8053. Funds appropriated in this Act for oper-*  
13 *ation and maintenance of the Military Departments, Com-*  
14 *batant Commands and Defense Agencies shall be available*  
15 *for reimbursement of pay, allowances and other expenses*  
16 *which would otherwise be incurred against appropriations*  
17 *for the National Guard and Reserve when members of the*  
18 *National Guard and Reserve provide intelligence or coun-*  
19 *terintelligence support to Combatant Commands, Defense*  
20 *Agencies and Joint Intelligence Activities, including the ac-*  
21 *tivities and programs included within the National Foreign*  
22 *Intelligence Program (NFIP), the Joint Military Intel-*  
23 *ligence Program (JMIP), and the Tactical Intelligence and*  
24 *Related Activities (TIARA) aggregate: Provided, That noth-*  
25 *ing in this section authorizes deviation from established Re-*

1 *serve and National Guard personnel and training proce-*  
2 *dures.*

3       *SEC. 8054. During the current fiscal year, none of the*  
4 *funds appropriated in this Act may be used to reduce the*  
5 *civilian medical and medical support personnel assigned to*  
6 *military treatment facilities below the September 30, 2003*  
7 *level: Provided, That the Service Surgeons General may*  
8 *waive this section by certifying to the congressional defense*  
9 *committees that the beneficiary population is declining in*  
10 *some catchment areas and civilian strength reductions may*  
11 *be consistent with responsible resource stewardship and*  
12 *capitation-based budgeting.*

13       *SEC. 8055. (a) LIMITATION ON PENTAGON RENOVA-*  
14 *TION COSTS.—Not later than the date each year on which*  
15 *the President submits to Congress the budget under section*  
16 *1105 of title 31, United States Code, the Secretary of De-*  
17 *fense shall submit to Congress a certification that the total*  
18 *cost for the planning, design, construction, and installation*  
19 *of equipment for the renovation of wedges 2 through 5 of*  
20 *the Pentagon Reservation, cumulatively, will not exceed*  
21 *four times the total cost for the planning, design, construc-*  
22 *tion, and installation of equipment for the renovation of*  
23 *wedge 1.*

24       *(b) ANNUAL ADJUSTMENT.—For purposes of applying*  
25 *the limitation in subsection (a), the Secretary shall adjust*

1 *the cost for the renovation of wedge 1 by any increase or*  
2 *decrease in costs attributable to economic inflation, based*  
3 *on the most recent economic assumptions issued by the Of-*  
4 *fice of Management and Budget for use in preparation of*  
5 *the budget of the United States under section 1104 of title*  
6 *31, United States Code.*

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

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

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

16 (3) *any increase in costs attributable to addi-*  
17 *tional security requirements that the Secretary of De-*  
18 *fense considers essential to provide a safe and secure*  
19 *working environment.*

20 (d) *CERTIFICATION COST REPORTS.—As part of the*  
21 *annual certification under subsection (a), the Secretary*  
22 *shall report the projected cost (as of the time of the certifi-*  
23 *cation) for—*

24 (1) *the renovation of each wedge, including the*  
25 *amount adjusted or otherwise excluded for such wedge*

1        *under the authority of paragraphs (2) and (3) of sub-*  
2        *section (c) for the period covered by the certification;*  
3        *and*

4            *(2) the repair and reconstruction of wedges 1*  
5        *and 2 in response to the terrorist attack on the Pen-*  
6        *tagon that occurred on September 11, 2001.*

7        *(e) DURATION OF CERTIFICATION REQUIREMENT.—*  
8        *The requirement to make an annual certification under*  
9        *subsection (a) shall apply until the Secretary certifies to*  
10       *Congress that the renovation of the Pentagon Reservation*  
11       *is completed.*

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

17       *SEC. 8057. (a) None of the funds available to the De-*  
18       *partment of Defense for any fiscal year for drug interdic-*  
19       *tion or counter-drug activities may be transferred to any*  
20       *other department or agency of the United States except as*  
21       *specifically provided in an appropriations law.*

22       *(b) None of the funds available to the Central Intel-*  
23       *ligence Agency for any fiscal year for drug interdiction and*  
24       *counter-drug activities may be transferred to any other de-*

1 *partment or agency of the United States except as specifi-*  
2 *cally provided in an appropriations law.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 8058. Appropriations available in this Act under*  
5 *the heading “Operation and Maintenance, Defense-Wide”*  
6 *for increasing energy and water efficiency in Federal build-*  
7 *ings may, during their period of availability, be transferred*  
8 *to other appropriations or funds of the Department of De-*  
9 *fense for projects related to increasing energy and water ef-*  
10 *iciency, to be merged with and to be available for the same*  
11 *general purposes, and for the same time period, as the ap-*  
12 *propriation or fund to which transferred.*

13 *SEC. 8059. None of the funds appropriated by this Act*  
14 *may be used for the procurement of ball and roller bearings*  
15 *other than those produced by a domestic source and of do-*  
16 *mestic origin: Provided, That the Secretary of the military*  
17 *department responsible for such procurement may waive*  
18 *this restriction on a case-by-case basis by certifying in writ-*  
19 *ing to the Committees on Appropriations of the House of*  
20 *Representatives and the Senate, that adequate domestic*  
21 *supplies are not available to meet Department of Defense*  
22 *requirements on a timely basis and that such an acquisition*  
23 *must be made in order to acquire capability for national*  
24 *security purposes: Provided further, That this restriction*  
25 *shall not apply to the purchase of “commercial items”, as*  
26 *defined by section 4(12) of the Office of Federal Procure-*

1 *ment Policy Act, except that the restriction shall apply to*  
2 *ball or roller bearings purchased as end items.*

3       *SEC. 8060. Notwithstanding any other provision of*  
4 *law, funds available to the Department of Defense shall be*  
5 *made available to provide transportation of medical sup-*  
6 *plies and equipment, on a nonreimbursable basis, to Amer-*  
7 *ican Samoa, and funds available to the Department of De-*  
8 *fense shall be made available to provide transportation of*  
9 *medical supplies and equipment, on a nonreimbursable*  
10 *basis, to the Indian Health Service when it is in conjunc-*  
11 *tion with a civil-military project.*

12       *SEC. 8061. None of the funds in this Act may be used*  
13 *to purchase any supercomputer which is not manufactured*  
14 *in the United States, unless the Secretary of Defense cer-*  
15 *tifies to the congressional defense committees that such an*  
16 *acquisition must be made in order to acquire capability for*  
17 *national security purposes that is not available from*  
18 *United States manufacturers.*

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

23       *(b) The Secretary of Defense shall allocate this reduc-*  
24 *tion proportionally to each budget activity, activity group,*

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

3       *SEC. 8063. Notwithstanding any other provision of*  
4 *law, each contract awarded by the Department of Defense*  
5 *during the current fiscal year for construction or service*  
6 *performed in whole or in part in a State (as defined in*  
7 *section 381(d) of title 10, United States Code) which is not*  
8 *contiguous with another State and has an unemployment*  
9 *rate in excess of the national average rate of unemployment*  
10 *as determined by the Secretary of Labor, shall include a*  
11 *provision requiring the contractor to employ, for the pur-*  
12 *pose of performing that portion of the contract in such State*  
13 *that is not contiguous with another State, individuals who*  
14 *are residents of such State and who, in the case of any craft*  
15 *or trade, possess or would be able to acquire promptly the*  
16 *necessary skills: Provided, That the Secretary of Defense*  
17 *may waive the requirements of this section, on a case-by-*  
18 *case basis, in the interest of national security.*

19       *SEC. 8064. None of the funds made available in this*  
20 *or any other Act may be used to pay the salary of any*  
21 *officer or employee of the Department of Defense who ap-*  
22 *proves or implements the transfer of administrative respon-*  
23 *sibilities or budgetary resources of any program, project,*  
24 *or activity financed by this Act to the jurisdiction of an-*  
25 *other Federal agency not financed by this Act without the*

1 *express authorization of Congress: Provided, That this limi-*  
2 *tation shall not apply to transfers of funds expressly pro-*  
3 *vided for in Defense Appropriations Acts, or provisions of*  
4 *Acts providing supplemental appropriations for the De-*  
5 *partment of Defense.*

6       *SEC. 8065. (a) LIMITATION ON TRANSFER OF DE-*  
7 *FENSE ARTICLES AND SERVICES.—Notwithstanding any*  
8 *other provision of law, none of the funds available to the*  
9 *Department of Defense for the current fiscal year may be*  
10 *obligated or expended to transfer to another nation or an*  
11 *international organization any defense articles or services*  
12 *(other than intelligence services) for use in the activities de-*  
13 *scribed in subsection (b) unless the congressional defense*  
14 *committees, the Committee on International Relations of*  
15 *the House of Representatives, and the Committee on For-*  
16 *ign Relations of the Senate are notified 15 days in advance*  
17 *of such transfer.*

18       *(b) COVERED ACTIVITIES.—This section applies to—*

19           *(1) any international peacekeeping or peace-en-*  
20 *forcement operation under the authority of chapter VI*  
21 *or chapter VII of the United Nations Charter under*  
22 *the authority of a United Nations Security Council*  
23 *resolution; and*

24           *(2) any other international peacekeeping, peace-*  
25 *enforcement, or humanitarian assistance operation.*

1           (c) *REQUIRED NOTICE.*—A notice under subsection (a)  
2 shall include the following:

3           (1) *A description of the equipment, supplies, or*  
4 *services to be transferred.*

5           (2) *A statement of the value of the equipment,*  
6 *supplies, or services to be transferred.*

7           (3) *In the case of a proposed transfer of equip-*  
8 *ment or supplies—*

9           (A) *a statement of whether the inventory re-*  
10 *quirements of all elements of the Armed Forces*  
11 *(including the reserve components) for the type*  
12 *of equipment or supplies to be transferred have*  
13 *been met; and*

14           (B) *a statement of whether the items pro-*  
15 *posed to be transferred will have to be replaced*  
16 *and, if so, how the President proposes to provide*  
17 *funds for such replacement.*

18           *SEC. 8066. To the extent authorized by subchapter VI*  
19 *of chapter 148 of title 10, United States Code, the Secretary*  
20 *of Defense may issue loan guarantees in support of United*  
21 *States defense exports not otherwise provided for: Provided,*  
22 *That the total contingent liability of the United States for*  
23 *guarantees issued under the authority of this section may*  
24 *not exceed \$15,000,000,000: Provided further, That the ex-*  
25 *posure fees charged and collected by the Secretary for each*

1 *guarantee shall be paid by the country involved and shall*  
2 *not be financed as part of a loan guaranteed by the United*  
3 *States: Provided further, That the Secretary shall provide*  
4 *quarterly reports to the Committees on Appropriations,*  
5 *Armed Services, and Foreign Relations of the Senate and*  
6 *the Committees on Appropriations, Armed Services, and*  
7 *International Relations in the House of Representatives on*  
8 *the implementation of this program: Provided further, That*  
9 *amounts charged for administrative fees and deposited to*  
10 *the special account provided for under section 2540c(d) of*  
11 *title 10, shall be available for paying the costs of adminis-*  
12 *trative expenses of the Department of Defense that are at-*  
13 *tributable to the loan guarantee program under subchapter*  
14 *VI of chapter 148 of title 10, United States Code.*

15       *SEC. 8067. None of the funds available to the Depart-*  
16 *ment of Defense under this Act shall be obligated or ex-*  
17 *pended to pay a contractor under a contract with the De-*  
18 *partment of Defense for costs of any amount paid by the*  
19 *contractor to an employee when—*

20               *(1) such costs are for a bonus or otherwise in ex-*  
21               *cess of the normal salary paid by the contractor to the*  
22               *employee; and*

23               *(2) such bonus is part of restructuring costs asso-*  
24               *ciated with a business combination.*



1           (1) *the obligation would have been properly*  
2 *chargeable (except as to amount) to the expired or*  
3 *closed account before the end of the period of avail-*  
4 *ability or closing of that account;*

5           (2) *the obligation is not otherwise properly*  
6 *chargeable to any current appropriation account of*  
7 *the Department of Defense; and*

8           (3) *in the case of an expired account, the obliga-*  
9 *tion is not chargeable to a current appropriation of*  
10 *the Department of Defense under the provisions of sec-*  
11 *tion 1405(b)(8) of the National Defense Authorization*  
12 *Act for Fiscal Year 1991, Public Law 101–510, as*  
13 *amended (31 U.S.C. 1551 note): Provided, That in*  
14 *the case of an expired account, if subsequent review*  
15 *or investigation discloses that there was not in fact a*  
16 *negative unliquidated or unexpended balance in the*  
17 *account, any charge to a current account under the*  
18 *authority of this section shall be reversed and re-*  
19 *corded against the expired account: Provided further,*  
20 *That the total amount charged to a current appro-*  
21 *priation under this section may not exceed an*  
22 *amount equal to 1 percent of the total appropriation*  
23 *for that account.*

24           *SEC. 8071. Funds appropriated in title II of this Act*  
25 *and for the Defense Health Program in title VI of this Act*

1 *for supervision and administration costs for facilities*  
2 *maintenance and repair, minor construction, or design*  
3 *projects, or any planning studies, environmental assess-*  
4 *ments, or similar activities related to installation support*  
5 *functions, may be obligated at the time the reimbursable*  
6 *order is accepted by the performing activity: Provided, That*  
7 *for the purpose of this section, supervision and administra-*  
8 *tion costs includes all in-house Government cost.*

9       *SEC. 8072. (a) Notwithstanding any other provision*  
10 *of law, the Chief of the National Guard Bureau may permit*  
11 *the use of equipment of the National Guard Distance Learn-*  
12 *ing Project by any person or entity on a space-available,*  
13 *reimbursable basis. The Chief of the National Guard Bu-*  
14 *reau shall establish the amount of reimbursement for such*  
15 *use on a case-by-case basis.*

16       *(b) Amounts collected under subsection (a) shall be*  
17 *credited to funds available for the National Guard Distance*  
18 *Learning Project and be available to defray the costs associ-*  
19 *ated with the use of equipment of the project under that*  
20 *subsection. Such funds shall be available for such purposes*  
21 *without fiscal year limitation.*

22       *SEC. 8073. Using funds available by this Act or any*  
23 *other Act, the Secretary of the Air Force, pursuant to a*  
24 *determination under section 2690 of title 10, United States*  
25 *Code, may implement cost-effective agreements for required*

1 *heating facility modernization in the Kaiserslautern Mili-*  
2 *tary Community in the Federal Republic of Germany: Pro-*  
3 *vided, That in the City of Kaiserslautern such agreements*  
4 *will include the use of United States anthracite as the base*  
5 *load energy for municipal district heat to the United States*  
6 *Defense installations: Provided further, That at Landstuhl*  
7 *Army Regional Medical Center and Ramstein Air Base,*  
8 *furnished heat may be obtained from private, regional or*  
9 *municipal services, if provisions are included for the con-*  
10 *sideration of United States coal as an energy source.*

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

1       *SEC. 8075. None of the funds made available in this*  
2 *Act may be used to approve or license the sale of the F-*  
3 *22 advanced tactical fighter to any foreign government.*

4       *SEC. 8076. (a) The Secretary of Defense may, on a*  
5 *case-by-case basis, waive with respect to a foreign country*  
6 *each limitation on the procurement of defense items from*  
7 *foreign sources provided in law if the Secretary determines*  
8 *that the application of the limitation with respect to that*  
9 *country would invalidate cooperative programs entered into*  
10 *between the Department of Defense and the foreign country,*  
11 *or would invalidate reciprocal trade agreements for the pro-*  
12 *curement of defense items entered into under section 2531*  
13 *of title 10, United States Code, and the country does not*  
14 *discriminate against the same or similar defense items pro-*  
15 *duced in the United States for that country.*

16       *(b) Subsection (a) applies with respect to—*

17             *(1) contracts and subcontracts entered into on or*  
18             *after the date of the enactment of this Act; and*

19             *(2) options for the procurement of items that are*  
20             *exercised after such date under contracts that are en-*  
21             *tered into before such date if the option prices are ad-*  
22             *justed for any reason other than the application of a*  
23             *waiver granted under subsection (a).*

24       *(c) Subsection (a) does not apply to a limitation re-*  
25 *garding construction of public vessels, ball and roller bear-*

1 *ings, food, and clothing or textile materials as defined by*  
2 *section 11 (chapters 50–65) of the Harmonized Tariff*  
3 *Schedule and products classified under headings 4010,*  
4 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*  
5 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*  
6 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

7       *SEC. 8077. (a) PROHIBITION.—None of the funds made*  
8 *available by this Act may be used to support any training*  
9 *program involving a unit of the security forces of a foreign*  
10 *country if the Secretary of Defense has received credible in-*  
11 *formation from the Department of State that the unit has*  
12 *committed a gross violation of human rights, unless all nec-*  
13 *essary corrective steps have been taken.*

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

20       *(c) WAIVER.—The Secretary of Defense, after consulta-*  
21 *tion with the Secretary of State, may waive the prohibition*  
22 *in subsection (a) if he determines that such waiver is re-*  
23 *quired by extraordinary circumstances.*

24       *(d) REPORT.—Not more than 15 days after the exercise*  
25 *of any waiver under subsection (c), the Secretary of Defense*

1 *shall submit a report to the congressional defense commit-*  
2 *tees describing the extraordinary circumstances, the purpose*  
3 *and duration of the training program, the United States*  
4 *forces and the foreign security forces involved in the train-*  
5 *ing program, and the information relating to human rights*  
6 *violations that necessitates the waiver.*

7       *SEC. 8078. (a) The Secretary of Defense, in coordina-*  
8 *tion with the Secretary of Health and Human Services,*  
9 *may carry out a program to distribute surplus dental and*  
10 *medical equipment of the Department of Defense, at no cost*  
11 *to the Department of Defense, to Indian Health Service fa-*  
12 *cilities and to federally-qualified health centers (within the*  
13 *meaning of section 1905(l)(2)(B) of the Social Security Act*  
14 *(42 U.S.C. 1396d(l)(2)(B))).*

15       *(b) In carrying out this provision, the Secretary of De-*  
16 *fense shall give the Indian Health Service a property dis-*  
17 *posal priority equal to the priority given to the Department*  
18 *of Defense and its twelve special screening programs in dis-*  
19 *tribution of surplus dental and medical supplies and equip-*  
20 *ment.*

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

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

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

18       *SEC. 8081. Notwithstanding any other provision of*  
19 *law, funds appropriated in this Act under the heading “Re-*  
20 *search, Development, Test and Evaluation, Defense-Wide”*  
21 *for any advanced concept technology demonstration project*  
22 *may only be obligated 30 days after a report, including a*  
23 *description of the project, the planned acquisition and tran-*  
24 *sition strategy and its estimated annual and total cost, has*  
25 *been provided in writing to the congressional defense com-*

1 *mittees: Provided, That the Secretary of Defense may waive*  
2 *this restriction on a case-by-case basis by certifying to the*  
3 *congressional defense committees that it is in the national*  
4 *interest to do so.*

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

10 *SEC. 8083. The amount appropriated in title II for*  
11 *“Operation and Maintenance, Air Force” is hereby reduced*  
12 *by \$300,000,000 to reflect cash balance and rate stabiliza-*  
13 *tion adjustments in the Department of Defense Transpor-*  
14 *tation Working Capital Fund.*

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

1 *retary of Defense may prescribe. A financial management*  
2 *information technology system shall be considered a mission*  
3 *critical or mission essential information technology system*  
4 *as defined by the Under Secretary of Defense (Comptroller).*

5 (b) *CERTIFICATIONS AS TO COMPLIANCE WITH FINAN-*  
6 *CIAL MANAGEMENT MODERNIZATION PLAN.—*

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

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

24 (c) *CERTIFICATIONS AS TO COMPLIANCE WITH*  
25 *CLINGER-COHEN ACT.—*

1           (1) *During the current fiscal year, a major auto-*  
2 *mated information system may not receive Milestone*  
3 *A approval, Milestone B approval, or full rate pro-*  
4 *duction approval, or their equivalent, within the De-*  
5 *partment of Defense until the Chief Information Offi-*  
6 *cer certifies, with respect to that milestone, that the*  
7 *system is being developed in accordance with the*  
8 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).*  
9 *The Chief Information Officer may require additional*  
10 *certifications, as appropriate, with respect to any*  
11 *such system.*

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

20                   (A) *Business process reengineering.*

21                   (B) *An analysis of alternatives.*

22                   (C) *An economic analysis that includes a*  
23 *calculation of the return on investment.*

24                   (D) *Performance measures.*

1                   (E) *An information assurance strategy con-*  
2                   *sistent with the Department’s Global Informa-*  
3                   *tion Grid.*

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

5                   (1) *The term “Chief Information Officer” means*  
6                   *the senior official of the Department of Defense des-*  
7                   *ignated by the Secretary of Defense pursuant to sec-*  
8                   *tion 3506 of title 44, United States Code.*

9                   (2) *The term “information technology system”*  
10                  *has the meaning given the term “information tech-*  
11                  *nology” in section 5002 of the Clinger-Cohen Act of*  
12                  *1996 (40 U.S.C. 1401).*

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

1 *Committees on Appropriations of the House of Representa-*  
2 *tives and the Senate that it is in the national security inter-*  
3 *est to do so.*

4       *SEC. 8086. None of the funds provided in this Act may*  
5 *be used to transfer to any nongovernmental entity ammuni-*  
6 *tion held by the Department of Defense that has a center-*  
7 *fire cartridge and a United States military nomenclature*  
8 *designation of “armor penetrator”, “armor piercing (AP)”,*  
9 *“armor piercing incendiary (API)”, or “armor-piercing in-*  
10 *cendiary-tracer (API-T)”, except to an entity performing*  
11 *demilitarization services for the Department of Defense*  
12 *under a contract that requires the entity to demonstrate to*  
13 *the satisfaction of the Department of Defense that armor*  
14 *piercing projectiles are either: (1) rendered incapable of*  
15 *reuse by the demilitarization process; or (2) used to manu-*  
16 *facture ammunition pursuant to a contract with the De-*  
17 *partment of Defense or the manufacture of ammunition for*  
18 *export pursuant to a License for Permanent Export of Un-*  
19 *classified Military Articles issued by the Department of*  
20 *State.*

21       *SEC. 8087. Notwithstanding any other provision of*  
22 *law, the Chief of the National Guard Bureau, or his des-*  
23 *ignee, may waive payment of all or part of the consider-*  
24 *ation that otherwise would be required under 10 U.S.C.*  
25 *2667, in the case of a lease of personal property for a period*

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

6       *SEC. 8088. None of the funds appropriated by this Act*  
7 *shall be used for the support of any nonappropriated funds*  
8 *activity of the Department of Defense that procures malt*  
9 *beverages and wine with nonappropriated funds for resale*  
10 *(including such alcoholic beverages sold by the drink) on*  
11 *a military installation located in the United States unless*  
12 *such malt beverages and wine are procured within that*  
13 *State, or in the case of the District of Columbia, within*  
14 *the District of Columbia, in which the military installation*  
15 *is located: Provided, That in a case in which the military*  
16 *installation is located in more than one State, purchases*  
17 *may be made in any State in which the installation is lo-*  
18 *cated: Provided further, That such local procurement re-*  
19 *quirements for malt beverages and wine shall apply to all*  
20 *alcoholic beverages only for military installations in States*  
21 *which are not contiguous with another State: Provided fur-*  
22 *ther, That alcoholic beverages other than wine and malt bev-*  
23 *erages, in contiguous States and the District of Columbia*  
24 *shall be procured from the most competitive source, price*  
25 *and other factors considered.*



1 *to other activities of the Federal Government: Provided fur-*  
2 *ther, That the Secretary of Defense is authorized to enter*  
3 *into and carry out contracts for the acquisition of real*  
4 *property, construction, personal services, and operations re-*  
5 *lated to projects described in further detail in the Classified*  
6 *Annex accompanying the Department of Defense Appro-*  
7 *priations Act, 2005, consistent with the terms and condi-*  
8 *tions set forth therein: Provided further, That contracts en-*  
9 *tered into under the authority of this section may provide*  
10 *for such indemnification as the Secretary determines to be*  
11 *necessary: Provided further, That projects authorized by*  
12 *this section shall comply with applicable Federal, State,*  
13 *and local law to the maximum extent consistent with the*  
14 *national security, as determined by the Secretary of De-*  
15 *fense.*

16 *SEC. 8092. Section 8106 of the Department of Defense*  
17 *Appropriations Act, 1997 (titles I through VIII of the mat-*  
18 *ter under subsection 101(b) of Public Law 104–208; 110*  
19 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*  
20 *to apply to disbursements that are made by the Department*  
21 *of Defense in fiscal year 2005.*

22 *SEC. 8093. (a) Of the amounts appropriated in this*  
23 *Act under the heading “Research, Development, Test and*  
24 *Evaluation, Navy”, \$107,678,000 shall be available for the*

1 *construction of the first prototype vessel under the Littoral*  
2 *Combat Ship program.*

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

10 *SEC. 8094. The total amount appropriated or other-*  
11 *wise made available in this Act is hereby reduced by*  
12 *\$500,000,000 to limit excessive growth in the procurement*  
13 *of advisory and assistance services, to be distributed as fol-*  
14 *lows:*

15 *“Operation and Maintenance, Army”,*  
16 *\$25,000,000;*

17 *“Operation and Maintenance, Defense-Wide”,*  
18 *\$225,000,000;*

19 *“Research, Development, Test and Evaluation,*  
20 *Army”, \$50,000,000; and*

21 *“Research, Development, Test and Evaluation,*  
22 *Defense-Wide”, \$200,000,000.*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 8095. Of the amounts appropriated in this Act*  
25 *under the heading “Research, Development, Test and Eval-*  
26 *uation, Defense-Wide”, \$167,400,000 shall be made avail-*

1 *able for the Arrow missile defense program: Provided, That*  
2 *of this amount, \$80,000,000 shall be available for the pur-*  
3 *pose of producing Arrow missile components in the United*  
4 *States and Arrow missile components and missiles in Israel*  
5 *to meet Israel's defense requirements, consistent with each*  
6 *nation's laws, regulations and procedures: Provided further,*  
7 *That funds made available under this provision for produc-*  
8 *tion of missiles and missile components may be transferred*  
9 *to appropriations available for the procurement of weapons*  
10 *and equipment, to be merged with and to be available for*  
11 *the same time period and the same purposes as the appro-*  
12 *priation to which transferred: Provided further, That the*  
13 *transfer authority provided under this provision is in addi-*  
14 *tion to any other transfer authority contained in this Act.*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *SEC. 8096. In addition to amounts provided elsewhere*  
17 *in this Act, \$40,000,000 is hereby appropriated for "Air-*  
18 *craft Procurement, Navy": Provided, That these funds shall*  
19 *be available only for transfer to the Coast Guard for mission*  
20 *essential equipment for Coast Guard HC-130J aircraft.*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 8097. Of the amounts appropriated in this Act*  
23 *under the heading "Shipbuilding and Conversion, Navy",*  
24 *\$484,390,000 shall be available until September 30, 2005,*  
25 *to fund prior year shipbuilding cost increases: Provided,*  
26 *That upon enactment of this Act, the Secretary of the Navy*

1 *shall transfer such funds to the following appropriations in*  
2 *the amounts specified: Provided further, That the amounts*  
3 *transferred shall be merged with and be available for the*  
4 *same purposes as the appropriations to which transferred:*

5 *To:*

6 *Under the heading, “Shipbuilding and Con-*  
7 *version, Navy, 1996/2005”:*

8 *LPD–17 Amphibious Transport Dock*  
9 *Ship Program, \$55,000,000.*

10 *Under the heading, “Shipbuilding and Con-*  
11 *version, Navy, 1999/2005”:*

12 *New SSN, \$10,000,000;*

13 *LPD–17 Amphibious Transport Dock*  
14 *Ship Program, \$38,100,000.*

15 *Under the heading, “Shipbuilding and Con-*  
16 *version, Navy, 2000/2005”:*

17 *DDG–51 Destroyer Program,*  
18 *\$44,963,000;*

19 *LPD–17 Amphibious Transport Dock*  
20 *Ship Program, \$171,681,000.*

21 *Under the heading, “Shipbuilding and Con-*  
22 *version, Navy, 2001/2005”:*

23 *DDG–51 Destroyer Program,*  
24 *\$83,316,000;*

25 *New SSN, \$67,330,000.*

1                    *Under the heading, “Shipbuilding and Con-*  
2                    *version, Navy, 2002/2005”:*

3                    *LCAC SLEP, \$2,100,000.*

4                    *Under the heading, “Shipbuilding and Con-*  
5                    *version, Navy, 2003/2005”:*

6                    *LCAC SLEP, \$11,900,000.*

7                    *SEC. 8098. None of the funds available to the Depart-*  
8                    *ment of Defense may be obligated to implement any action*  
9                    *which alters the command responsibility or permanent as-*  
10                    *signment of forces until 270 days after such plan has been*  
11                    *provided to the congressional defense committees.*

12                    *SEC. 8099. Notwithstanding any other provision of*  
13                    *law or regulation, the Secretary of Defense may exercise the*  
14                    *provisions of 38 U.S.C. 7403(g) for occupations listed in*  
15                    *38 U.S.C. 7403(a)(2) as well as the following:*

16                    *Pharmacists, Audiologists, and Dental Hygien-*  
17                    *ists.*

18                    *(A) The requirements of 38 U.S.C.*  
19                    *7403(g)(1)(A) shall apply.*

20                    *(B) The limitations of 38 U.S.C.*  
21                    *7403(g)(1)(B) shall not apply.*

22                    *SEC. 8100. Funds appropriated in Titles I through*  
23                    *VIII of this Act, or made available by the transfer of funds*  
24                    *in this Act, for intelligence activities are deemed to be spe-*  
25                    *cifically authorized by the Congress for purposes of section*

1 504 of the National Security Act of 1947 (50 U.S.C. 414)  
2 during fiscal year 2005 until the enactment of the Intel-  
3 ligence Authorization Act for Fiscal Year 2005: Provided,  
4 That funds included in Title IX of this Act, for intelligence  
5 activities are deemed to be specifically authorized by the  
6 Congress for purposes of section 504 of the National Secu-  
7 rity Act of 1947 (50 U.S.C. 414).

8       SEC. 8101. In addition to funds made available else-  
9 where in this Act, \$5,500,000 is hereby appropriated and  
10 shall remain available until expended to provide assistance,  
11 by grant or otherwise (such as, but not limited to, the provi-  
12 sion of funds for repairs, maintenance, construction, and/  
13 or for the purchase of information technology, text books,  
14 teaching resources), to public schools that have unusually  
15 high concentrations of special needs military dependents en-  
16 rolled: Provided, That in selecting school systems to receive  
17 such assistance, special consideration shall be given to  
18 school systems in States that are considered overseas assign-  
19 ments, and all schools within these school systems shall be  
20 eligible for assistance: Provided further, That up to 2 per-  
21 cent of the total appropriated funds under this section shall  
22 be available to support the administration and execution  
23 of the funds or program and/or events that promote the pur-  
24 pose of this appropriation (e.g. payment of travel and per  
25 diem of school teachers attending conferences or a meeting

1 *that promotes the purpose of this appropriation and/or con-*  
2 *sultant fees for on-site training of teachers, staff, or Joint*  
3 *Venture Education Forum (JVEF) Committee members):*  
4 *Provided further, That up to \$2,000,000 shall be available*  
5 *for the Department of Defense to establish a non-profit trust*  
6 *fund to assist in the public-private funding of public school*  
7 *repair and maintenance projects, or provide directly to*  
8 *non-profit organizations who in return will use these mon-*  
9 *ies to provide assistance in the form of repair, maintenance,*  
10 *or renovation to public school systems that have high con-*  
11 *centrations of special needs military dependents and are lo-*  
12 *cated in States that are considered overseas assignments:*  
13 *Provided further, That to the extent a Federal agency pro-*  
14 *vides this assistance, by contract, grant, or otherwise, it*  
15 *may accept and expend non-Federal funds in combination*  
16 *with these Federal funds to provide assistance for the au-*  
17 *thorized purpose, if the non-Federal entity requests such as-*  
18 *sistance and the non-Federal funds are provided on a reim-*  
19 *bursable basis.*

20 *SEC. 8102. None of the funds in this Act may be used*  
21 *to initiate a new start program without 30 days prior writ-*  
22 *ten notification to the Office of Secretary of Defense and*  
23 *the congressional defense committees.*

24 *SEC. 8103. (a) The total amount appropriated or oth-*  
25 *erwise made available in this Act is hereby reduced by*

1 \$808,100,000 to reflect excessive unobligated balances, to be  
2 distributed as follows:

3 “Operation and Maintenance, Army”,  
4 \$160,800,000;

5 “Operation and Maintenance, Navy”,  
6 \$171,900,000;

7 “Operation and Maintenance, Marine Corps”,  
8 \$15,700,000;

9 “Operation and Maintenance, Air Force”,  
10 \$142,400,000; and

11 “Operation and Maintenance, Defense-Wide”,  
12 \$317,300,000.

13 (b) The Secretary of Defense shall allocate this reduc-  
14 tion proportionally to each budget activity, activity group,  
15 subactivity group, and each program, project, and activity  
16 within each applicable appropriation account.

17 *SEC. 8104. FINANCING AND FIELDING OF KEY ARMY*  
18 *CAPABILITIES. The Department of Defense and the Depart-*  
19 *ment of the Army shall make future budgetary and pro-*  
20 *gramming plans to fully finance the Non-Line of Sight*  
21 *(NLOS) Future Force cannon and resupply vehicle pro-*  
22 *gram in order to field this system in the 2008 timeframe.*  
23 *As an interim capability to enhance Army lethality, surviv-*  
24 *ability, and mobility for light and medium forces before*  
25 *complete fielding of the Future Force, the Army shall ensure*

1 *that budgetary and programmatic plans will provide for*  
2 *no fewer than six Stryker Brigade Combat Teams to be*  
3 *fielded between 2003 and 2008.*

4       *SEC. 8105. Of the funds made available in this Act,*  
5 *not less than \$87,900,000 shall be available to maintain*  
6 *an attrition reserve force of 18 B-52 aircraft, of which*  
7 *\$3,700,000 shall be available from “Military Personnel, Air*  
8 *Force”, \$55,300,000 shall be available from “Operation and*  
9 *Maintenance, Air Force”, and \$28,900,000 shall be avail-*  
10 *able from “Aircraft Procurement, Air Force”: Provided,*  
11 *That the Secretary of the Air Force shall maintain a total*  
12 *force of 94 B-52 aircraft, including 18 attrition reserve air-*  
13 *craft, during fiscal year 2005: Provided further, That the*  
14 *Secretary of Defense shall include in the Air Force budget*  
15 *request for fiscal year 2006 amounts sufficient to maintain*  
16 *a B-52 force totaling 94 aircraft.*

17       *SEC. 8106. Of the funds made available under the*  
18 *heading “Operation and Maintenance, Air Force”,*  
19 *\$9,000,000 shall be available to realign railroad track on*  
20 *Elmendorf Air Force Base and Fort Richardson: Provided,*  
21 *That of the funds made available under the heading “Oper-*  
22 *ation and Maintenance, Air Force”, \$14,000,000 shall be*  
23 *available for engineering and environment studies nec-*  
24 *essary to extend the railroad to Stryker Brigade Combat*  
25 *Team training areas north of Fort Wainwright, Alaska:*

1 *Provided further, That the Secretary of the Air Force is au-*  
2 *thorized, using funds available under the heading “Oper-*  
3 *ation and Maintenance, Air Force”, to complete a phased*  
4 *repair project, which repairs may include upgrades and ad-*  
5 *ditions, to the infrastructure of the operational ranges man-*  
6 *aged by the Air Force in Alaska. The total cost of such*  
7 *phased projects shall not exceed \$32,000,000.*

8 *(TRANSFER OF FUNDS)*

9 *SEC. 8107. Of the amounts appropriated in Public*  
10 *Law 107–206 under the heading “Defense Emergency Re-*  
11 *sponse Fund”, an amount up to the fair market value of*  
12 *the leasehold interest in adjacent properties necessary for*  
13 *the force protection requirements of Tooele Army Depot,*  
14 *Utah, may be made available to resolve any property dis-*  
15 *putes associated with Tooele Army Depot, Utah, and to ac-*  
16 *quire such leasehold interest as required: Provided, That*  
17 *none of these funds may be used to acquire fee title to the*  
18 *properties.*

19 *SEC. 8108. None of the funds appropriated in this Act*  
20 *under the heading “Overseas Contingency Operations*  
21 *Transfer Account” may be transferred or obligated for De-*  
22 *partment of Defense expenses not directly related to the con-*  
23 *duct of overseas contingencies: Provided, That the Secretary*  
24 *of Defense shall submit a report no later than 30 days after*  
25 *the end of each fiscal quarter to the Committees on Appro-*  
26 *priations of the Senate and House of Representatives that*

1 *details any transfer of funds from the “Overseas Contin-*  
2 *gency Operations Transfer Account”:* *Provided further,*  
3 *That the report shall explain any transfer for the mainte-*  
4 *nance of real property, pay of civilian personnel, base oper-*  
5 *ations support, and weapon, vehicle or equipment mainte-*  
6 *nance.*

7       *SEC. 8109. For purposes of section 1553(b) of title 31,*  
8 *United States Code, any subdivision of appropriations*  
9 *made in this Act under the heading “Shipbuilding and*  
10 *Conversion, Navy” shall be considered to be for the same*  
11 *purpose as any subdivision under the heading “Ship-*  
12 *building and Conversion, Navy” appropriations in any*  
13 *prior fiscal year, and the 1 percent limitation shall apply*  
14 *to the total amount of the appropriation.*

15       *SEC. 8110. The budget of the President for fiscal year*  
16 *2006 submitted to the Congress pursuant to section 1105*  
17 *of title 31, United States Code shall include separate budget*  
18 *justification documents for costs of United States Armed*  
19 *Forces’ participation in contingency operations for the*  
20 *Military Personnel accounts, the Operation and Mainte-*  
21 *nance accounts, and the Procurement accounts: Provided,*  
22 *That these documents shall include a description of the*  
23 *funding requested for each contingency operation, for each*  
24 *military service, to include all Active and Reserve compo-*  
25 *nents, and for each appropriations account: Provided fur-*

1 *ther, That these documents shall include estimated costs for*  
2 *each element of expense or object class, a reconciliation of*  
3 *increases and decreases for each contingency operation, and*  
4 *programmatic data including, but not limited to, troop*  
5 *strength for each Active and Reserve component, and esti-*  
6 *mates of the major weapons systems deployed in support*  
7 *of each contingency: Provided further, That these documents*  
8 *shall include budget exhibits OP-5 and OP-32 (as defined*  
9 *in the Department of Defense Financial Management Regu-*  
10 *lation) for all contingency operations for the budget year*  
11 *and the two preceding fiscal years.*

12       *SEC. 8111. None of the funds in this Act may be used*  
13 *for research, development, test, evaluation, procurement or*  
14 *deployment of nuclear armed interceptors of a missile de-*  
15 *fense system.*

16       *SEC. 8112. Notwithstanding any other provision of*  
17 *law, section 2533a(f) of title 10, United States Code, shall*  
18 *not apply to any fish, shellfish, or seafood product. This*  
19 *section applies to contracts and subcontracts for the pro-*  
20 *curement of commercial items notwithstanding section 34*  
21 *of the Office of Federal Procurement Policy Act (41 U.S.C.*  
22 *430).*

23       *SEC. 8113. Of the amounts provided in title II of this*  
24 *Act under the heading, "Operation and Maintenance, De-*  
25 *fense-Wide", \$20,000,000 is available for the Regional De-*

1 *fense Counter-terrorism Fellowship Program, to fund the*  
2 *education and training of foreign military officers, min-*  
3 *istry of defense civilians, and other foreign security offi-*  
4 *cials, to include United States military officers and civilian*  
5 *officials whose participation directly contributes to the edu-*  
6 *cation and training of these foreign students.*

7       *SEC. 8114. None of the funds appropriated or made*  
8 *available in this Act shall be used to reduce or disestablish*  
9 *the operation of the 53rd Weather Reconnaissance Squad-*  
10 *ron of the Air Force Reserve, if such action would reduce*  
11 *the WC-130 Weather Reconnaissance mission below the lev-*  
12 *els funded in this Act: Provided, That the Air Force shall*  
13 *allow the 53rd Weather Reconnaissance Squadron to per-*  
14 *form other missions in support of national defense require-*  
15 *ments during the non-hurricane season.*

16       *SEC. 8115. (a) Notwithstanding any other provision*  
17 *of law, none of the funds appropriated or otherwise made*  
18 *available in this or any other Act may be obligated for the*  
19 *Terrorism Information Awareness Program: Provided, That*  
20 *this limitation shall not apply to the program hereby au-*  
21 *thorized for Processing, analysis, and collaboration tools for*  
22 *counterterrorism foreign intelligence, as described in the*  
23 *Classified Annex accompanying the Department of Defense*  
24 *Appropriations Act, 2005, for which funds are expressly*

1 *provided in the National Foreign Intelligence Program for*  
2 *counterterrorism foreign intelligence purposes.*

3 *(b) None of the funds provided for Processing, analysis,*  
4 *and collaboration tools for counterterrorism foreign intel-*  
5 *ligence shall be available for deployment or implementation*  
6 *except for:*

7 *(1) lawful military operations of the United*  
8 *States conducted outside the United States; or*

9 *(2) lawful foreign intelligence activities con-*  
10 *ducted wholly overseas, or wholly against non-United*  
11 *States citizens.*

12 *(c) In this section, the term “Terrorism Information*  
13 *Awareness Program” means the program known either as*  
14 *Terrorism Information Awareness or Total Information*  
15 *Awareness, or any successor program, funded by the Defense*  
16 *Advanced Research Projects Agency, or any other Depart-*  
17 *ment or element of the Federal Government, including the*  
18 *individual components of such Program developed by the*  
19 *Defense Advanced Research Projects Agency.*

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

24 *(b) The Secretary of Defense shall allocate this reduc-*  
25 *tion proportionally to each budget activity, activity group,*

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

3 *SEC. 8117. (a) Notwithstanding any other provision*  
4 *of this Act, amounts otherwise provided by this Act in title*  
5 *I for the following accounts and activities are reduced by*  
6 *the following amounts:*

7 *“Military Personnel, Army”, \$2,386,000,000;*

8 *“Military Personnel, Navy”, \$2,386,000,000;*

9 *“Military Personnel, Air Force”, \$2,386,000,000;*

10 *in all: \$7,158,000,000.*

11 *(b) In addition to amounts appropriated elsewhere in*  
12 *this Act there are hereby appropriated the following*  
13 *amounts for the following accounts:*

14 *“Military Personnel, Army”, \$2,386,000,000;*

15 *“Military Personnel, Navy”, \$2,386,000,000;*

16 *“Military Personnel, Air Force”, \$2,386,000,000;*

17 *in all: \$7,158,000,000: Provided, That the entire amount*  
18 *is designated by the Congress as an emergency requirement*  
19 *pursuant to section 502 of H. Con. Res. 95, the concurrent*  
20 *resolution on the budget for fiscal year 2004: Provided fur-*  
21 *ther, That the entire amount shall be available only to the*  
22 *extent that an official budget request for \$7,158,000,000,*  
23 *that includes designation of the entire amount of the request*  
24 *as an emergency requirement as defined in H. Con. Res.*

1 95, the concurrent resolution on the budget for fiscal year  
2 2004, is transmitted by the President to the Congress.

3       *SEC. 8118. Up to \$3,000,000 of the funds appropriated*  
4 *under the heading, “Operation and Maintenance, Navy” in*  
5 *this Act may be made available to contract for the installa-*  
6 *tion, repair, maintenance, and operation of on-base and ad-*  
7 *acent off-base drainage and flood control systems critical*  
8 *to base operations and the public health and safety of com-*  
9 *munity residents in the vicinity of the Naval Magazine*  
10 *Lualualei.*

11       *SEC. 8119. The Secretary of the Navy may settle, or*  
12 *compromise, and pay any and all admiralty claims under*  
13 *10 U.S.C. 7622 arising out of the collision involving the*  
14 *U.S.S. GREENEVILLE and the EHIME MARU, in any*  
15 *amount and without regard to the monetary limitations in*  
16 *subsections (a) and (b) of that section: Provided, That such*  
17 *payments shall be made from funds available to the Depart-*  
18 *ment of the Navy for operation and maintenance.*

19       *SEC. 8120. From funds provided under the heading*  
20 *“Operation and Maintenance, Navy”, the Secretary of the*  
21 *Navy may make a grant in the amount of \$3,000,000 to*  
22 *the Chicago Public Schools for establishment of a Naval*  
23 *Military Academy High School, Chicago, Illinois, in part-*  
24 *nership with the Great Lakes Naval Training Center.*

1        *SEC. 8121. Of the amount appropriated by title III*  
2 *under the heading “Aircraft Procurement, Air Force”,*  
3 *\$880,000 shall be available to the Secretary of the Air Force*  
4 *for a grant to Rocky Mountain College, Montana, for the*  
5 *purchase of three Piper aircraft, and an aircraft simulator,*  
6 *for support of aviation training.*

7        *SEC. 8122. Of the amount appropriated or otherwise*  
8 *made available by title IV of the Act under the heading*  
9 *“Research, Development, Test and Evaluation, Navy”, up*  
10 *to \$4,000,000 may be available for Aviation Data Manage-*  
11 *ment and Control System, Block II.*

12        *SEC. 8123. Of the amount appropriated by title IV*  
13 *under the heading “Other Procurement, Air Force”, up to*  
14 *\$2,000,000 may be used for aircrew bladder relief device*  
15 *(ABRD) kits.*

16        *SEC. 8124. (a) Of the amounts appropriated by title*  
17 *III under the heading “Shipbuilding and Conversion,*  
18 *Navy”—*

19            *(1) the amount provided under that heading spe-*  
20 *cifically for the Carrier Replacement Program (AP)*  
21 *is hereby increased by \$140,900,000;*

22            *(2) the amount provided under that heading spe-*  
23 *cifically for CVN Refuelings (AP) is hereby increased*  
24 *by \$110,000,000; and*

1           (3) *the total amount provided under that head-*  
2           *ing is hereby increased by \$250,900,000.*

3           (b) *The amount of the reduction provided in section*  
4           *8062(a) is hereby increased by \$250,900,000.*

5           *SEC. 8125. Of the amount appropriated or otherwise*  
6           *made available by title IV of this Act under the heading*  
7           *“Research, Development, Test and Evaluation, Air Force”,*  
8           *up to \$6,000,000 may be available for the Science, Mathe-*  
9           *matics, And Research for Transformation (SMART) Pilot*  
10           *Scholarship Program.*

11           *SEC. 8126. Of the amount appropriated or otherwise*  
12           *made available by title II of this Act under the heading*  
13           *“Operation and Maintenance, Defense-Wide”, up to*  
14           *\$5,000,000 may be available for Department of Defense*  
15           *Education Activity for the upgrading of security at Depart-*  
16           *ment of Defense schools.*

17           *SEC. 8127. Of the amount appropriated or otherwise*  
18           *made available by title IV of this Act under the heading*  
19           *“Research, Development, Test and Evaluation, Army”, up*  
20           *to \$3,000,000 may be available for Medical Advanced Tech-*  
21           *nology for the Intravenous Membrane Oxygenator.*

22           *SEC. 8128. It is the sense of the Senate that—*

23           (1) *the Global Hawk Maritime Demonstration*  
24           *Program should be expanded to include the participa-*  
25           *tion of forward deployed forces of the Navy and the*

1 *Marine Corps in the area of responsibility of the*  
2 *Commander of the United States Central Command;*  
3 *and*

4 *(2) the Secretary of the Navy should compile the*  
5 *lessons learned in the conduct of the demonstration*  
6 *program specifically in that area of responsibility*  
7 *and incorporate those lessons into the ongoing activi-*  
8 *ties of the demonstration program for the development*  
9 *of concepts of operations.*

10 *SEC. 8129. Of the amount appropriated or otherwise*  
11 *made available by title IV of this Act under the heading*  
12 *“Research, Development, Test and Evaluation, Navy”, up*  
13 *to \$3,000,000 may be available to establish the Consortium*  
14 *of Visualization Excellence for Underseas Warfare Modeling*  
15 *and Simulation (COVE).*

16 *SEC. 8130. Of the amount appropriated by title IV*  
17 *under the heading “Operation and Maintenance, Army”,*  
18 *up to \$21,900,000 may be used for M1A1 Tank Trans-*  
19 *mission Maintenance.*

20 *SEC. 8131. Of the amount appropriated or otherwise*  
21 *made available by title IV of this Act under the heading*  
22 *“Research, Development, Test and Evaluation, Navy”, up*  
23 *to \$2,000,000 may be available to conduct a demonstration*  
24 *of a prototype of the Improved Shipboard Combat Informa-*  
25 *tion Center.*

1        *SEC. 8132. (a)(1) Notwithstanding section 514 of the*  
2 *Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the*  
3 *President may transfer to Israel, in exchange for conces-*  
4 *sions to be negotiated by the Secretary of Defense, with the*  
5 *concurrence of the Secretary of State, any or all of the items*  
6 *described in paragraph (2).*

7        *(2) The items referred to in paragraph (1) are armor,*  
8 *artillery, automatic weapons ammunition, missiles, and*  
9 *other munitions that—*

10            *(A) are obsolete or surplus items;*

11            *(B) are in the inventory of the Department of*  
12 *Defense;*

13            *(C) are intended for use as reserve stocks for*  
14 *Israel; and*

15            *(D) as of the date of enactment of this Act, are*  
16 *located in a stockpile in Israel.*

17        *(b) The value of concessions negotiated pursuant to*  
18 *subsection (a) shall be at least equal to the fair market value*  
19 *of the items transferred. The concessions may include cash*  
20 *compensation, services, waiver of charges otherwise payable*  
21 *by the United States, and other items of value.*

22        *(c) Not later than 30 days before making a transfer*  
23 *under the authority of this section, the President shall*  
24 *transmit a notification of the proposed transfer to the Com-*  
25 *mittees on Foreign Relations and Armed Services of the*

1 *Senate and the Committees on International Relations and*  
2 *Armed Services of the House of Representatives. The notifi-*  
3 *cation shall identify the items to be transferred and the con-*  
4 *cessions to be received.*

5 *(d) No transfer may be made under the authority of*  
6 *this section more than 2 years after the date of the enact-*  
7 *ment of this Act.*

8 *SEC. 8133. Section 514(b)(2) of the Foreign Assistance*  
9 *Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—*

10 *(1) in subparagraph (A), by striking “for fiscal*  
11 *year 2003” and inserting “for each of fiscal years*  
12 *2004 and 2005”; and*

13 *(2) in subparagraph (B), by striking “for fiscal*  
14 *year 2003” and inserting “for a fiscal year”.*

15 *SEC. 8134. (a) AVAILABILITY OF AMOUNT FOR RE-*  
16 *SEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*  
17 *FORCE, FOR RADAR DEVELOPMENT.—Of The amount ap-*  
18 *propriated or otherwise made available by title IV of this*  
19 *Act under the heading “Research, Development, Test, and*  
20 *Evaluation, Air Force”, \$7,000,000 may be available for*  
21 *AN/APG–68(V)10 radar development for F–16 aircraft.*

22 *(b) CONSTRUCTION OF AMOUNT.—The amount avail-*  
23 *able under subsection (a) for the purpose specified in that*  
24 *subsection is in addition to any other amounts available*  
25 *in this Act for that purpose.*

1        *SEC. 8135. Of the amount appropriated in title IV*  
2 *under the heading “Operational Test and Evaluation, De-*  
3 *fense” up to \$5,000,000 may be made available for the Joint*  
4 *Test and Training Rapid Advanced Capabilities*  
5 *(JTTRAC) Program.*

6        *SEC. 8136. (a) Public Law 108–199 is amended in di-*  
7 *vision F, title I, section 110(g) by striking “Of the” and*  
8 *inserting “Prior to distributing”; striking “each” every*  
9 *time it appears and inserting “the”; striking “project”*  
10 *every time it appears and inserting “projects”.*

11        *(b) The limitation under the heading “Federal-aid*  
12 *Highways (Limitation on Obligations) (Highway Trust*  
13 *Fund)” in Public Law 108–199 is increased by such sums*  
14 *as may be necessary to ensure that each State receives an*  
15 *amount of obligation authority equal to what each State*  
16 *would have received under section 110(a)(6) of Public Law*  
17 *108–199 but for the amendment made to section 110(g) of*  
18 *Public Law 108–199 by subsection (a) of this section: Pro-*  
19 *vided, That such additional authority shall remain avail-*  
20 *able during fiscal years 2004 and 2005.*

21        *SEC. 8137. It is the sense of the Senate that—*

22            *(1) any request for funds for a fiscal year for an*  
23 *ongoing military operation overseas, including oper-*  
24 *ations in Afghanistan and Iraq, should be included in*  
25 *the annual budget of the President for such fiscal year*

1       *as submitted to Congress under section 1105(a) of*  
2       *title 31, United States Code; and*

3               (2) *any funds provided for such fiscal year for*  
4       *such a military operation should be provided in ap-*  
5       *propriations Acts for such fiscal year through appro-*  
6       *priations to specific accounts set forth in such Acts.*

7       *SEC. 8138. Of the amount appropriated or otherwise*  
8       *made available by title IV of the Act under the heading*  
9       *“Research, Development, Test and Evaluation, Army”, up*  
10       *to \$5,000,000 may be available for the Broad Area Un-*  
11       *manned Responsive Resupply Operations aircraft program.*

12       *SEC. 8139. Of the amount appropriated by title IV*  
13       *under the heading “Research, Development, Test and Eval-*  
14       *uation, Navy”, up to \$2,000,000 may be used for Handheld*  
15       *Breath Diagnostics.*

16       *SEC. 8140. Of the amount appropriated by title IV*  
17       *under the heading “Research, Development, Test and Eval-*  
18       *uation, Navy”, up to \$1,800,000 may be used for the Joint*  
19       *Logistics Information System program for the automated*  
20       *scheduling tool.*

21       *SEC. 8141. Of the amount appropriated in title IV*  
22       *under the heading “Research, Development, Test and Eval-*  
23       *uation, Navy”, up to \$4,000,000 may be used for the Anti-*  
24       *Sniper Infrared Targeting System.*

1        *SEC. 8142. Of the amount appropriated or otherwise*  
2 *made available by title IV of this Act under the heading*  
3 *“Research, Development, Test and Evaluation, Army” and*  
4 *available for End Item Industrial Preparedness Activities,*  
5 *up to \$3,500,000 may be available for Laser Peening for*  
6 *Army helicopters.*

7        *SEC. 8143. Of the amount appropriated or otherwise*  
8 *made available by title IV of this Act under the heading*  
9 *“Research, Development, Test and Evaluation, Air Force”,*  
10 *up to \$2,000,000 may be available for Composites for Un-*  
11 *manned Air Vehicles.*

12        *SEC. 8144. Of the amount appropriated or otherwise*  
13 *made available by title IV of this Act under the heading*  
14 *“Research, Development, Test and Evaluation, Defense-*  
15 *Wide”, up to \$4,500,000 may be available for development*  
16 *of the Suicide Bomber Detection System Using a Portable*  
17 *Electronic Scanning Millimeter-Wave Imaging RADAR.*

18        *SEC. 8145. Of the funds available in “Research, Devel-*  
19 *opment, Test and Evaluation, Navy”, up to \$3,000,000*  
20 *may be made available for the ‘Mobile On-Scene Sensor Air-*  
21 *craft Intelligence Command, Control and Computer Center’.*

22        *SEC. 8146. Of the funds available in “Research, Devel-*  
23 *opment, Test and Evaluation, Army”, up to \$2,000,000*  
24 *may be made available for ‘Care of Battlefield Wounds’.*

1        *SEC. 8147. Of the amount appropriated or otherwise*  
2 *made available by title IV of this Act under the heading*  
3 *“Research, Development, Test and Evaluation, Army”, up*  
4 *to \$3,000,000 may be available to establish redundant sys-*  
5 *tems to ensure continuity of operations and disaster recov-*  
6 *ery at the United States Army Intelligence and Security*  
7 *Command’s Intelligence Dominance Center.*

8        *SEC. 8148. Of the amounts appropriated by title IV*  
9 *under the heading “Research, Development, Test and Eval-*  
10 *uation, Army” and available for electronic warfare tech-*  
11 *nology, up to \$2,000,000 may be made available for the*  
12 *Subterranean Target Identification Program.*

13        *SEC. 8149. Of the amounts appropriated by title IV*  
14 *under the heading “Research, Development, Test and Eval-*  
15 *uation, Army” and available for Defense Research Sciences,*  
16 *up to \$2,000,000 may be made available for the Program*  
17 *for Intelligence Validation.*

18        *SEC. 8150. It is the sense of the Senate that—*

19            *(1) funds appropriated by title IV under the*  
20 *heading “Research, Development, Test and Evalua-*  
21 *tion, Defense-Wide” for chemical and biological de-*  
22 *fense programs should be made available for the con-*  
23 *tinued development of an end-to-end point of care*  
24 *clinical diagnostic network to combat terrorism; and*

1           (2) *such funds should be distributed to partner-*  
2           *ships that combine universities and non-profit orga-*  
3           *nizations with industrial partners to ensure the rapid*  
4           *implementation of such clinical diagnostic network*  
5           *for clinical use.*

6           *SEC. 8151. Of the amounts appropriated by title IV*  
7           *under the heading “Research, Development, Test and Eval-*  
8           *uation, Air Force” and available for aerospace propulsion*  
9           *and technology, up to \$3,000,000 may be made available*  
10          *for the Versatile, Advanced Affordable Turbine Engine.*

11          *SEC. 8152. Of the amount appropriated or otherwise*  
12          *made available by title IV of this Act under the heading*  
13          *“Research, Development, Test, and Evaluation, Air Force”,*  
14          *up to \$5,000,000 may be available for X-43C development.*

15          *SEC. 8153. Of the amount appropriated or otherwise*  
16          *made available by title IV of this Act under the heading*  
17          *“Research, Development, Test, and Evaluation, Defense-*  
18          *Wide”, up to \$5,000,000 may be available for medical*  
19          *equipment and combat casualty care technologies.*

20          *SEC. 8154. Of the funds appropriated, up to*  
21          *\$2,000,000 may be available for the Advanced Composite*  
22          *Radome Project.*

23          *SEC. 8155. Notwithstanding any other provision of*  
24          *law, the Secretary of the Air Force may, using funds avail-*  
25          *able to the Air Force, demolish or provide for the demolition*

1 *of any facilities or other improvements on real property at*  
2 *the former Wurtsmith Air Force Base.*

3 *SEC. 8156. Of the amount appropriated by title III*  
4 *under the heading “Aircraft Procurement, Air Force”, up*  
5 *to \$7,000,000 may be available for F–16 Theater Airborne*  
6 *Reconnaissance System upgrades.*

7 *SEC. 8157. For the purposes of applying sections 204*  
8 *and 605 of the Departments of Commerce, Justice, and*  
9 *State, the Judiciary, and Related Agencies Appropriations*  
10 *Act, 2004 (division B of Public Law 108–199) to matters*  
11 *in title II of such Act under the heading “National Institute*  
12 *of Standards and Technology” (118 Stat. 69), in the ac-*  
13 *count under the heading “Industrial Technology Services”,*  
14 *the Secretary of Commerce shall make all determinations*  
15 *based on the Industrial Technology Services funding level*  
16 *of \$218,782,000 for reprogramming and transferring of*  
17 *funds for the Manufacturing Extension Partnership pro-*  
18 *gram and may submit such a reprogramming or transfer,*  
19 *as the case may be, to the appropriate committees within*  
20 *30 days after the date of the enactment of this Act.*

21 *SEC. 8158. (a)(1) Not later than 180 days after the*  
22 *date of the enactment of this Act, the Secretary of Defense*  
23 *shall submit to Congress a report on mental health services*  
24 *available to members of the Armed Forces and their depend-*  
25 *ents.*

1       (2) *The report required under paragraph (1) shall in-*  
2 *clude the following:*

3           (A) *A comprehensive review of mental health*  
4 *services that are available—*

5               (i) *to members of the Armed Forces who are*  
6 *deployed in combat theaters;*

7               (ii) *to members of the Armed Forces at any*  
8 *facilities in the United States; and*

9               (iii) *to dependents of members of the Armed*  
10 *Forces during and after deployment of members*  
11 *overseas.*

12           (B) *Data on the average number of service days*  
13 *since September 11, 2001, on which members of the*  
14 *Armed Forces were absent or excused from duty for*  
15 *mental health reasons.*

16           (C) *A description of the current procedures for*  
17 *reducing the negative perceptions among members of*  
18 *the Armed Services that are often associated with*  
19 *mental health counseling.*

20           (D) *A description of—*

21               (i) *the mental health services available to*  
22 *members of the Armed Forces, including mem-*  
23 *bers of the reserve components, and their depend-*  
24 *ents; and*

25               (ii) *the barriers to access to such services.*

1           (E) *An analysis of the extent to which the Sec-*  
2           *retary of the Army has implemented the recommenda-*  
3           *tions on mental health services that were made by the*  
4           *Mental Health Advisory Team of the Army on March*  
5           *25, 2004.*

6           (F) *A plan for actions that the Secretary deter-*  
7           *mines appropriate for improving the delivery of ap-*  
8           *propriate mental health services to members of the*  
9           *Armed Forces and their dependents.*

10          (b) *Not later than 360 days after the date of the enact-*  
11          *ment of this Act, the Secretary of Defense shall submit to*  
12          *Congress a report that describes—*

13               (1) *the actions taken to implement the plan sub-*  
14               *mitted under subsection (a)(2)(F); and*

15               (2) *the reasons why actions in the plan have not*  
16               *been completed, if any.*

17          SEC. 8159. *Of the amount appropriated or otherwise*  
18          *made available by title IV of this Act under the heading*  
19          *“Research, Development, Test and Evaluation, Navy”, up*  
20          *to \$5,000,000 may be available for support of the TIGER*  
21          *pathogen detection system.*

22          SEC. 8160. (a) RESCISSION.—*There is rescinded an*  
23          *amount equal to \$795,280 from the amount appropriated*  
24          *to carry out part B of title VII of the Higher Education*  
25          *Act of 1965, in title III of division E of the Consolidated*

1 *Appropriations Act, 2004 (Public Law 108–199; 118 Stat.*  
2 *3). This amount shall reduce the funds available for the*  
3 *projects specified in the statement of the managers on the*  
4 *Conference Report 108–401 accompanying the Consolidated*  
5 *Appropriations Act, 2004 (Public Law 108–199; 118 Stat.*  
6 *3).*

7       **(b) DISREGARD AMOUNT.**—*In the statement of the*  
8 *managers on the Conference Report 108–401 accompanying*  
9 *the Consolidated Appropriations Act, 2004 (Public Law*  
10 *108–199; 118 Stat. 3), in the matter in title III of division*  
11 *E, relating to the Fund for the Improvement of Postsec-*  
12 *ondary Education under the heading “Higher Education”,*  
13 *the provision specifying \$800,000 for Wahpeton State*  
14 *School of Science and North Dakota State University to re-*  
15 *cruit, retain and train pharmacy technicians shall be dis-*  
16 *regarded.*

17       **(c) APPROPRIATION.**—*There is appropriated an*  
18 *amount equal to \$795,280 to the Department of Labor, Em-*  
19 *ployment and Training Administration for “Training and*  
20 *Employment Services,” available for obligation for the pe-*  
21 *riod from July 1, 2004, through June 30, 2005, of which—*

22               **(1)** *\$200,000 shall be made available to the*  
23 *North Dakota State School of Science to recruit, re-*  
24 *tain, and train pharmacy technicians;*



1 *to the Congress and includes designation of the amount of*  
2 *that request as an emergency and essential to support ac-*  
3 *tivities and agencies in Iraq or Afghanistan: Provided fur-*  
4 *ther, That amounts provided under this heading shall be*  
5 *available for transfer for the following activities:*

6 *Not less than \$14,000,000,000 for “Operation*  
7 *and Maintenance, Army”;*

8 *Not less than \$500,000,000 for “Operation and*  
9 *Maintenance, Navy”;*

10 *Not less than \$2,200,000,000 for “Operation and*  
11 *Maintenance, Marine Corps”;*

12 *Not less than \$200,000,000 for “Operation and*  
13 *Maintenance, Air Force”;*

14 *Not less than \$695,400,000 for “Operation and*  
15 *Maintenance, Defense-Wide”;*

16 *Not less than \$1,750,000,000 for procurement ac-*  
17 *counts for the purposes of improving Army force pro-*  
18 *tection, accelerating Army modularity, and procuring*  
19 *essential Army equipment and munitions;*

20 *Not less than \$554,000,000 for procurement ac-*  
21 *counts for the purposes of improving Marine Corps*  
22 *force protection, and procuring essential Navy and*  
23 *Marine Corps equipment and munitions;*

24 *Not less than \$746,000,000 for “Defense Health*  
25 *Program”, to include contracts entered into under the*

1 *TRICARE* program, notwithstanding restrictions  
2 contained elsewhere in this Act;

3 \$1,250,000,000 only for classified programs de-  
4 scribed in further detail in the classified annex ac-  
5 companying this Act;

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

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

11 Up to \$740,000,000 for “Defense Working Cap-  
12 ital Funds” for increased fuel costs;

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

15 Up to \$100,000,000 for the Department of  
16 Homeland Security, “United States Coast Guard, Op-  
17 erating Expenses”:

18 *Provided further, That in addition to the transfers author-*  
19 *ized in the preceding proviso, the Secretary of Defense may*  
20 *transfer the funds provided herein to appropriations for*  
21 *military personnel; operation and maintenance; “Overseas*  
22 *Humanitarian, Disaster Assistance, and Civic Aid”;* pro-  
23 *curement; research, development, test and evaluation; “De-*  
24 *fense Working Capital Funds”;* and “Defense Health Pro-  
25 *gram”:* *Provided further, That the funds transferred under*

1 *this heading shall be merged with and shall be available*  
2 *for the same purposes and for the same time period, as the*  
3 *appropriation to which transferred: Provided further, That*  
4 *the transfer authority provided in this paragraph is in ad-*  
5 *dition to any other transfer authority available to the De-*  
6 *partment of Defense: Provided further, That upon a deter-*  
7 *mination that all or part of the funds transferred from this*  
8 *appropriation are not necessary for the purposes provided*  
9 *herein, such amounts may be transferred back to this appro-*  
10 *priation: Provided further, That the Secretary of Defense*  
11 *shall, not fewer than 5 days prior to making transfers from*  
12 *this appropriation, notify the congressional defense commit-*  
13 *tees in writing of the details of any such transfer: Provided*  
14 *further, That the Secretary of Defense shall submit a report*  
15 *no later than 30 days after the end of each fiscal quarter*  
16 *to the congressional defense committees summarizing the de-*  
17 *tails of the transfer of funds from this appropriation.*

18 *GENERAL PROVISIONS, TITLE IX*

19 *SEC. 9001. During the current fiscal year, funds avail-*  
20 *able to the Department of Defense for operation and mainte-*  
21 *nance may be used, notwithstanding any other provision*  
22 *of law, to provide supplies, services, transportation, includ-*  
23 *ing airlift and sealift, and other logistical support to coal-*  
24 *ition forces supporting military and stability operations in*  
25 *Iraq and Afghanistan: Provided, That the Secretary of De-*

1 *fense shall provide quarterly reports to the congressional de-*  
2 *fense committees regarding support provided under this sec-*  
3 *tion.*

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

21       *SEC. 9003. During the current fiscal year, from funds*  
22 *made available in this Act to the Department of Defense*  
23 *for operation and maintenance, not to exceed \$300,000,000*  
24 *may be used, notwithstanding any other provision of law,*  
25 *to fund the Commander’s Emergency Response Program, es-*

1 *established by the Administrator of the Coalition Provisional*  
2 *Authority for the purpose of enabling military commanders*  
3 *in Iraq to respond to urgent humanitarian relief and recon-*  
4 *struction requirements within their areas of responsibility*  
5 *by carrying out programs that will immediately assist the*  
6 *Iraqi people, and to fund a similar program to assist the*  
7 *people of Afghanistan: Provided, That the Secretary of De-*  
8 *fense shall provide quarterly reports to the congressional de-*  
9 *fense committees regarding the source of funds and the allo-*  
10 *cation and use of funds made available pursuant to the au-*  
11 *thority provided in this section.*

12 *SEC. 9004. Section 202(b) of the Afghanistan Freedom*  
13 *Support Act of 2002 (Public Law 107–327, as amended by*  
14 *section 2206 of Public Law 108–106) is amended by strik-*  
15 *ing “\$450,000,000” and inserting in lieu of thereof*  
16 *“\$550,000,000”.*

17 *SEC. 9005. None of the funds provided in this title may*  
18 *be used to finance programs or activities denied by Congress*  
19 *in fiscal years 2004 and 2005 appropriations to the De-*  
20 *partment of Defense or to initiate a procurement or re-*  
21 *search, development, test and evaluation new start program*  
22 *without 30 days prior written notification to the congres-*  
23 *sional defense committees.*

24 *SEC. 9006. In addition to amounts otherwise made*  
25 *available in this Act, \$50,000,000, is made available upon*

1 enactment for “Office of Justice Programs—State and  
2 Local Law Enforcement Assistance” for discretionary  
3 grants under the Edward Byrne Memorial State and Local  
4 Law Enforcement Assistance Programs for reimbursement  
5 to State and local law enforcement entities for security and  
6 related costs, including overtime, associated with the 2004  
7 Presidential Candidate Nominating Conventions, to remain  
8 available until September 30, 2005: Provided, That from  
9 funds provided in this section the Office of Justice Pro-  
10 grams shall make grants in the amount of \$25,000,000 to  
11 the City of Boston, Massachusetts; and \$25,000,000 to the  
12 City of New York, New York: Provided further, That the  
13 entire amount is designated by the Congress as an emer-  
14 gency requirement pursuant to section 502 of H. Con. Res.  
15 95, the concurrent resolution on the budget for fiscal year  
16 2004: Provided further, That the entire amount shall be  
17 available only to the extent that an official budget request  
18 for \$50,000,000, that includes designation of the entire  
19 amount of the request as an emergency requirement as de-  
20 fined in H. Con. Res. 95, the concurrent resolution on the  
21 budget for fiscal year 2004, is transmitted by the President  
22 to the Congress.

1 *TITLE X*2 *BILATERAL ECONOMIC ASSISTANCE*3 *FUNDS APPROPRIATED TO THE PRESIDENT*4 *UNITED STATES AGENCY FOR INTERNATIONAL*5 *DEVELOPMENT*6 *INTERNATIONAL DISASTER AND FAMINE ASSISTANCE*

7 *For an additional amount for “International Disaster*  
8 *and Famine Assistance”, \$70,000,000, to remain available*  
9 *until expended: Provided, That funds appropriated by this*  
10 *paragraph shall be available to respond to the humani-*  
11 *tarian crisis in the Darfur region of Sudan and in Chad:*  
12 *Provided further, That such amount is designated as an*  
13 *emergency requirement pursuant to section 502 of H. Con.*  
14 *Res. 95 (108th Congress): Provided further, That such*  
15 *amount shall be available only to the extent that an official*  
16 *budget request for a specific dollar amount, that includes*  
17 *designation of the entire amount of the request as an emer-*  
18 *gency requirement as defined in H. Con. Res. 95 (108th*  
19 *Congress), is transmitted by the President to Congress: Pro-*  
20 *vided further, That funds shall be made available under this*  
21 *heading immediately upon enactment of this Act.*

22 *DEPARTMENT OF STATE*23 *MIGRATION AND REFUGEE ASSISTANCE*

24 *For an additional amount for “Migration and Refugee*  
25 *Assistance”, \$25,000,000, to remain available until ex-*

1 *pending: Provided, That funds appropriated by this para-*  
2 *graph shall be available to respond to the humanitarian*  
3 *crisis in the Darfur region of Sudan and in Chad: Provided*  
4 *further, That such amount is designated as an emergency*  
5 *requirement pursuant to section 502 of H. Con. Res. 95*  
6 *(108th Congress): Provided further, That such amount shall*  
7 *be available only to the extent that an official budget request*  
8 *for a specific dollar amount, that includes designation of*  
9 *the entire amount of the request as an emergency require-*  
10 *ment as defined in H. Con. Res. 95 (108th Congress), is*  
11 *transmitted by the President to Congress: Provided further,*  
12 *That funds shall be made available under this heading im-*  
13 *mediately upon enactment of this Act.*

14 *This Act may be cited as the “Department of Defense*  
15 *Appropriations Act, 2005”.*

Attest:

*Secretary.*

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4613**

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**AMENDMENT**