

108TH CONGRESS
2^D SESSION

H. R. 4613

AN ACT

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

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

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any

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

5 TITLE I

6 MILITARY PERSONNEL

7 MILITARY PERSONNEL, ARMY

8 For pay, allowances, individual clothing, subsistence,
9 interest on deposits, gratuities, permanent change of sta-
10 tion travel (including all expenses thereof for organiza-
11 tional movements), and expenses of temporary duty travel
12 between permanent duty stations, for members of the
13 Army on active duty, (except members of reserve compo-
14 nents provided for elsewhere), cadets, and aviation cadets;
15 and for payments pursuant to section 156 of Public Law
16 97-377, as amended (42 U.S.C. 402 note), and to the De-
17 partment of Defense Military Retirement Fund,
18 \$29,507,672,000.

19 MILITARY PERSONNEL, NAVY

20 For pay, allowances, individual clothing, subsistence,
21 interest on deposits, gratuities, permanent change of sta-
22 tion travel (including all expenses thereof for organiza-
23 tional movements), and expenses of temporary duty travel
24 between permanent duty stations, for members of the
25 Navy on active duty (except members of the Reserve pro-

1 vided for elsewhere), midshipmen, and aviation cadets; and
2 for payments pursuant to section 156 of Public Law 97–
3 377, as amended (42 U.S.C. 402 note), and to the Depart-
4 ment of Defense Military Retirement Fund,
5 \$24,416,157,000.

6 MILITARY PERSONNEL, MARINE CORPS

7 For pay, allowances, individual clothing, subsistence,
8 interest on deposits, gratuities, permanent change of sta-
9 tion travel (including all expenses thereof for organiza-
10 tional movements), and expenses of temporary duty travel
11 between permanent duty stations, for members of the Ma-
12 rine Corps on active duty (except members of the Reserve
13 provided for elsewhere); and for payments pursuant to sec-
14 tion 156 of Public Law 97–377, as amended (42 U.S.C.
15 402 note), and to the Department of Defense Military Re-
16 tirement Fund, \$9,591,102,000.

17 MILITARY PERSONNEL, AIR FORCE

18 For pay, allowances, individual clothing, subsistence,
19 interest on deposits, gratuities, permanent change of sta-
20 tion travel (including all expenses thereof for organiza-
21 tional movements), and expenses of temporary duty travel
22 between permanent duty stations, for members of the Air
23 Force on active duty (except members of reserve compo-
24 nents provided for elsewhere), cadets, and aviation cadets;
25 and for payments pursuant to section 156 of Public Law

1 97–377, as amended (42 U.S.C. 402 note), and to the De-
2 partment of Defense Military Retirement Fund,
3 \$24,291,411,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and for members
14 of the Reserve Officers' Training Corps, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$3,719,990,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 10211 of title 10,
22 United States Code, or while serving on active duty under
23 section 12301(d) of title 10, United States Code, in con-
24 nection with performing duty specified in section 12310(a)
25 of title 10, United States Code, or while undergoing re-

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund,
6 \$2,108,232,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund,
20 \$653,073,000.

21 RESERVE PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Force
24 Reserve on active duty under sections 10211, 10305, and
25 8038 of title 10, United States Code, or while serving on

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund, \$1,451,950,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund, \$5,915,229,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under section 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund,
14 \$2,536,742,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of the Army, as author-
21 ized by law; and not to exceed \$11,144,000 can be used
22 for emergencies and extraordinary expenses, to be ex-
23 pended on the approval or authority of the Secretary of
24 the Army, and payments may be made on his certificate
25 of necessity for confidential military purposes,

1 \$25,820,311,000: *Provided*, That of the funds appro-
2 priated in this paragraph, not less than \$355,000,000
3 shall be made available only for conventional ammunition
4 care and maintenance: *Provided further*, That of funds
5 made available under this heading, \$2,500,000 shall be
6 available for Fort Baker, in accordance with the terms and
7 conditions as provided under the heading “Operation and
8 Maintenance, Army”, in Public Law 107–117.

9 OPERATION AND MAINTENANCE, NAVY

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance of the Navy and the
12 Marine Corps, as authorized by law; and not to exceed
13 \$4,525,000 can be used for emergencies and extraordinary
14 expenses, to be expended on the approval or authority of
15 the Secretary of the Navy, and payments may be made
16 on his certificate of necessity for confidential military pur-
17 poses, \$29,570,090,000.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of the Marine Corps,
21 as authorized by law, \$3,605,815,000.

22 OPERATION AND MAINTENANCE, AIR FORCE

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance of the Air Force, as
25 authorized by law; and not to exceed \$7,699,000 can be

1 used for emergencies and extraordinary expenses, to be ex-
2 pended on the approval or authority of the Secretary of
3 the Air Force, and payments may be made on his certifi-
4 cate of necessity for confidential military purposes,
5 \$27,994,110,000: *Provided*, That notwithstanding any
6 other provision of law, that of the funds available under
7 this heading, \$750,000 shall only be available to the Sec-
8 retary of the Air Force for a grant to Florida Memorial
9 College for the purpose of funding minority aviation train-
10 ing.

11 OPERATION AND MAINTENANCE, DEFENSE-WIDE
12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of activities and agen-
15 cies of the Department of Defense (other than the military
16 departments), as authorized by law, \$17,346,411,000, of
17 which not to exceed \$25,000,000 may be available for the
18 Combatant Commander Initiative Fund; and of which not
19 to exceed \$40,000,000 can be used for emergencies and
20 extraordinary expenses, to be expended on the approval
21 or authority of the Secretary of Defense, and payments
22 may be made on his certificate of necessity for confidential
23 military purposes: *Provided*, That notwithstanding any
24 other provision of law, of the funds provided in this Act
25 for Civil Military programs under this heading, \$500,000

1 shall be available for a grant for Outdoor Odyssey, Roar-
2 ing Run, Pennsylvania, to support the Youth Development
3 and Leadership program and Department of Defense
4 STARBASE program: *Provided further*, That of the funds
5 made available under this heading, \$3,000,000 shall be
6 available only for a Washington-based internship and im-
7 mersion program to allow U.S. Asian-American Pacific Is-
8 lander undergraduate college and university students from
9 economically disadvantaged backgrounds to participate in
10 academic and educational programs in the Department of
11 Defense and related Federal defense agencies: *Provided*
12 *further*, That none of the funds appropriated or otherwise
13 made available by this Act may be used to plan or imple-
14 ment the consolidation of a budget or appropriations liai-
15 son office of the Office of the Secretary of Defense, the
16 office of the Secretary of a military department, or the
17 service headquarters of one of the Armed Forces into a
18 legislative affairs or legislative liaison office: *Provided fur-*
19 *ther*, That \$4,000,000, to remain available until expended,
20 is available only for expenses relating to certain classified
21 activities, and may be transferred as necessary by the Sec-
22 retary to operation and maintenance appropriations or re-
23 search, development, test and evaluation appropriations,
24 to be merged with and to be available for the same time
25 period as the appropriations to which transferred: *Pro-*

1 *vided further*, That any ceiling on the investment item unit
2 cost of items that may be purchased with operation and
3 maintenance funds shall not apply to the funds described
4 in the preceding proviso: *Provided further*, That the trans-
5 fer authority provided under this heading is in addition
6 to any other transfer authority provided elsewhere in this
7 Act.

8 OPERATION AND MAINTENANCE, ARMY RESERVE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance, including training, or-
11 ganization, and administration, of the Army Reserve; re-
12 pair of facilities and equipment; hire of passenger motor
13 vehicles; travel and transportation; care of the dead; re-
14 cruiting; procurement of services, supplies, and equip-
15 ment; and communications, \$1,976,128,000.

16 OPERATION AND MAINTENANCE, NAVY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Navy Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications, \$1,233,038,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$187,196,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$2,227,190,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$4,376,886,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For expenses of training, organizing, and admin-
12 istering the Air National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; transportation of things, hire of pas-
16 senger motor vehicles; supplying and equipping the Air
17 National Guard, as authorized by law; expenses for repair,
18 modification, maintenance, and issue of supplies and
19 equipment, including those furnished from stocks under
20 the control of agencies of the Department of Defense;
21 travel expenses (other than mileage) on the same basis as
22 authorized by law for Air National Guard personnel on
23 active Federal duty, for Air National Guard commanders
24 while inspecting units in compliance with National Guard

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$4,438,738,000.

3 OVERSEAS CONTINGENCY OPERATIONS TRANSFER

4 ACCOUNT

5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses directly relating to Overseas Contin-
7 gency Operations by United States military forces,
8 \$5,000,000, to remain available until expended: *Provided*,
9 That the Secretary of Defense may transfer these funds
10 only to military personnel accounts; operation and mainte-
11 nance accounts within this title; the Defense Health Pro-
12 gram appropriation; procurement accounts; research, de-
13 velopment, test and evaluation accounts; and to working
14 capital funds: *Provided further*, That the funds transferred
15 shall be merged with and shall be available for the same
16 purposes and for the same time period, as the appropria-
17 tion to which transferred: *Provided further*, That upon a
18 determination that all or part of the funds transferred
19 from this appropriation are not necessary for the purposes
20 provided herein, such amounts may be transferred back
21 to this appropriation: *Provided further*, That the transfer
22 authority provided in this paragraph is in addition to any
23 other transfer authority 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,
5 \$10,825,000, of which not to exceed \$5,000 may be used
6 for official representation purposes.

7 ENVIRONMENTAL RESTORATION, ARMY
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$400,948,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris of the Department of the Army, or
15 for similar purposes, transfer the funds made available by
16 this appropriation to other appropriations made available
17 to the Department of the Army, to be merged with and
18 to be available for the same purposes and for the same
19 time period as the appropriations to which transferred:
20 *Provided further*, That upon a determination that all or
21 part of the funds transferred from this appropriation are
22 not necessary for the purposes provided herein, such
23 amounts may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, NAVY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Navy, \$266,820,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Navy shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Navy, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Navy, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred 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 un-
25 safe buildings and debris of the Department of the Air

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

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$26,684,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
2 may be transferred back to this appropriation.

3 ENVIRONMENTAL RESTORATION, FORMERLY USED
4 DEFENSE SITES
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Army, \$216,516,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Army shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris at sites formerly used by the Depart-
12 ment of Defense, transfer the funds made available by this
13 appropriation to other appropriations made available to
14 the Department of the Army, to be merged with and to
15 be available for the same purposes and for the same time
16 period as the appropriations to which transferred: *Pro-*
17 *vided further*, That upon a determination that all or part
18 of the funds transferred from this appropriation are not
19 necessary for the purposes provided herein, such amounts
20 may be transferred 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
24 Defense (consisting of the programs provided under sec-
25 tions 401, 402, 404, 2557, and 2561 of title 10, United

1 States Code), \$59,000,000, to remain available until Sep-
2 tember 30, 2006.

3 FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

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
7 secure transportation and storage of nuclear, chemical and
8 other weapons; for establishing programs to prevent the
9 proliferation of weapons, weapons components, and weap-
10 on-related technology and expertise; for programs relating
11 to the training and support of defense and military per-
12 sonnel for demilitarization and protection of weapons,
13 weapons components and weapons technology and exper-
14 tise, and for defense and military contacts, \$409,200,000,
15 to remain available until September 30, 2007.

16 TITLE III

17 PROCUREMENT

18 AIRCRAFT PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of aircraft, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$3,107,941,000, to remain available
7 for obligation until September 30, 2007, of which
8 \$320,600,000 shall be for the Army National Guard and
9 Army Reserve.

10 MISSILE PROCUREMENT, ARMY

11 For construction, procurement, production, modifica-
12 tion, and modernization of missiles, equipment, including
13 ordnance, ground handling equipment, spare parts, and
14 accessories therefor; specialized equipment and training
15 devices; expansion of public and private plants, including
16 the land necessary therefor, for the foregoing purposes,
17 and such lands and interests therein, may be acquired,
18 and construction prosecuted thereon prior to approval of
19 title; and procurement and installation of equipment, ap-
20 pliances, and machine tools in public and private plants;
21 reserve plant and Government and contractor-owned
22 equipment layaway; and other expenses necessary for the
23 foregoing purposes, \$1,327,000,000, to remain available
24 for obligation until September 30, 2007, of which

1 and the land necessary therefor, for the foregoing pur-
2 poses, and such lands and interests therein, may be ac-
3 quired, and construction prosecuted thereon prior to ap-
4 proval of title; and procurement and installation of equip-
5 ment, appliances, and machine tools in public and private
6 plants; reserve plant and Government and contractor-
7 owned equipment layaway; and other expenses necessary
8 for the foregoing purposes, \$1,608,302,000, to remain
9 available for obligation until September 30, 2007, of which
10 \$215,900,000 shall be for the Army National Guard and
11 Army Reserve.

12 OTHER PROCUREMENT, ARMY

13 For construction, procurement, production, and
14 modification of vehicles, including tactical, support, and
15 non-tracked combat vehicles; the purchase of passenger
16 motor vehicles for replacement only; communications and
17 electronic equipment; other support equipment; spare
18 parts, ordnance, and accessories therefor; specialized
19 equipment and training devices; expansion of public and
20 private plants, including the land necessary therefor, for
21 the foregoing purposes, and such lands and interests
22 therein, may be acquired, and construction prosecuted
23 thereon prior to approval of title; and procurement and
24 installation of equipment, appliances, and machine tools
25 in public and private plants; reserve plant and Govern-

1 ment and contractor-owned equipment layaway; and other
2 expenses necessary for the foregoing purposes,
3 \$4,868,371,000, to remain available for obligation until
4 September 30, 2007, of which \$900,000,000 shall be for
5 the Army National Guard and Army Reserve.

6 AIRCRAFT PROCUREMENT, NAVY

7 For construction, procurement, production, modifica-
8 tion, and modernization of aircraft, equipment, including
9 ordnance, spare parts, and accessories therefor; specialized
10 equipment; expansion of public and private plants, includ-
11 ing the land necessary therefor, and such lands and inter-
12 ests therein, may be acquired, and construction prosecuted
13 thereon prior to approval of title; and procurement and
14 installation of equipment, appliances, and machine tools
15 in public and private plants; reserve plant and Govern-
16 ment and contractor-owned equipment layaway,
17 \$8,841,824,000, to remain available for obligation until
18 September 30, 2007, of which \$89,846,000 shall be for
19 the Navy Reserve and Marine Corps Reserve.

20 WEAPONS PROCUREMENT, NAVY

21 For construction, procurement, production, modifica-
22 tion, and modernization of missiles, torpedoes, other weap-
23 ons, and related support equipment including spare parts,
24 and accessories therefor; expansion of public and private
25 plants, including the land necessary therefor, and such

1 SHIPBUILDING AND CONVERSION, NAVY

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

14 Carrier Replacement program (AP), \$626,084,000;

15 NSSN, \$1,581,143,000;

16 NSSN (AP), \$871,864,000;

17 SSGN, \$469,226,000;

18 SSGN (AP), \$48,000,000;

19 CVN Refueling Overhauls (AP), \$333,061,000;

20 SSN Submarine Refueling Overhauls (AP),
21 \$19,368,000;

22 SSBN Submarine Refueling Overhauls,
23 \$262,229,000;

24 SSBN Submarine Refueling Overhauls (AP),
25 \$63,971,000;

1 DDG-51 Destroyer, \$3,444,950,000;
2 DDG-51 Destroyer (AP), \$125,000,000;
3 DDG-51 Modernization, \$100,000,000;
4 LHD-8, \$236,018,000;
5 LPD-17, \$966,559,000;
6 LCU(X), \$25,048,000;
7 Service Craft, \$38,599,000;
8 LCAC Landing Craft Air Cushion SLEP,
9 \$90,490,000;
10 Prior year shipbuilding costs, \$484,390,000; and
11 For outfitting, post delivery, conversions, and first
12 destination transportation, \$403,327,000.

13 In all: \$10,189,327,000, to remain available for obli-
14 gation until September 30, 2009: *Provided*, That addi-
15 tional obligations may be incurred after September 30,
16 2009, for engineering services, tests, evaluations, and
17 other such budgeted work that must be performed in the
18 final stage of ship construction: *Provided further*, That
19 none of the funds provided under this heading for the con-
20 struction or conversion of any naval vessel to be con-
21 structed in shipyards in the United States shall be ex-
22 pended in foreign facilities for the construction of major
23 components of such vessel: *Provided further*, That none
24 of the funds provided under this heading shall be used

1 for the construction of any naval vessel in foreign ship-
2 yards.

3 OTHER PROCUREMENT, NAVY

4 For procurement, production, and modernization of
5 support equipment and materials not otherwise provided
6 for, Navy ordnance (except ordnance for new aircraft, new
7 ships, and ships authorized for conversion); the purchase
8 of passenger motor vehicles for replacement only; expan-
9 sion of public and private plants, including the land nec-
10 essary therefor, and such lands and interests therein, may
11 be acquired, and construction prosecuted thereon prior to
12 approval of title; and procurement and installation of
13 equipment, appliances, and machine tools in public and
14 private plants; reserve plant and Government and con-
15 tractor-owned equipment layaway, \$4,980,325,000, to re-
16 main available for obligation until September 30, 2007,
17 of which \$37,373,000 shall be for the Navy Reserve and
18 Marine Corps Reserve: *Provided*, That funds available in
19 this appropriation may be used for TRIDENT modifica-
20 tions associated with force protection and security require-
21 ments.

22 PROCUREMENT, MARINE CORPS

23 For expenses necessary for the procurement, manu-
24 facture, and modification of missiles, armament, military
25 equipment, spare parts, and accessories therefor; plant

1 equipment, appliances, and machine tools, and installation
2 thereof in public and private plants; reserve plant and
3 Government and contractor-owned equipment layaway; ve-
4 hicles for the Marine Corps, including the purchase of pas-
5 senger motor vehicles for replacement only; and expansion
6 of public and private plants, including land necessary
7 therefor, and such lands and interests therein, may be ac-
8 quired, and construction prosecuted thereon prior to ap-
9 proval of title, \$1,462,703,000, to remain available for ob-
10 ligation until September 30, 2007, of which \$55,608,000
11 shall be available for the Marine Corps Reserve.

12 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 \$13,289,984,000, to remain available for obligation until
2 September 30, 2007, of which \$303,700,000 shall be
3 available for the Air National Guard and Air Force Re-
4 serve: *Provided*, That amounts provided under this head-
5 ing shall be used for the procurement of 15 C-17 aircraft:
6 *Provided further*, That amounts provided under this head-
7 ing shall be used for the advance procurement of not less
8 than 15 C-17 aircraft: *Provided further*, That the Sec-
9 retary of the Air Force shall fully fund the procurement
10 of not less than 15 C-17 aircraft in fiscal year 2006.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of
13 missiles, spacecraft, rockets, and related equipment, in-
14 cluding spare parts and accessories therefor, ground han-
15 dling equipment, and training devices; expansion of public
16 and private plants, Government-owned equipment and in-
17 stallation thereof in such plants, erection of structures,
18 and acquisition of land, for the foregoing purposes, and
19 such lands and interests therein, may be acquired, and
20 construction prosecuted thereon prior to approval of title;
21 reserve plant and Government and contractor-owned
22 equipment layaway; and other expenses necessary for the
23 foregoing purposes including rents and transportation of
24 things, \$4,425,013,000, to remain available for obligation
25 until September 30, 2007.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,346,557,000, to remain
15 available for obligation until September 30, 2007, of which
16 \$150,500,000 shall be for the Air National Guard and Air
17 Force Reserve.

18 OTHER PROCUREMENT, AIR FORCE

19 For procurement and modification of equipment (in-
20 cluding ground guidance and electronic control equipment,
21 and ground electronic and communication equipment),
22 and supplies, materials, and spare parts therefor, not oth-
23 erwise provided for; the purchase of passenger motor vehi-
24 cles for replacement only; lease of passenger motor vehi-
25 cles; and expansion of public and private plants, Govern-

1 DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant
3 to sections 108, 301, 302, and 303 of the Defense Produc-
4 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
5 2093), \$27,015,000, to remain available until expended.

6 TITLE IV
7 RESEARCH, DEVELOPMENT, TEST AND
8 EVALUATION

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
10 ARMY

11 For expenses necessary for basic and applied sci-
12 entific research, development, test and evaluation, includ-
13 ing maintenance, rehabilitation, lease, and operation of fa-
14 cilities and equipment, \$10,220,123,000, to remain avail-
15 able for obligation until September 30, 2006: *Provided*,
16 That of the amounts provided under this heading,
17 \$10,000,000 for Molecular Genetics and Musculoskeletal
18 Research in program element 0602787A shall remain
19 available until expended.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 NAVY

22 For expenses necessary for basic and applied sci-
23 entific research, development, test and evaluation, includ-
24 ing maintenance, rehabilitation, lease, and operation of fa-
25 cilities and equipment, \$16,532,361,000, to remain avail-

1 able for obligation until September 30, 2006: *Provided*,
2 That funds appropriated in this paragraph which are
3 available for the V-22 may be used to meet unique oper-
4 ational requirements of the Special Operations Forces:
5 *Provided further*, That funds appropriated in this para-
6 graph shall be available for the Cobra Judy program.

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

9 For expenses necessary for basic and applied sci-
10 entific research, development, test and evaluation, includ-
11 ing maintenance, rehabilitation, lease, and operation of fa-
12 cilities and equipment, \$21,033,622,000, to remain avail-
13 able for obligation until September 30, 2006.

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

16 For expenses of activities and agencies of the Depart-
17 ment of Defense (other than the military departments),
18 necessary for basic and applied scientific research, devel-
19 opment, test and evaluation; advanced research projects
20 as may be designated and determined by the Secretary
21 of Defense, pursuant to law; maintenance, rehabilitation,
22 lease, and operation of facilities and equipment,
23 \$20,851,271,000, to remain available for obligation until
24 September 30, 2006.

1 OPERATIONAL TEST AND EVALUATION, DEFENSE

2 For expenses, not otherwise provided for, necessary
3 for the independent activities of the Director, Operational
4 Test and Evaluation, in the direction and supervision of
5 operational test and evaluation, including initial oper-
6 ational test and evaluation which is conducted prior to,
7 and in support of, production decisions; joint operational
8 testing and evaluation; and administrative expenses in
9 connection therewith, \$309,135,000, to remain available
10 for obligation until September 30, 2006.

11 TITLE V

12 REVOLVING AND MANAGEMENT FUNDS

13 DEFENSE WORKING CAPITAL FUNDS

14 For the Defense Working Capital Funds,
15 \$1,174,210,000.

16 NATIONAL DEFENSE SEALIFT FUND

17 For National Defense Sealift Fund programs,
18 projects, and activities, and for expenses of the National
19 Defense Reserve Fleet, as established by section 11 of the
20 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
21 and for the necessary expenses to maintain and preserve
22 a U.S.-flag merchant fleet to serve the national security
23 needs of the United States, \$1,186,626,000, to remain
24 available until expended: *Provided*, That none of the funds
25 provided in this paragraph shall be used to award a new

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

20 TITLE VI

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 For expenses, not otherwise provided for, for medical
24 and health care programs of the Department of Defense,
25 as authorized by law, \$17,959,186,000, of which

1 \$17,148,069,000 shall be for Operation and maintenance,
2 of which not to exceed 2 percent shall remain available
3 until September 30, 2006; of which \$364,635,000, to re-
4 main available for obligation until September 30, 2007,
5 shall be for Procurement; and of which \$446,482,000, to
6 remain available for obligation until September 30, 2006,
7 shall be for Research, development, test and evaluation:
8 *Provided*, That notwithstanding any other provision of
9 law, of the amount made available under this heading for
10 Operation and maintenance, \$11,000,000 shall remain
11 available until expended, and shall be available only for
12 deposit into the Army Fisher House Non-Appropriated
13 Fund Instrumentality and shall be used in support and
14 upkeep of existing Fisher Houses managed by the Army:
15 *Provided further*, That notwithstanding any other provi-
16 sion of law, of the amount made available under this head-
17 ing for Research, development, test and evaluation, not
18 less than \$10,000,000 shall be available for HIV preven-
19 tion educational activities undertaken in connection with
20 U.S. military training, exercises, and humanitarian assist-
21 ance activities conducted primarily in African nations:
22 *Provided further*, That Title VI of the Department of De-
23 fense Appropriations Act, 2004, in the appropriation for
24 the Defense Health Program, is amended by adding before
25 the period a comma and the following: “and of which not

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for Op-
9 eration and maintenance; for Procurement; and for Re-
10 search, development, test and evaluation, \$876,697,000:
11 *Provided*, That the funds appropriated under this heading
12 shall be available for obligation for the same time period
13 and for the same purpose as the appropriation to which
14 transferred: *Provided further*, That upon a determination
15 that all or part of the funds transferred from this appro-
16 priation are not necessary for the purposes provided here-
17 in, such amounts may be transferred back to this appro-
18 priation: *Provided further*, That the transfer authority pro-
19 vided under this heading is in addition to any other trans-
20 fer authority contained elsewhere in this Act.

21 OFFICE OF THE INSPECTOR GENERAL

22 For expenses and activities of the Office of the In-
23 spector General in carrying out the provisions of the In-
24 spector General Act of 1978, as amended, \$193,562,000,
25 of which \$191,362,000 shall be for Operation and mainte-

1 nance, of which not to exceed \$700,000 is available for
2 emergencies and extraordinary expenses to be expended on
3 the approval or authority of the Inspector General, and
4 payments may be made on the Inspector General's certifi-
5 cate of necessity for confidential military purposes; and
6 of which \$2,100,000, to remain available until September
7 30, 2007, shall be for Procurement; and of which
8 \$100,000, to remain available until September 30, 2006,
9 shall be for Research, development, test and evaluation.

10 TITLE VII

11 RELATED AGENCIES

12 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 13 DISABILITY SYSTEM FUND

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

19 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT 20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Intelligence Commu-
22 nity Management Account, \$309,644,000, of which
23 \$26,953,000 for the Advanced Research and Development
24 Committee shall remain available until September 30,
25 2006: *Provided*, That of the funds appropriated under this

1 heading, \$46,100,000 shall be transferred to the Depart-
2 ment of Justice for the National Drug Intelligence Center
3 to support the Department of Defense's counter-drug in-
4 telligence responsibilities, and of the said amount,
5 \$1,500,000 for Procurement shall remain available until
6 September 30, 2007 and \$1,000,000 for Research, devel-
7 opment, test and evaluation shall remain available until
8 September 30, 2006: *Provided further*, That the National
9 Drug Intelligence Center shall maintain the personnel and
10 technical resources to provide timely support to law en-
11 forcement authorities and the intelligence community by
12 conducting document and computer exploitation of mate-
13 rials collected in Federal, State, and local law enforcement
14 activity associated with counter-drug, counter-terrorism,
15 and national security investigations and operations.

16 NATIONAL SECURITY EDUCATION TRUST FUND

17 For the purposes of title VIII of Public Law 102-
18 183, \$8,000,000, to be derived from the National Security
19 Education Trust Fund, to remain available until ex-
20 pended.

21 TITLE VIII

22 GENERAL PROVISIONS

23 SEC. 8001. No part of any appropriation contained
24 in this Act shall be used for publicity or propaganda pur-
25 poses not authorized by the Congress.

1 SEC. 8002. During the current fiscal year, provisions
2 of law prohibiting the payment of compensation to, or em-
3 ployment of, any person not a citizen of the United States
4 shall not apply to personnel of the Department of Defense:
5 *Provided*, That salary increases granted to direct and indi-
6 rect hire foreign national employees of the Department of
7 Defense funded by this Act shall not be at a rate in excess
8 of the percentage increase authorized by law for civilian
9 employees of the Department of Defense whose pay is
10 computed under the provisions of section 5332 of title 5,
11 United States Code, or at a rate in excess of the percent-
12 age increase provided by the appropriate host nation to
13 its own employees, whichever is higher: *Provided further*,
14 That this section shall not apply to Department of De-
15 fense foreign service national employees serving at United
16 States diplomatic missions whose pay is set by the Depart-
17 ment of State under the Foreign Service Act of 1980: *Pro-*
18 *vided further*, That the limitations of this provision shall
19 not apply to foreign national employees of the Department
20 of Defense in the Republic of Turkey.

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

24 SEC. 8004. No more than 20 percent of the appro-
25 priations in this Act which are limited for obligation dur-

1 ing the current fiscal year shall be obligated during the
2 last 2 months of the fiscal year: *Provided*, That this sec-
3 tion shall not apply to obligations for support of active
4 duty training of reserve components or summer camp
5 training of the Reserve Officers' Training Corps.

6 (TRANSFER OF FUNDS)

7 SEC. 8005. Upon determination by the Secretary of
8 Defense that such action is necessary in the national inter-
9 est, he may, with the approval of the Office of Manage-
10 ment and Budget, transfer not to exceed \$3,000,000,000
11 of working capital funds of the Department of Defense
12 or funds made available in this Act to the Department
13 of Defense for military functions (except military con-
14 struction) between such appropriations or funds or any
15 subdivision thereof, to be merged with and to be available
16 for the same purposes, and for the same time period, as
17 the appropriation or fund to which transferred: *Provided*,
18 That such authority to transfer may not be used unless
19 for higher priority items, based on unforeseen military re-
20 quirements, than those for which originally appropriated
21 and in no case where the item for which funds are re-
22 quested has been denied by the Congress: *Provided further*,
23 That the Secretary of Defense shall notify the Congress
24 promptly of all transfers made pursuant to this authority
25 or any other authority in this Act: *Provided further*, That

1 no part of the funds in this Act shall be available to pre-
2 pare or present a request to the Committees on Appropria-
3 tions for reprogramming of funds, unless for higher pri-
4 ority items, based on unforeseen military requirements,
5 than those for which originally appropriated and in no
6 case where the item for which reprogramming is requested
7 has been denied by the Congress: *Provided further*, That
8 a request for multiple reprogrammings of funds using au-
9 thority provided in this section must be made prior to
10 June 30, 2005: *Provided further*, That transfers among
11 military personnel appropriations shall not be taken into
12 account for purposes of the limitation on the amount of
13 funds that may be transferred under this section.

14 (TRANSFER OF FUNDS)

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

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

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

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

1 tained in this Act shall be available to initiate a multiyear
2 contract for which the economic order quantity advance
3 procurement is not funded at least to the limits of the
4 Government's liability: *Provided further*, That no part of
5 any appropriation contained in this Act shall be available
6 to initiate multiyear procurement contracts for any sys-
7 tems or component thereof if the value of the multiyear
8 contract would exceed \$500,000,000 unless specifically
9 provided in this Act: *Provided further*, That no multiyear
10 procurement contract can be terminated without 10-day
11 prior notification to the congressional defense committees:
12 *Provided further*, That the execution of multiyear author-
13 ity shall require the use of a present value analysis to de-
14 termine lowest cost compared to an annual procurement:
15 *Provided further*, That none of the funds provided in this
16 Act may be used for a multiyear contract executed after
17 the date of the enactment of this Act unless in the case
18 of any such contract—

19 (1) the Secretary of Defense has submitted to
20 Congress a budget request for full funding of units
21 to be procured through the contract;

22 (2) cancellation provisions in the contract do
23 not include consideration of recurring manufacturing
24 costs of the contractor associated with the produc-

1 tion of unfunded units to be delivered under the con-
2 tract;

3 (3) the contract provides that payments to the
4 contractor under the contract shall not be made in
5 advance of incurred costs on funded units; and

6 (4) the contract does not provide for a price ad-
7 justment based on a failure to award a follow-on
8 contract.

9 Funds appropriated in title III of this Act may be
10 used for a multiyear procurement contract as follows:

11 Lightweight 155mm Howitzer.

12 SEC. 8009. Within the funds appropriated for the op-
13 eration and maintenance of the Armed Forces, funds are
14 hereby appropriated pursuant to section 401 of title 10,
15 United States Code, for humanitarian and civic assistance
16 costs under chapter 20 of title 10, United States Code.
17 Such funds may also be obligated for humanitarian and
18 civic assistance costs incidental to authorized operations
19 and pursuant to authority granted in section 401 of chap-
20 ter 20 of title 10, United States Code, and these obliga-
21 tions shall be reported as required by section 401(d) of
22 title 10, United States Code: *Provided*, That funds avail-
23 able for operation and maintenance shall be available for
24 providing humanitarian and similar assistance by using
25 Civic Action Teams in the Trust Territories of the Pacific

1 Islands and freely associated states of Micronesia, pursu-
2 ant to the Compact of Free Association as authorized by
3 Public Law 99–239: *Provided further*, That upon a deter-
4 mination by the Secretary of the Army that such action
5 is beneficial for graduate medical education programs con-
6 ducted at Army medical facilities located in Hawaii, the
7 Secretary of the Army may authorize the provision of med-
8 ical services at such facilities and transportation to such
9 facilities, on a nonreimbursable basis, for civilian patients
10 from American Samoa, the Commonwealth of the North-
11 ern Mariana Islands, the Marshall Islands, the Federated
12 States of Micronesia, Palau, and Guam.

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

20 (b) The fiscal year 2006 budget request for the De-
21 partment of Defense as well as all justification material
22 and other documentation supporting the fiscal year 2006
23 Department of Defense budget request shall be prepared
24 and submitted to the Congress as if subsections (a) and

1 (b) of this provision were effective with regard to fiscal
2 year 2006.

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

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

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

13 SEC. 8013. None of the funds appropriated by this
14 Act shall be available for the basic pay and allowances of
15 any member of the Army participating as a full-time stu-
16 dent and receiving benefits paid by the Secretary of Vet-
17 erans Affairs from the Department of Defense Education
18 Benefits Fund when time spent as a full-time student is
19 credited toward completion of a service commitment: *Pro-*
20 *vided*, That this subsection shall not apply to those mem-
21 bers who have reenlisted with this option prior to October
22 1, 1987: *Provided further*, That this subsection applies
23 only to active components of the Army.

24 SEC. 8014. (a) LIMITATION ON CONVERSION TO
25 CONTRACTOR PERFORMANCE.—None of the funds appro-

1 priated by this Act shall be available to convert to con-
2 tractor performance an activity or function of the Depart-
3 ment of Defense that, on or after the date of the enact-
4 ment of this Act, is performed by more than 10 Depart-
5 ment of Defense civilian employees unless—

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

10 (2) the Competitive Sourcing Official deter-
11 mines that, over all performance periods stated in
12 the solicitation of offers for performance of the ac-
13 tivity or function, the cost of performance of the ac-
14 tivity or function by a contractor would be less costly
15 to the Department of Defense by an amount that
16 equals or exceeds the lesser of—

17 (A) 10 percent of the most efficient organi-
18 zation's personnel-related costs for performance
19 of that activity or function by Federal employ-
20 ees; or

21 (B) \$10,000,000; and

22 (3) the contractor does not receive an advan-
23 tage for a proposal that would reduce costs for the
24 Department of Defense by—

1 (A) not making an employer-sponsored
2 health insurance plan available to the workers
3 who are to be employed in the performance of
4 that activity or function under the contract; or

5 (B) offering to such workers an employer-
6 sponsored health benefits plan that requires the
7 employer to contribute less towards the pre-
8 mium or subscription share than the amount
9 that is paid by the Department of Defense for
10 health benefits for civilian employees under
11 chapter 89 of title 5, United States Code.

12 (b) EXCEPTIONS.—

13 (1) This section and subsections (a), (b), and
14 (c) of section 2461 of title 10, United States Code,
15 shall not apply to a commercial or industrial type
16 function of the Department of Defense that—

17 (A) is included on the procurement list es-
18 tablished pursuant to section 2 of the Javits-
19 Wagner-O'Day Act (41 U.S.C. 47);

20 (B) is planned to be converted to perform-
21 ance by a qualified nonprofit agency for the
22 blind or by a qualified nonprofit agency for
23 other severely handicapped individuals in ac-
24 cordance with that Act; or

1 (C) is planned to be converted to perform-
2 ance by a qualified firm under at least 51 per-
3 cent ownership by an Indian tribe, as defined in
4 section 4(e) of the Indian Self-Determination
5 and Education Assistance Act (25 U.S.C.
6 450b(e)), or a Native Hawaiian Organization,
7 as defined in section 8(a)(15) of the Small
8 Business Act (15 U.S.C. 637(a)(15)).

9 (2) This section shall not apply to depot con-
10 tracts or contracts for depot maintenance as pro-
11 vided in sections 2469 and 2474 of title 10, United
12 States Code.

13 (c) TREATMENT OF CONVERSION.—The conversion
14 of any activity or function of the Department of Defense
15 under the authority provided by this section shall be cred-
16 ited toward any competitive or outsourcing goal, target,
17 or measurement that may be established by statute, regu-
18 lation, or policy and is deemed to be awarded under the
19 authority of, and in compliance with, subsection (h) of sec-
20 tion 2304 of title 10, United States Code, for the competi-
21 tion or outsourcing of commercial activities.

22 (TRANSFER OF FUNDS)

23 SEC. 8015. Funds appropriated in title III of this Act
24 for the Department of Defense Pilot Mentor-Protege Pro-
25 gram may be transferred to any other appropriation con-

1 tained in this Act solely for the purpose of implementing
2 a Mentor-Protege Program developmental assistance
3 agreement pursuant to section 831 of the National De-
4 fense Authorization Act for Fiscal Year 1991 (Public Law
5 101-510; 10 U.S.C. 2302 note), as amended, under the
6 authority of this provision or any other transfer authority
7 contained in this Act.

8 SEC. 8016. None of the funds in this Act may be
9 available for the purchase by the Department of Defense
10 (and its departments and agencies) of welded shipboard
11 anchor and mooring chain 4 inches in diameter and under
12 unless the anchor and mooring chain are manufactured
13 in the United States from components which are substan-
14 tially manufactured in the United States: *Provided*, That
15 for the purpose of this section manufactured will include
16 cutting, heat treating, quality control, testing of chain and
17 welding (including the forging and shot blasting process):
18 *Provided further*, That for the purpose of this section sub-
19 stantially all of the components of anchor and mooring
20 chain shall be considered to be produced or manufactured
21 in the United States if the aggregate cost of the compo-
22 nents produced or manufactured in the United States ex-
23 ceeds the aggregate cost of the components produced or
24 manufactured outside the United States: *Provided further*,
25 That when adequate domestic supplies are not available

1 to meet Department of Defense requirements on a timely
2 basis, the Secretary of the service responsible for the pro-
3 curement may waive this restriction on a case-by-case
4 basis by certifying in writing to the Committees on Appro-
5 priations that such an acquisition must be made in order
6 to acquire capability for national security purposes.

7 SEC. 8017. None of the funds appropriated by this
8 Act available for the Civilian Health and Medical Program
9 of the Uniformed Services (CHAMPUS) or TRICARE
10 shall be available for the reimbursement of any health care
11 provider for inpatient mental health service for care re-
12 ceived when a patient is referred to a provider of inpatient
13 mental health care or residential treatment care by a med-
14 ical or health care professional having an economic inter-
15 est in the facility to which the patient is referred: *Pro-*
16 *vided*, That this limitation does not apply in the case of
17 inpatient mental health services provided under the pro-
18 gram for persons with disabilities under subsection (d) of
19 section 1079 of title 10, United States Code, provided as
20 partial hospital care, or provided pursuant to a waiver au-
21 thorized by the Secretary of Defense because of medical
22 or psychological circumstances of the patient that are con-
23 firmed by a health professional who is not a Federal em-
24 ployee after a review, pursuant to rules prescribed by the
25 Secretary, which takes into account the appropriate level

1 of care for the patient, the intensity of services required
2 by the patient, and the availability of that care.

3 SEC. 8018. Notwithstanding any other provision of
4 law, during the current fiscal year and hereafter, the Sec-
5 retary of Defense may, by executive agreement, establish
6 with host nation governments in NATO member states a
7 separate account into which such residual value amounts
8 negotiated in the return of United States military installa-
9 tions in NATO member states may be deposited, in the
10 currency of the host nation, in lieu of direct monetary
11 transfers to the United States Treasury: *Provided*, That
12 such credits may be utilized only for the construction of
13 facilities to support United States military forces in that
14 host nation, or such real property maintenance and base
15 operating costs that are currently executed through mone-
16 tary transfers to such host nations: *Provided further*, That
17 the Department of Defense's budget submission for subse-
18 quent fiscal years shall identify such sums anticipated in
19 residual value settlements, and identify such construction,
20 real property maintenance or base operating costs that
21 shall be funded by the host nation through such credits:
22 *Provided further*, That all military construction projects
23 to be executed from such accounts must be previously ap-
24 proved in a prior Act of Congress: *Provided further*, That
25 each such executive agreement with a NATO member host

1 nation shall be reported to the congressional defense com-
2 mittees, the Committee on International Relations of the
3 House of Representatives and the Committee on Foreign
4 Relations of the Senate 30 days prior to the conclusion
5 and endorsement of any such agreement established under
6 this provision.

7 SEC. 8019. None of the funds available to the De-
8 partment of Defense may be used to demilitarize or dis-
9 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
10 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

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

20 SEC. 8021. In addition to the funds provided else-
21 where in this Act, \$8,000,000 is appropriated only for in-
22 centive payments authorized by section 504 of the Indian
23 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
24 a prime contractor or a subcontractor at any tier that
25 makes a subcontract award to any subcontractor or sup-

1 plier as defined in 25 U.S.C. 1544 or a small business
2 owned and controlled by an individual or individuals de-
3 fined under 25 U.S.C. 4221(9) shall be considered a con-
4 tractor for the purposes of being allowed additional com-
5 pensation under section 504 of the Indian Financing Act
6 of 1974 (25 U.S.C. 1544) whenever the prime contract
7 or subcontract amount is over \$500,000 and involves the
8 expenditure of funds appropriated by an Act making Ap-
9 propriations for the Department of Defense with respect
10 to any fiscal year: *Provided further*, That notwithstanding
11 41 U.S.C. 430, this section shall be applicable to any De-
12 partment of Defense acquisition of supplies or services, in-
13 cluding any contract and any subcontract at any tier for
14 acquisition of commercial items produced or manufac-
15 tured, in whole or in part by any subcontractor or supplier
16 defined in 25 U.S.C. 1544 or a small business owned and
17 controlled by an individual or individuals defined under
18 25 U.S.C. 4221(9): *Provided further*, That businesses cer-
19 tified as 8(a) by the Small Business Administration pursu-
20 ant to section 8(a)(15) of Public Law 85-536, as amend-
21 ed, shall have the same status as other program partici-
22 pants under section 602 of Public Law 100-656, 102
23 Stat. 3825 (Business Opportunity Development Reform
24 Act of 1988) for purposes of contracting with agencies of
25 the Department of Defense.

1 SEC. 8022. None of the funds appropriated by this
2 Act shall be available to perform any cost study pursuant
3 to the provisions of OMB Circular A-76 if the study being
4 performed exceeds a period of 24 months after initiation
5 of such study with respect to a single function activity or
6 30 months after initiation of such study for a multi-func-
7 tion activity.

8 SEC. 8023. Funds appropriated by this Act for the
9 American Forces Information Service shall not be used for
10 any national or international political or psychological ac-
11 tivities.

12 SEC. 8024. Hereafter, notwithstanding any other
13 provision of law or regulation, the Secretary of Defense
14 may adjust wage rates for civilian employees hired for cer-
15 tain health care occupations as authorized for the Sec-
16 retary of Veterans Affairs by section 7455 of title 38,
17 United States Code.

18 SEC. 8025. During the current fiscal year, net re-
19 ceipts pursuant to collections from third party payers pur-
20 suant to section 1095 of title 10, United States Code, shall
21 be made available to the local facility of the uniformed
22 services responsible for the collections and shall be over
23 and above the facility's direct budget amount.

24 SEC. 8026. During the current fiscal year, the De-
25 partment of Defense is authorized to incur obligations of

1 not to exceed \$350,000,000 for purposes specified in sec-
2 tion 2350j(c) of title 10, United States Code, in anticipa-
3 tion of receipt of contributions, only from the Government
4 of Kuwait, under that section: *Provided*, That upon re-
5 ceipt, such contributions from the Government of Kuwait
6 shall be credited to the appropriations or fund which in-
7 curred such obligations.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8027. (a) Of the funds made available in this
10 Act, not less than \$24,822,000 shall be available for the
11 Civil Air Patrol Corporation, of which—

12 (1) \$21,722,000 shall be available from “Oper-
13 ation and Maintenance, Air Force” to support Civil
14 Air Patrol Corporation operation and maintenance,
15 readiness, counterdrug activities, and drug demand
16 reduction activities involving youth programs;

17 (2) \$2,300,000 shall be available from “Aircraft
18 Procurement, Air Force”; and

19 (3) \$800,000 shall be available from “Other
20 Procurement, Air Force” for vehicle procurement.

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

1 SEC. 8028. (a) None of the funds appropriated in this
2 Act are available to establish a new Department of De-
3 fense (department) federally funded research and develop-
4 ment center (FFRDC), either as a new entity, or as a
5 separate entity administrated by an organization man-
6 aging another FFRDC, or as a nonprofit membership cor-
7 poration consisting of a consortium of other FFRDCs and
8 other non-profit entities.

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

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

5 (d) Notwithstanding any other provision of law, of
6 the funds available to the department during fiscal year
7 2005, not more than 6,600 staff years of technical effort
8 (staff years) may be funded for defense FFRDCs: *Pro-*
9 *vided*, That this subsection shall not apply to staff years
10 funded in the National Foreign Intelligence Program
11 (NFIP).

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

17 (f) Notwithstanding any other provision of this Act,
18 the total amount appropriated in this Act for FFRDCs
19 is hereby reduced by \$40,000,000.

20 SEC. 8029. 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 fa-
23 cility or property under the control of the Department of
24 Defense which were not melted and rolled in the United
25 States or Canada: *Provided*, That these procurement re-

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

16 SEC. 8030. For the purposes of this Act, the term
17 “congressional defense committees” means the Armed
18 Services Committee of the House of Representatives, the
19 Armed Services Committee of the Senate, the Sub-
20 committee on Defense of the Committee on Appropriations
21 of the Senate, and the Subcommittee on Defense of the
22 Committee on Appropriations of the House of Representa-
23 tives.

24 SEC. 8031. During the current fiscal year, the De-
25 partment of Defense may acquire the modification, depot

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

13 SEC. 8032. (a)(1) If the Secretary of Defense, after
14 consultation with the United States Trade Representative,
15 determines that a foreign country which is party to an
16 agreement described in paragraph (2) has violated the
17 terms of the agreement by discriminating against certain
18 types of products produced in the United States that are
19 covered by the agreement, the Secretary of Defense shall
20 rescind the Secretary's blanket waiver of the Buy Amer-
21 ican Act with respect to such types of products produced
22 in that foreign country.

23 (2) An agreement referred to in paragraph (1) is any
24 reciprocal defense procurement memorandum of under-
25 standing, between the United States and a foreign country

1 pursuant to which the Secretary of Defense has prospec-
2 tively waived the Buy American Act for certain products
3 in that country.

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

13 (c) For purposes of this section, the term “Buy
14 American Act” means title III of the Act entitled “An Act
15 making appropriations for the Treasury and Post Office
16 Departments for the fiscal year ending June 30, 1934,
17 and for other purposes”, approved March 3, 1933 (41
18 U.S.C. 10a et seq.).

19 SEC. 8033. Appropriations contained in this Act that
20 remain available at the end of the current fiscal year, and
21 at the end of each fiscal year hereafter, as a result of en-
22 ergy cost savings realized by the Department of Defense
23 shall remain available for obligation for the next fiscal
24 year to the extent, and for the purposes, provided in sec-
25 tion 2865 of title 10, United States Code.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8034. Amounts deposited during the current fis-
3 cal year and hereafter to the special account established
4 under 40 U.S.C. 572(b)(5)(A) and to the special account
5 established under 10 U.S.C. 2667(d)(1) are appropriated
6 and shall be available until transferred by the Secretary
7 of Defense to current applicable appropriations or funds
8 of the Department of Defense under the terms and condi-
9 tions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C.
10 2667(d)(1)(B), 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.

13 SEC. 8035. The President shall include with each
14 budget for a fiscal year submitted to the Congress under
15 section 1105 of title 31, United States Code, materials
16 that shall identify clearly and separately the amounts re-
17 quested in the budget for appropriation for that fiscal year
18 for salaries and expenses related to administrative activi-
19 ties of the Department of Defense, the military depart-
20 ments, and the defense agencies.

21 SEC. 8036. Notwithstanding any other provision of
22 law, funds available during the current fiscal year and
23 hereafter for “Drug Interdiction and Counter-Drug Activi-
24 ties, Defense” may be obligated for the Young Marines
25 program.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8037. During the current fiscal year, amounts
3 contained in the Department of Defense Overseas Military
4 Facility Investment Recovery Account established by sec-
5 tion 2921(c)(1) of the National Defense Authorization Act
6 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
7 be available until expended for the payments specified by
8 section 2921(c)(2) of that Act.

9 SEC. 8038. (a) IN GENERAL.—Notwithstanding any
10 other provision of law, the Secretary of the Air Force may
11 convey at no cost to the Air Force, without consideration,
12 to Indian tribes located in the States of North Dakota,
13 South Dakota, Montana, and Minnesota relocatable mili-
14 tary housing units located at Grand Forks Air Force Base
15 and Minot Air Force Base that are excess to the needs
16 of the Air Force.

17 (b) PROCESSING OF REQUESTS.—The Secretary of
18 the Air Force shall convey, at no cost to the Air Force,
19 military housing units under subsection (a) in accordance
20 with the request for such units that are submitted to the
21 Secretary by the Operation Walking Shield Program on
22 behalf of Indian tribes located in the States of North Da-
23 kota, South Dakota, Montana, and Minnesota.

24 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—
25 The Operation Walking Shield Program shall resolve any

1 conflicts among requests of Indian tribes for housing units
2 under subsection (a) before submitting requests to the
3 Secretary of the Air Force under subsection (b).

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

10 SEC. 8039. During the current fiscal year, appropria-
11 tions which are available to the Department of Defense
12 for operation and maintenance may be used to purchase
13 items having an investment item unit cost of not more
14 than \$250,000.

15 SEC. 8040. (a) During the current fiscal year, none
16 of the appropriations or funds available to the Department
17 of Defense Working Capital Funds shall be used for the
18 purchase of an investment item for the purpose of acquir-
19 ing a new inventory item for sale or anticipated sale dur-
20 ing the current fiscal year or a subsequent fiscal year to
21 customers of the Department of Defense Working Capital
22 Funds if such an item would not have been chargeable
23 to the Department of Defense Business Operations Fund
24 during fiscal year 1994 and if the purchase of such an
25 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

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

14 SEC. 8041. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2006: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for advanced research and development ac-

1 quision, for agent operations, and for covert action pro-
2 grams authorized by the President under section 503 of
3 the National Security Act of 1947, as amended, shall re-
4 main available until September 30, 2006.

5 SEC. 8042. Notwithstanding any other provision of
6 law, funds made available in this Act for the Defense In-
7 telligence Agency may be used for the design, develop-
8 ment, and deployment of General Defense Intelligence
9 Program intelligence communications and intelligence in-
10 formation systems for the Services, the Unified and Speci-
11 fied Commands, and the component commands.

12 SEC. 8043. Of the funds appropriated to the Depart-
13 ment of Defense under the heading “Operation and Main-
14 tenance, Defense-Wide”, not less than \$10,000,000 shall
15 be made available only for the mitigation of environmental
16 impacts, including training and technical assistance to
17 tribes, related administrative support, the gathering of in-
18 formation, documenting of environmental damage, and de-
19 veloping a system for prioritization of mitigation and cost
20 to complete estimates for mitigation, on Indian lands re-
21 sulting from Department of Defense activities.

22 SEC. 8044. (a) None of the funds appropriated in this
23 Act may be expended by an entity of the Department of
24 Defense unless the entity, in expending the funds, com-
25 plies with the Buy American Act. For purposes of this

1 subsection, the term “Buy American Act” means title III
2 of the Act entitled “An Act making appropriations for the
3 Treasury and Post Office Departments for the fiscal year
4 ending June 30, 1934, and for other purposes”, approved
5 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

22 SEC. 8045. None of the funds appropriated by this
23 Act shall be available for a contract for studies, analysis,
24 or consulting services entered into without competition on

1 the basis of an unsolicited proposal unless the head of the
2 activity responsible for the procurement determines—

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

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

11 (3) the purpose of the contract is to take ad-
12 vantage of unique and significant industrial accom-
13 plishment by a specific concern, or to insure that a
14 new product or idea of a specific concern is given fi-
15 nancial support: *Provided*, That this limitation shall
16 not apply to contracts in an amount of less than
17 \$25,000, contracts related to improvements of equip-
18 ment that is in development or production, or con-
19 tracts as to which a civilian official of the Depart-
20 ment of Defense, who has been confirmed by the
21 Senate, determines that the award of such contract
22 is in the interest of the national defense.

23 SEC. 8046. (a) Except as provided in subsection (b)
24 and (c), none of the funds made available by this Act may
25 be used—

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

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

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

14 (c) This section does not apply to field operating
15 agencies funded within the National Foreign Intelligence
16 Program.

17 SEC. 8047. Notwithstanding section 303 of Public
18 Law 96-487 or any other provision of law, the Secretary
19 of the Navy is authorized to lease real and personal prop-
20 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
21 U.S.C. 2667(f), for commercial, industrial or other pur-
22 poses: *Provided*, That notwithstanding any other provision
23 of law, the Secretary of the Navy may remove hazardous
24 materials from facilities, buildings, and structures at

1 Adak, Alaska, and may demolish or otherwise dispose of
2 such facilities, buildings, and structures.

3 (RESCISSIONS)

4 SEC. 8048. Of the funds appropriated in Department
5 of Defense Appropriations Acts, the following funds are
6 hereby rescinded from the following accounts and pro-
7 grams in the specified amounts:

8 “Former Soviet Union Threat Reduction, 2003/
9 2005”, \$50,000,000;

10 “Aircraft Procurement, Navy, 2004/2006”,
11 \$2,900,000;

12 “Shipbuilding and Conversion, Navy, 2004/
13 2008”, \$10,300,000;

14 “Other Procurement, Navy, 2004/2006”,
15 \$5,200,000;

16 “Other Procurement, Air Force, 2004/2006”,
17 \$100,000,000;

18 “Procurement, Defense-Wide, 2004/2006”
19 \$23,400,000;

20 “Research, Development, Test and Evaluation,
21 Army, 2004/2005”, \$42,650,000;

22 “Research, Development, Test and Evaluation,
23 Navy, 2004/2005”, \$20,000,000;

24 “Research, Development, Test and Evaluation,
25 Air Force, 2004/2005”, \$37,000,000; and

1 “Research, Development, Test and Evaluation,
2 Defense-Wide, 2004/2005”, \$108,300,000.

3 SEC. 8049. None of the funds available in this Act
4 may be used to reduce the authorized positions for mili-
5 tary (civilian) technicians of the Army National Guard,
6 the Air National Guard, Army Reserve and Air Force Re-
7 serve for the purpose of applying any administratively im-
8 posed civilian personnel ceiling, freeze, or reduction on
9 military (civilian) technicians, unless such reductions are
10 a direct result of a reduction in military force structure.

11 SEC. 8050. None of the funds appropriated or other-
12 wise made available in this Act may be obligated or ex-
13 pended for assistance to the Democratic People’s Republic
14 of North Korea unless specifically appropriated for that
15 purpose.

16 SEC. 8051. During the current fiscal year and here-
17 after, funds appropriated in this Act are available to com-
18 pensate members of the National Guard for duty per-
19 formed pursuant to a plan submitted by a Governor of
20 a State and approved by the Secretary of Defense under
21 section 112 of title 32, United States Code: *Provided*,
22 That during the performance of such duty, the members
23 of the National Guard shall be under State command and
24 control: *Provided further*, That such duty shall be treated

1 as full-time National Guard duty for purposes of sections
2 12602(a)(2) and (b)(2) of title 10, United States Code.

3 SEC. 8052. Funds appropriated in this Act for oper-
4 ation and maintenance of the Military Departments, Com-
5 batant Commands and Defense Agencies shall be available
6 for reimbursement of pay, allowances and other expenses
7 which would otherwise be incurred against appropriations
8 for the National Guard and Reserve when members of the
9 National Guard and Reserve provide intelligence or coun-
10 terintelligence support to Combatant Commands, Defense
11 Agencies and Joint Intelligence Activities, including the
12 activities and programs included within the National For-
13 eign Intelligence Program (NFIP), the Joint Military In-
14 telligence Program (JMIP), and the Tactical Intelligence
15 and Related Activities (TLARA) aggregate: *Provided*, That
16 nothing in this section authorizes deviation from estab-
17 lished Reserve and National Guard personnel and training
18 procedures.

19 SEC. 8053. During the current fiscal year, none of
20 the funds appropriated in this Act may be used to reduce
21 the civilian medical and medical support personnel as-
22 signed to military treatment facilities below the September
23 30, 2004 level: *Provided*, That the Service Surgeons Gen-
24 eral may waive this section by certifying to the congres-
25 sional defense committees that the beneficiary population

1 is declining in some catchment areas and civilian strength
2 reductions may be consistent with responsible resource
3 stewardship and capitation-based budgeting.

4 SEC. 8054. Notwithstanding any other provision of
5 law, that not more than 35 percent of funds provided in
6 this Act for environmental remediation may be obligated
7 under indefinite delivery/indefinite quantity contracts with
8 a total contract value of \$130,000,000 or higher.

9 SEC. 8055. (a) None of the funds available to the
10 Department of Defense for any fiscal year for drug inter-
11 diction or counter-drug activities may be transferred to
12 any other department or agency of the United States ex-
13 cept as specifically provided in an appropriations law.

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

19 (TRANSFER OF FUNDS)

20 SEC. 8056. Appropriations available under the head-
21 ing “Operation and Maintenance, Defense-Wide” for the
22 current fiscal year and hereafter for increasing energy and
23 water efficiency in Federal buildings may, during their pe-
24 riod of availability, be transferred to other appropriations
25 or funds of the Department of Defense for projects related

1 to increasing energy and water efficiency, to be merged
2 with and to be available for the same general purposes,
3 and for the same time period, as the appropriation or fund
4 to which transferred.

5 SEC. 8057. None of the funds appropriated by this
6 Act may be used for the procurement of ball and roller
7 bearings other than those produced by a domestic source
8 and of domestic origin: *Provided*, That the Secretary of
9 the military department responsible for such procurement
10 may waive this restriction on a case-by-case basis by certi-
11 fying in writing to the Committees on Appropriations of
12 the House of Representatives and the Senate, that ade-
13 quate domestic supplies are not available to meet Depart-
14 ment of Defense requirements on a timely basis and that
15 such an acquisition must be made in order to acquire ca-
16 pability for national security purposes: *Provided further*,
17 That this restriction shall not apply to the purchase of
18 “commercial items”, as defined by section 4(12) of the
19 Office of Federal Procurement Policy Act, except that the
20 restriction shall apply to ball or roller bearings purchased
21 as end items.

22 SEC. 8058. Notwithstanding any other provision of
23 law, funds available to the Department of Defense shall
24 be made available to provide transportation of medical
25 supplies and equipment, on a nonreimbursable basis, to

1 American Samoa, and funds available to the Department
2 of Defense shall be made available to provide transpor-
3 tation of medical supplies and equipment, on a non-
4 reimbursable basis, to the Indian Health Service when it
5 is in conjunction with a civil-military project.

6 SEC. 8059. None of the funds in this Act may be
7 used to purchase any supercomputer which is not manu-
8 factured in the United States, unless the Secretary of De-
9 fense certifies to the congressional defense committees
10 that such an acquisition must be made in order to acquire
11 capability for national security purposes that is not avail-
12 able from United States manufacturers.

13 SEC. 8060. Notwithstanding any other provision of
14 law, each contract awarded by the Department of Defense
15 during the current fiscal year for construction or service
16 performed in whole or in part in a State (as defined in
17 section 381(d) of title 10, United States Code) which is
18 not contiguous with another State and has an unemploy-
19 ment rate in excess of the national average rate of unem-
20 ployment as determined by the Secretary of Labor, shall
21 include a provision requiring the contractor to employ, for
22 the purpose of performing that portion of the contract in
23 such State that is not contiguous with another State, indi-
24 viduals who are residents of such State and who, in the
25 case of any craft or trade, possess or would be able to

1 acquire promptly the necessary skills: *Provided*, That the
2 Secretary of Defense may waive the requirements of this
3 section, on a case-by-case basis, in the interest of national
4 security.

5 SEC. 8061. None of the funds made available in this
6 or any other Act may be used to pay the salary of any
7 officer or employee of the Department of Defense who ap-
8 proves or implements the transfer of administrative re-
9 sponsibilities or budgetary resources of any program,
10 project, or activity financed by this Act to the jurisdiction
11 of another Federal agency not financed by this Act with-
12 out the express authorization of Congress: *Provided*, That
13 this limitation shall not apply to transfers of funds ex-
14 pressly provided for in Defense Appropriations Acts, or
15 provisions of Acts providing supplemental appropriations
16 for the Department of Defense.

17 SEC. 8062. (a) LIMITATION ON TRANSFER OF DE-
18 FENSE ARTICLES AND SERVICES.—Notwithstanding any
19 other provision of law, none of the funds available to the
20 Department of Defense for the current fiscal year may be
21 obligated or expended to transfer to another nation or an
22 international organization any defense articles or services
23 (other than intelligence services) for use in the activities
24 described in subsection (b) unless the congressional de-
25 fense committees, the Committee on International Rela-

1 tions of the House of Representatives, and the Committee
2 on Foreign Relations of the Senate are notified 15 days
3 in advance of such transfer.

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

5 (1) any international peacekeeping or peace-en-
6 forcement operation under the authority of chapter
7 VI or chapter VII of the United Nations Charter
8 under the authority of a United Nations Security
9 Council resolution; and

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

12 (c) REQUIRED NOTICE.—A notice under subsection
13 (a) shall include the following:

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

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

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

20 (A) a statement of whether the inventory
21 requirements of all elements of the Armed
22 Forces (including the reserve components) for
23 the type of equipment or supplies to be trans-
24 ferred have been met; and

1 (B) a statement of whether the items pro-
2 posed to be transferred will have to be replaced
3 and, if so, how the President proposes to pro-
4 vide funds for such replacement.

5 SEC. 8063. To the extent authorized by subchapter
6 VI of chapter 148 of title 10, United States Code, for the
7 current fiscal year and hereafter the Secretary of Defense
8 may issue loan guarantees in support of United States de-
9 fense exports not otherwise provided for: *Provided*, That
10 the total contingent liability of the United States for guar-
11 antees issued under the authority of this section may not
12 exceed \$15,000,000,000: *Provided further*, That the expo-
13 sure fees charged and collected by the Secretary for each
14 guarantee shall be paid by the country involved and shall
15 not be financed as part of a loan guaranteed by the United
16 States: *Provided further*, That the Secretary shall provide
17 quarterly reports to the Committees on Appropriations,
18 Armed Services, and Foreign Relations of the Senate and
19 the Committees on Appropriations, Armed Services, and
20 International Relations in the House of Representatives
21 on the implementation of this program: *Provided further*,
22 That amounts charged for administrative fees and depos-
23 ited to the special account provided for under section
24 2540c(d) of title 10, shall be available for paying the costs
25 of administrative expenses of the Department of Defense

1 that are attributable to the loan guarantee program under
2 subchapter VI of chapter 148 of title 10, United States
3 Code.

4 SEC. 8064. None of the funds available to the De-
5 partment of Defense under this Act shall be obligated or
6 expended to pay a contractor under a contract with the
7 Department of Defense for costs of any amount paid by
8 the contractor to an employee when—

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

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

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8065. During the current fiscal year, no more
16 than \$30,000,000 of appropriations made in this Act
17 under the heading “Operation and Maintenance, Defense-
18 Wide” may be transferred to appropriations available for
19 the pay of military personnel, to be merged with, and to
20 be available for the same time period as the appropriations
21 to which transferred, to be used in support of such per-
22 sonnel in connection with support and services for eligible
23 organizations and activities outside the Department of De-
24 fense pursuant to section 2012 of title 10, United States
25 Code.

1 SEC. 8066. During the current fiscal year, in the case
2 of an appropriation account of the Department of Defense
3 for which the period of availability for obligation has ex-
4 pired or which has closed under the provisions of section
5 1552 of title 31, United States Code, and which has a
6 negative unliquidated or unexpended balance, an obliga-
7 tion or an adjustment of an obligation may be charged
8 to any current appropriation account for the same purpose
9 as the expired or closed account if—

10 (1) the obligation would have been properly
11 chargeable (except as to amount) to the expired or
12 closed account before the end of the period of avail-
13 ability or closing of that account;

14 (2) the obligation is not otherwise properly
15 chargeable to any current appropriation account of
16 the Department of Defense; and

17 (3) in the case of an expired account, the obli-
18 gation is not chargeable to a current appropriation
19 of the Department of Defense under the provisions
20 of section 1405(b)(8) of the National Defense Au-
21 thorization Act for Fiscal Year 1991, Public Law
22 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
23 *vided*, That in the case of an expired account, if sub-
24 sequent review or investigation discloses that there
25 was not in fact a negative unliquidated or unex-

1 pended balance in the account, any charge to a cur-
2 rent account under the authority of this section shall
3 be reversed and recorded against the expired ac-
4 count: *Provided further*, That the total amount
5 charged to a current appropriation under this sec-
6 tion may not exceed an amount equal to 1 percent
7 of the total appropriation for that account.

8 SEC. 8067. Hereafter, funds appropriated for Oper-
9 ation and maintenance and for the Defense Health Pro-
10 gram in this Act, and in future appropriations acts for
11 the Department of Defense, for supervision and adminis-
12 tration costs for facilities maintenance and repair, minor
13 construction, or design projects, or any planning studies,
14 environmental assessments, or similar activities related to
15 installation support functions, may be obligated at the
16 time the reimbursable order is accepted by the performing
17 activity: *Provided*, That for the purpose of this section,
18 supervision and administration costs includes all in-house
19 Government cost.

20 SEC. 8068. (a) Notwithstanding any other provision
21 of law, the Chief of the National Guard Bureau may per-
22 mit the use of equipment of the National Guard Distance
23 Learning Project by any person or entity on a space-avail-
24 able, reimbursable basis. The Chief of the National Guard

1 Bureau shall establish the amount of reimbursement for
2 such use on a case-by-case basis.

3 (b) Amounts collected under subsection (a) shall be
4 credited to funds available for the National Guard Dis-
5 tance Learning Project and be available to defray the costs
6 associated with the use of equipment of the project under
7 that subsection. Such funds shall be available for such
8 purposes without fiscal year limitation.

9 SEC. 8069. Using funds available by this Act or any
10 other Act, the Secretary of the Air Force, pursuant to a
11 determination under section 2690 of title 10, United
12 States Code, may implement cost-effective agreements for
13 required heating facility modernization in the
14 Kaiserslautern Military Community in the Federal Repub-
15 lic of Germany: *Provided*, That in the City of
16 Kaiserslautern such agreements will include the use of
17 United States anthracite as the base load energy for mu-
18 nicipal district heat to the United States Defense installa-
19 tions: *Provided further*, That at Landstuhl Army Regional
20 Medical Center and Ramstein Air Base, furnished heat
21 may be obtained from private, regional or municipal serv-
22 ices, if provisions are included for the consideration of
23 United States coal as an energy source.

24 SEC. 8070. None of the funds appropriated in title
25 IV of this Act may be used to procure end-items for deliv-

1 ery to military forces for operational training, operational
2 use or inventory requirements: *Provided*, That this restric-
3 tion does not apply to end-items used in development,
4 prototyping, and test activities preceding and leading to
5 acceptance for operational use: *Provided further*, That this
6 restriction does not apply to programs funded within the
7 National Foreign Intelligence Program: *Provided further*,
8 That the Secretary of Defense may waive this restriction
9 on a case-by-case basis by certifying in writing to the
10 Committees on Appropriations of the House of Represent-
11 atives and the Senate that it is in the national security
12 interest to do so.

13 SEC. 8071. None of the funds made available in this
14 Act may be used to approve or license the sale of the F-
15 22 advanced tactical fighter to any foreign government.

16 SEC. 8072. (a) The Secretary of Defense may, on a
17 case-by-case basis, waive with respect to a foreign country
18 each limitation on the procurement of defense items from
19 foreign sources provided in law if the Secretary determines
20 that the application of the limitation with respect to that
21 country would invalidate cooperative programs entered
22 into between the Department of Defense and the foreign
23 country, or would invalidate reciprocal trade agreements
24 for the procurement of defense items entered into under
25 section 2531 of title 10, United States Code, and the

1 country does not discriminate against the same or similar
2 defense items produced in the United States for that coun-
3 try.

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

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

7 (2) options for the procurement of items that
8 are exercised after such date under contracts that
9 are entered into before such date if the option prices
10 are adjusted for any reason other than the applica-
11 tion of a waiver granted under subsection (a).

12 (c) Subsection (a) does not apply to a limitation re-
13 garding construction of public vessels, ball and roller bear-
14 ings, food, and clothing or textile materials as defined by
15 section 11 (chapters 50–65) of the Harmonized Tariff
16 Schedule and products classified under headings 4010,
17 4202, 4203, 6401 through 6406, 6505, 7019, 7218
18 through 7229, 7304.41 through 7304.49, 7306.40, 7502
19 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

20 SEC. 8073. (a) PROHIBITION.—None of the funds
21 made available by this Act may be used to support any
22 training program involving a unit of the security forces
23 of a foreign country if the Secretary of Defense has re-
24 ceived credible information from the Department of State
25 that the unit has committed a gross violation of human

1 rights, unless all necessary corrective steps have been
2 taken.

3 (b) MONITORING.—The Secretary of Defense, in con-
4 sultation with the Secretary of State, shall ensure that
5 prior to a decision to conduct any training program re-
6 ferred to in subsection (a), full consideration is given to
7 all credible information available to the Department of
8 State relating to human rights violations by foreign secu-
9 rity forces.

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

14 (d) REPORT.—Not more than 15 days after the exer-
15 cise of any waiver under subsection (c), the Secretary of
16 Defense shall submit a report to the congressional defense
17 committees describing the extraordinary circumstances,
18 the purpose and duration of the training program, the
19 United States forces and the foreign security forces in-
20 volved in the training program, and the information relat-
21 ing to human rights violations that necessitates the waiv-
22 er.

23 SEC. 8074. The Secretary of Defense, in coordination
24 with the Secretary of Health and Human Services, may
25 carry out a program to distribute surplus dental equip-

1 ment of the Department of Defense, at no cost to the De-
2 partment of Defense, to Indian Health Service facilities
3 and to federally-qualified health centers (within the mean-
4 ing of section 1905(l)(2)(B) of the Social Security Act (42
5 U.S.C. 1396d(l)(2)(B))).

6 SEC. 8075. None of the funds appropriated or made
7 available in this Act to the Department of the Navy shall
8 be used to develop, lease or procure the T-AKE class of
9 ships unless the main propulsion diesel engines and
10 propulsors are manufactured in the United States by a
11 domestically operated entity: *Provided*, That the Secretary
12 of Defense may waive this restriction on a case-by-case
13 basis by certifying in writing to the Committees on Appro-
14 priations of the House of Representatives and the Senate
15 that adequate domestic supplies are not available to meet
16 Department of Defense requirements on a timely basis
17 and that such an acquisition must be made in order to
18 acquire capability for national security purposes or there
19 exists a significant cost or quality difference.

20 SEC. 8076. None of the funds appropriated or other-
21 wise made available by this or other Department of De-
22 fense Appropriations Acts may be obligated or expended
23 for the purpose of performing repairs or maintenance to
24 military family housing units of the Department of De-
25 fense, including areas in such military family housing

1 units that may be used for the purpose of conducting offi-
2 cial Department of Defense business.

3 SEC. 8077. Notwithstanding any other provision of
4 law, funds appropriated in this Act under the heading
5 “Research, Development, Test and Evaluation, Defense-
6 Wide” for any advanced concept technology demonstration
7 project may only be obligated 30 days after a report, in-
8 cluding a description of the project, the planned acquisi-
9 tion and transition strategy and its estimated annual and
10 total cost, has been provided in writing to the congress-
11 sional defense committees: *Provided*, That the Secretary
12 of Defense may waive this restriction on a case-by-case
13 basis by certifying to the congressional defense committees
14 that it is in the national interest to do so.

15 SEC. 8078. The Secretary of Defense shall provide
16 a classified quarterly report, beginning December 15,
17 2004, to the House and Senate Appropriations Commit-
18 tees, Subcommittees on Defense on certain matters as di-
19 rected in the classified annex accompanying this Act.

20 SEC. 8079. During the current fiscal year and here-
21 after, refunds attributable to the use of the Government
22 travel card, refunds attributable to the use of the Govern-
23 ment Purchase Card and refunds attributable to official
24 Government travel arranged by Government Contracted
25 Travel Management Centers may be credited to operation

1 and maintenance, and research, development, test and
2 evaluation accounts of the Department of Defense which
3 are current when the refunds are received.

4 SEC. 8080. (a) REGISTERING FINANCIAL MANAGE-
5 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
6 CHIEF INFORMATION OFFICER.—None of the funds ap-
7 propriated in this Act may be used for a mission critical
8 or mission essential financial management information
9 technology system (including a system funded by the de-
10 fense working capital fund) that is not registered with the
11 Chief Information Officer of the Department of Defense.
12 A system shall be considered to be registered with that
13 officer upon the furnishing to that officer of notice of the
14 system, together with such information concerning the
15 system as the Secretary of Defense may prescribe. A fi-
16 nancial management information technology system shall
17 be considered a mission critical or mission essential infor-
18 mation technology system as defined by the Under Sec-
19 retary of Defense (Comptroller).

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

22 (1) During the current fiscal year, a financial
23 management automated information system, a mixed
24 information system supporting financial and non-fi-
25 nancial systems, or a system improvement of more

1 than \$1,000,000 may not receive Milestone A ap-
2 proval, Milestone B approval, or full rate production,
3 or their equivalent, within the Department of De-
4 fense until the Under Secretary of Defense (Comp-
5 troller) certifies, with respect to that milestone, that
6 the system is being developed and managed in ac-
7 cordance with the Department's Financial Manage-
8 ment Modernization Plan. The Under Secretary of
9 Defense (Comptroller) may require additional certifi-
10 cations, as appropriate, with respect to any such sys-
11 tem.

12 (2) The Chief Information Officer shall provide
13 the congressional defense committees timely notifica-
14 tion of certifications under paragraph (1).

15 (c) CERTIFICATIONS AS TO COMPLIANCE WITH
16 CLINGER-COHEN ACT.—

17 (1) During the current fiscal year, a major
18 automated information system may not receive Mile-
19 stone A approval, Milestone B approval, or full rate
20 production approval, or their equivalent, within the
21 Department of Defense until the Chief Information
22 Officer certifies, with respect to that milestone, that
23 the system is being developed in accordance with the
24 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).
25 The Chief Information Officer may require addi-

1 tional certifications, as appropriate, with respect to
2 any such system.

3 (2) The Chief Information Officer shall provide
4 the congressional defense committees timely notifica-
5 tion of certifications under paragraph (1). Each
6 such notification shall include, at a minimum, the
7 funding baseline and milestone schedule for each
8 system covered by such a certification and confirma-
9 tion that the following steps have been taken with
10 respect to the system:

11 (A) Business process reengineering.

12 (B) An analysis of alternatives.

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

15 (D) Performance measures.

16 (E) An information assurance strategy
17 consistent with the Department's Global Infor-
18 mation Grid.

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

20 (1) The term “Chief Information Officer”
21 means the senior official of the Department of De-
22 fense designated by the Secretary of Defense pursu-
23 ant to section 3506 of title 44, United States Code.

24 (2) The term “information technology system”
25 has the meaning given the term “information tech-

1 nology” in section 5002 of the Clinger-Cohen Act of
2 1996 (40 U.S.C. 1401).

3 SEC. 8081. During the current fiscal year, none of
4 the funds available to the Department of Defense may be
5 used to provide support to another department or agency
6 of the United States if such department or agency is more
7 than 90 days in arrears in making payment to the Depart-
8 ment of Defense for goods or services previously provided
9 to such department or agency on a reimbursable basis:
10 *Provided*, That this restriction shall not apply if the de-
11 partment is authorized by law to provide support to such
12 department or agency on a nonreimbursable basis, and is
13 providing the requested support pursuant to such author-
14 ity: *Provided further*, That the Secretary of Defense may
15 waive this restriction on a case-by-case basis by certifying
16 in writing to the Committees on Appropriations of the
17 House of Representatives and the Senate that it is in the
18 national security interest to do so.

19 SEC. 8082. None of the funds provided in this Act
20 may be used to transfer to any nongovernmental entity
21 ammunition held by the Department of Defense that has
22 a center-fire cartridge and a United States military no-
23 menclature designation of “armor penetrator”, “armor
24 piercing (AP)”, “armor piercing incendiary (API)”, or
25 “armor-piercing incendiary-tracer (API-T)”, except to an

1 entity performing demilitarization services for the Depart-
2 ment of Defense under a contract that requires the entity
3 to demonstrate to the satisfaction of the Department of
4 Defense that armor piercing projectiles are either: (1) ren-
5 dered incapable of reuse by the demilitarization process;
6 or (2) used to manufacture ammunition pursuant to a con-
7 tract with the Department of Defense or the manufacture
8 of ammunition for export pursuant to a License for Per-
9 manent Export of Unclassified Military Articles issued by
10 the Department of State.

11 SEC. 8083. Notwithstanding any other provision of
12 law, the Chief of the National Guard Bureau, or his des-
13 ignee, may waive payment of all or part of the consider-
14 ation that otherwise would be required under 10 U.S.C.
15 2667, in the case of a lease of personal property for a
16 period not in excess of 1 year to any organization specified
17 in 32 U.S.C. 508(d), or any other youth, social, or fra-
18 ternal non-profit organization as may be approved by the
19 Chief of the National Guard Bureau, or his designee, on
20 a case-by-case basis.

21 SEC. 8084. None of the funds appropriated by this
22 Act shall be used for the support of any nonappropriated
23 funds activity of the Department of Defense that procures
24 malt beverages and wine with nonappropriated funds for
25 resale (including such alcoholic beverages sold by the

1 drink) on a military installation located in the United
2 States unless such malt beverages and wine are procured
3 within that State, or in the case of the District of Colum-
4 bia, within the District of Columbia, in which the military
5 installation is located: *Provided*, That in a case in which
6 the military installation is located in more than one State,
7 purchases may be made in any State in which the installa-
8 tion is located: *Provided further*, That such local procure-
9 ment requirements for malt beverages and wine shall
10 apply to all alcoholic beverages only for military installa-
11 tions in States which are not contiguous with another
12 State: *Provided further*, That alcoholic beverages other
13 than wine and malt beverages, in contiguous States and
14 the District of Columbia shall be procured from the most
15 competitive source, price and other factors considered.

16 SEC. 8085. Funds available to the Department of De-
17 fense for the Global Positioning System during the current
18 fiscal year may be used to fund civil requirements associ-
19 ated with the satellite and ground control segments of
20 such system's modernization program.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8086. Of the amounts appropriated in this Act
23 under the heading, "Research, Development, Test and
24 Evaluation, Defense-Wide", \$60,000,000 shall remain
25 available until expended: *Provided*, That notwithstanding

1 any other provision of law, the Secretary of Defense is
2 authorized to transfer such funds to other activities of the
3 Federal Government.

4 SEC. 8087. Section 8106 of the Department of De-
5 fense Appropriations Act, 1997 (titles I through VIII of
6 the matter under subsection 101(b) of Public Law 104-
7 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
8 tinue in effect to apply to disbursements that are made
9 by the Department of Defense in fiscal year 2005.

10 SEC. 8088. In addition to amounts provided else-
11 where in this Act, \$2,000,000 is hereby appropriated for
12 “Defense Health Program”, to remain available for obli-
13 gation until expended: *Provided*, That notwithstanding
14 any other provision of law, these funds shall be available
15 only for a grant to the Fisher House Foundation, Inc.,
16 only for the construction and furnishing of additional
17 Fisher Houses to meet the needs of military family mem-
18 bers when confronted with the illness or hospitalization of
19 an eligible military beneficiary.

20 SEC. 8089. Amounts appropriated in title II of this
21 Act are hereby reduced by \$300,000,000 to reflect savings
22 attributable to efficiencies and management improvements
23 in the funding of miscellaneous or other contracts in the
24 military departments, as follows:

1 (1) From “Operation and Maintenance, Army”,
2 \$66,700,000.

3 (2) From “Operation and Maintenance, Navy”,
4 \$77,900,000.

5 (3) From “Operation and Maintenance, Marine
6 Corps”, \$6,100,000.

7 (4) From “Operation and Maintenance, Air
8 Force”, \$149,300,000.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8090. Of the amounts appropriated in this Act
11 under the heading “Research, Development, Test and
12 Evaluation, Defense-Wide”, \$87,290,000 shall be avail-
13 able for the Arrow missile defense program, of which
14 \$25,000,000 shall be for producing Arrow missile compo-
15 nents in the United States and Arrow missile components
16 and missiles in Israel to meet Israel’s defense require-
17 ments, consistent with each nation’s laws, regulations and
18 procedures: *Provided further*, That funds made available
19 under this provision for production of missiles and missile
20 components may be transferred to appropriations available
21 for the procurement of weapons and equipment, to be
22 merged with and to be available for the same time period
23 and the same purposes as the appropriation to which
24 transferred: *Provided further*, That the transfer authority
25 provided under this provision is in addition to any other
26 transfer authority contained in this Act.

1 SEC. 8091. Notwithstanding any other provision of
2 law, of the amounts provided in this Act and in Public
3 Law 108–87 under the heading “Research, Development,
4 Test and Evaluation, Navy”, \$1,500,000, and \$500,000,
5 respectively, shall be available for a grant (or grants) to
6 the California Central Coast Research Partnership
7 (C3RP) through the California Polytechnic State Univer-
8 sity Foundation, for costs related to Office of Naval Re-
9 search agreements: *Provided*, That the Secretary of the
10 Navy shall make said grant (or grants) within 90 days
11 of the enactment of this Act.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8092. Of the amounts appropriated in this Act
14 under the heading “Shipbuilding and Conversion, Navy”,
15 \$484,390,000 shall be available until September 30, 2005,
16 to fund prior year shipbuilding cost increases: *Provided*,
17 That upon enactment of this Act, the Secretary of Defense
18 shall transfer such funds to the following appropriations
19 in the amount specified: *Provided further*, That the
20 amounts transferred shall be merged with and be available
21 for the same purposes as the appropriations to which
22 transferred:

23 To:

24 Under the heading, “Shipbuilding and Conver-
25 sion, Navy, 1996/05”:

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

3 Under the heading, “Shipbuilding and Conver-
4 sion, Navy, 1999/05”:

5 New SSN, \$10,000,000.

6 LPD-17 Amphibious Transport Dock Ship
7 Program, \$38,100,000.

8 Under the heading, “Shipbuilding and Conver-
9 sion, Navy, 2000/05”:

10 DDG-51 Destroyer Program,
11 \$44,963,000.

12 LPD-17 Amphibious Transport Dock Ship
13 Program, \$171,681,000.

14 Under the heading, “Shipbuilding and Conver-
15 sion, Navy, 2001/05”:

16 DDG-51 Destroyer Program,
17 \$83,316,000.

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

19 Under the heading, “Shipbuilding and Conver-
20 sion, Navy, 2002/05”:

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

22 Under the heading, “Shipbuilding and Conver-
23 sion, Navy, 2003/05”:

24 LCAC SLEP, \$11,900,000:

1 *Provided further*, That section 126 of the National De-
2 fense Authorization Act for Fiscal Year 2004 (Public Law
3 108–136; 117 Stat. 1410; 10 U.S.C. 7291 note) is re-
4 pealed.

5 SEC. 8093. The Secretary of the Navy may settle,
6 or compromise, and pay any and all admiralty claims
7 under 10 U.S.C. 7622 arising out of the collision involving
8 the U.S.S. GREENEVILLE and the EHIME MARU, in
9 any amount and without regard to the monetary limita-
10 tions in subsections (a) and (b) of that section: *Provided*,
11 That such payments shall be made from funds available
12 to the Department of the Navy for operation and mainte-
13 nance.

14 SEC. 8094. Notwithstanding any other provision of
15 law or regulation, the Secretary of Defense may hereafter
16 exercise the provisions of 38 U.S.C. 7403(g) for occupa-
17 tions listed in 38 U.S.C. 7403(a)(2) as well as the fol-
18 lowing:

19 Pharmacists, Audiologists, and Dental Hygien-
20 ists.

21 (A) The requirements of 38 U.S.C.
22 7403(g)(1)(A) shall apply.

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

1 SEC. 8095. Funds appropriated by this Act, or made
2 available by the transfer of funds in this Act, for intel-
3 ligence activities are deemed to be specifically authorized
4 by the Congress for purposes of section 504 of the Na-
5 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
6 year 2005 until the enactment of the Intelligence Author-
7 ization Act for fiscal year 2005.

8 SEC. 8096. The total amount appropriated in title IV
9 of this Act is hereby reduced by \$270,000,000 to reduce
10 cost growth in information technology development and
11 modernization, to be derived as follows:

12 (1) From “Research, Development, Test and
13 Evaluation, Army”, \$60,000,000.

14 (2) From “Research, Development, Test and
15 Evaluation, Navy”, \$29,000,000.

16 (3) From “Research, Development, Test and
17 Evaluation, Air Force”, \$72,000,000.

18 (4) From “Research, Development, Test and
19 Evaluation, Defense-Wide”, \$109,000,000.

20 SEC. 8097. None of the funds in this Act may be
21 used to initiate a new start program without prior notifica-
22 tion to the Office of Secretary of Defense and the congres-
23 sional defense committees.

24 SEC. 8098. The amounts appropriated in title II of
25 this Act are hereby reduced by \$316,000,000 to reflect

1 cash balance and rate stabilization adjustments in Depart-
2 ment of Defense Working Capital Funds, as follows:

3 (1) From “Operation and Maintenance, Navy”,
4 \$150,000,000.

5 (2) From “Operation and Maintenance, Air
6 Force”, \$166,000,000.

7 SEC. 8099. (a) In addition to the amounts provided
8 elsewhere in this Act, the amount of \$6,000,000 is hereby
9 appropriated to the Department of Defense for “Oper-
10 ation and Maintenance, Army National Guard”. Such
11 amount shall be made available to the Secretary of the
12 Army only to make a grant in the amount of \$6,000,000
13 to the entity specified in subsection (b) to facilitate access
14 by veterans to opportunities for skilled employment in the
15 construction industry.

16 (b) The entity referred to in subsection (a) is the
17 Center for Military Recruitment, Assessment and Vet-
18 erans Employment, a nonprofit labor-management co-op-
19 eration committee provided for by section 302(c)(9) of the
20 Labor-Management Relations Act, 1947 (29 U.S.C.
21 186(c)(9)), for the purposes set forth in section 6(b) of
22 the Labor Management Cooperation Act of 1978 (29
23 U.S.C. 175a note).

24 SEC. 8100. FINANCING AND FIELDING OF KEY ARMY
25 CAPABILITIES.—The Department of Defense and the De-

1 partment of the Army shall make future budgetary and
2 programming plans to fully finance the Non-Line of Sight
3 Future Force cannon and resupply vehicle program
4 (NLOS–C) in order to field this system in fiscal year
5 2010, consistent with the broader plan to field the Future
6 Combat System (FCS) in fiscal year 2010: *Provided*, That
7 if the Army is precluded from fielding the FCS program
8 by fiscal year 2010, then the Army shall develop the
9 NLOS–C independent of the broader FCS development
10 timeline to achieve fielding by fiscal year 2010. In addition
11 the Army will deliver eight (8) combat operational pre-
12 production NLOS–C systems by the end of calendar year
13 2008. These systems shall be in addition to those systems
14 necessary for developmental and operational testing: *Pro-*
15 *vided further*, That the Army shall ensure that budgetary
16 and programmatic plans will provide for no fewer than
17 seven (7) Stryker Brigade Combat Teams to be fielded
18 no later than fiscal year 2009.

19 SEC. 8101. In addition to the amounts appropriated
20 or otherwise made available elsewhere in this Act,
21 \$6,600,000 is hereby appropriated to the Department of
22 Defense, to remain available until September 30, 2005:
23 *Provided*, That the Secretary of Defense shall make grants
24 in the amount of \$2,100,000 to the Intrepid Sea-Air-
25 Space Foundation; \$2,500,000 to the Presidio Trust only

1 for renovations of the parade field; and \$2,000,000 to the
2 Fort Ticonderoga Association.

3 SEC. 8102. None of the funds appropriated in this
4 Act under the heading “Overseas Contingency Operations
5 Transfer Account” may be transferred or obligated for
6 Department of Defense expenses not directly related to the
7 conduct of overseas contingencies: *Provided*, That the Sec-
8 retary of Defense shall submit a report no later than 30
9 days after the end of each fiscal quarter to the Committees
10 on Appropriations of the Senate and House of Representa-
11 tives that details any transfer of funds from the “Overseas
12 Contingency Operations Transfer Account”: *Provided fur-*
13 *ther*, That the report shall explain any transfer for the
14 maintenance of real property, pay of civilian personnel,
15 base operations support, and weapon, vehicle or equipment
16 maintenance.

17 SEC. 8103. For purposes of section 1553(b) of title
18 31, United States Code, any subdivision of appropriations
19 made in this Act under the heading “Shipbuilding and
20 Conversion, Navy” shall be considered to be for the same
21 purpose as any subdivision under the heading “Ship-
22 building and Conversion, Navy” appropriations in any
23 prior fiscal year, and the 1 percent limitation shall apply
24 to the total amount of the appropriation.

1 SEC. 8104. The budget of the President for fiscal
2 year 2006 submitted to the Congress pursuant to section
3 1105 of title 31, United States Code shall include separate
4 budget justification documents for costs of United States
5 Armed Forces' participation in contingency operations for
6 the Military Personnel accounts, the Operation and Main-
7 tenance accounts, and the Procurement accounts: *Pro-*
8 *vided*, That these documents shall include a description
9 of the funding requested for each contingency operation,
10 for each military service, to include all Active and Reserve
11 components, and for each appropriations account: *Pro-*
12 *vided further*, That these documents shall include esti-
13 mated costs for each element of expense or object class,
14 a reconciliation of increases and decreases for each contin-
15 gency operation, and programmatic data including, but
16 not limited to, troop strength for each Active and Reserve
17 component, and estimates of the major weapons systems
18 deployed in support of each contingency: *Provided further*,
19 That these documents shall include budget exhibits OP-
20 5 and OP-32 (as defined in the Department of Defense
21 Financial Management Regulation) for all contingency op-
22 erations for the budget year and the two preceding fiscal
23 years.

24 SEC. 8105. None of the funds in this Act may be
25 used for research, development, test, evaluation, procure-

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

3 SEC. 8106. Of the amounts provided in title II of this
4 Act under the heading, “Operation and Maintenance, De-
5 fense-Wide”, \$20,000,000 is available for the Regional
6 Defense Counter-terrorism Fellowship Program, to fund
7 the education and training of foreign military officers,
8 ministry of defense civilians, and other foreign security of-
9 ficials, to include United States military officers and civil-
10 ian officials whose participation directly contributes to the
11 education and training of these foreign students.

12 SEC. 8107. None of the funds appropriated or made
13 available in this Act shall be used to reduce or disestablish
14 the operation of the 53rd Weather Reconnaissance Squad-
15 ron of the Air Force Reserve, if such action would reduce
16 the WC-130 Weather Reconnaissance mission below the
17 levels funded in this Act: *Provided*, That the Air Force
18 shall allow the 53rd Weather Reconnaissance Squadron to
19 perform other missions in support of national defense re-
20 quirements during the non-hurricane season.

21 SEC. 8108. (a) LAND CONVEYANCES, NORTON AIR
22 FORCE BASE, CALIFORNIA.—(1) FOREST SERVICE CON-
23 VEYANCE.—Subject to paragraph (2), the Secretary of Ag-
24 riculture shall convey to the Inland Valley Development
25 Agency all right, title, and interest of the United States

1 in and to a parcel of real property consisting of approxi-
2 mately 3.74 acres designated as parcel D-1 (including the
3 former Air Force S-2 Headquarters Building) on the
4 former Norton Air Force Base, California.

5 (2) As consideration for the transfer under paragraph
6 (1), the Inland Valley Development Agency shall execute
7 a long-term ground lease with the Secretary of Agri-
8 culture, upon terms acceptable to the Federal Aviation Ad-
9 ministration, to provide the United States Forest Service
10 with a replacement parcel of land of approximately 7.5
11 acres at the San Bernardino International Airport adja-
12 cent to current facilities of the Forest Service to be used
13 for aeronautical purposes in furtherance of wildfire pre-
14 vention and containment.

15 (b) AIR FORCE CONVEYANCE.—(1) Subject to para-
16 graph (2), the Secretary of the Air Force shall convey to
17 the Inland Valley Development Agency all right, title, and
18 interest of the United States in and to certain parcels of
19 real property, including improvements thereon, located on
20 or adjacent to the former Norton Air Force Base, Cali-
21 fornia, that as of the date of the enactment of this Act
22 have been determined through a record of decision to be
23 eligible to be transferred to, or held in trust for, the San
24 Manuel Band of Mission Indians.

1 (2) The Secretary of the Air Force shall make a con-
2 veyance under paragraph (1) with respect to any parcel
3 of real property to which that paragraph applies only upon
4 delivery to the Secretary of an instrument executed by the
5 San Manuel Band of Mission Indians that releases and
6 extinguishes any real property interest of the San Manuel
7 Band of Mission Indians in that parcel of real property.

8 SEC. 8109. (a) The total amount appropriated or oth-
9 erwise made available in titles III and IV of this Act is
10 hereby reduced by \$345,000,000 to reflect savings from
11 revised economic assumptions, to be distributed as follows:

12 “Title III”, \$189,000,000; and

13 “Title IV”, \$156,000,000.

14 (b) The Secretary of Defense shall allocate this re-
15 duction proportionately to each program, project, and ac-
16 tivity within each applicable appropriation account.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8110. (a) The amount appropriated in title II
19 for “Operation and Maintenance, Air Force” is hereby re-
20 duced by \$967,200,000 to reflect cash balance and rate
21 stabilization adjustments in the Department of Defense
22 Transportation Working Capital Fund.

23 (b) Not later than 120 days after the date of the en-
24 actment of this Act, the Secretary of Defense shall trans-
25 fer \$967,200,000 from the Department of Defense Trans-

1 portation Working Capital Fund to “Operation and Main-
2 tenance, Air Force” to offset the reduction made by sub-
3 section (a). The transfer required by this subsection is in
4 addition to any other transfer authority provided to the
5 Department of Defense.

6 SEC. 8111. None of the funds provided in this Act
7 shall be available for integration of foreign intelligence in-
8 formation unless the information has been lawfully col-
9 lected and processed during the conduct of authorized for-
10 eign intelligence activities: *Provided*, That information
11 pertaining to United States persons shall only be handled
12 in accordance with protections provided in the Fourth
13 Amendment of the United States Constitution as imple-
14 mented through Executive Order No. 12333.

15 SEC. 8112. Section 8149(b) of the Department of De-
16 fense Appropriations Act, 2003 (Public Law 107–248; 10
17 U.S.C. 2784 note), shall remain in effect for fiscal year
18 2005.

19 SEC. 8113. Amounts appropriated in this Act may
20 be used by the Department of Defense for the purchase
21 of heavy and light armored vehicles for force protection
22 purposes, notwithstanding price or other limitations appli-
23 cable to the purchase of passenger carrying vehicles under
24 section 1343 of title 31, United States Code, or any other
25 provision of law: *Provided*, That the Secretary of Defense

1 shall submit a report no later than 30 days after the end
2 of each fiscal quarter notifying the congressional defense
3 committees of any purchase described in this section, in-
4 cluding the cost, purposes, and quantities of vehicles pur-
5 chased.

6 SEC. 8114. Of the amount appropriated under the
7 heading “Operation and Maintenance, Marine Corps” for
8 the Marine Corps Air-Ground Task Force Training Cen-
9 ter, Twenty Nine Palms, California, \$4,500,000 shall be
10 available to the Secretary of the Navy to enter into a con-
11 tract, notwithstanding any other provision of law, for the
12 widening of Adobe Road, which is used by members of
13 the Marine Corps stationed at the installation and their
14 dependents, and for construction of pedestrian and bike
15 lanes for the road, to provide for the safety of the Marines
16 stationed at the installation.

17 SEC. 8115. In addition to amounts appropriated or
18 otherwise made available in this Act, there is hereby ap-
19 propriated \$3,000,000, for “Operation and Maintenance,
20 Marine Corps”: *Provided*, That the Secretary of the Navy
21 shall make a grant in that amount to the “Hi-Desert Me-
22 morial Health Care District”, Joshua Tree, California, for
23 the purposes of providing a capability for non-invasive as-
24 sessment, diagnostic testing and treatment in support of

1 service personnel and their families stationed at the Ma-
2 rine Corps Air-Ground Task Force Training Center.

3 SEC. 8116. (a) LAND CONVEYANCE, ARMY RESERVE
4 TRAINING CENTER, WOOSTER, OHIO.—The Secretary of
5 the Army may convey, without consideration, to the City
6 of Wooster, Ohio, all right, title, and interest of the United
7 States in and to a parcel of real property, including im-
8 provements thereon, that is located at 1676 Portage Road,
9 Wooster, Ohio, and contains a former Army Reserve
10 Training Center.

11 (b) DESCRIPTION OF PROPERTY.—The exact acreage
12 and legal description of the real property to be conveyed
13 under subsection (a) shall be determined by a survey satis-
14 factory to the Secretary. The cost of the survey shall be
15 borne by the City of Wooster, Ohio.

16 (c) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary may require such additional terms and condi-
18 tions in connection with the conveyance under subsection
19 (a) as the Secretary considers appropriate to protect the
20 interests of the United States.

21 SEC. 8117. (a) At the time members of reserve com-
22 ponents of the Armed Forces are called or ordered to ac-
23 tive duty under section 12302(a) of title 10, United States
24 Code, each member shall be notified in writing of the ex-
25 pected period during which the member will be mobilized.

1 (b) The Secretary of Defense may waive the require-
2 ments of subsection (a) in any case in which the Secretary
3 determines that it is necessary to do so to respond to a
4 national security emergency or to meet dire operational
5 requirements of the Armed Forces.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8118. The Secretary of the Navy may transfer
8 funds from any available Department of the Navy appro-
9 priation to any available Navy ship construction appro-
10 priation for the purpose of liquidating necessary changes
11 resulting from inflation, market fluctuations, or rate ad-
12 justments for any ship construction program appropriated
13 in law: *Provided*, That the Secretary may transfer not to
14 exceed \$100,000,000 under the authority provided by this
15 section: *Provided further*, That the funding transferred
16 shall be available for the same time period as the appro-
17 priation to which transferred: *Provided further*, That the
18 Secretary may not transfer any funds until 30 days after
19 the proposed transfer has been reported to the Committee
20 on Appropriations of the Senate and the House of Rep-
21 resentatives, unless sooner notified by the Committees
22 that there is no objection to the proposed transfer: *Pro-*
23 *vided further*, That the transfer authority provided by this
24 section is in addition to any other transfer authority con-
25 tained elsewhere in this Act.

1 SEC. 8119. The amounts appropriated in title II of
2 this Act are hereby reduced by \$100,000,000 to reflect
3 savings attributable to the offsetting of payments to con-
4 tractors for the collection, pursuant to law, of unpaid taxes
5 owed to the United States, as follows:

6 (1) From “Operation and Maintenance, Army”,
7 \$22,000,000.

8 (2) From “Operation and Maintenance, Navy”,
9 \$26,000,000.

10 (3) From “Operation and Maintenance, Marine
11 Corps”, \$2,000,000.

12 (4) From “Operation and Maintenance, Air
13 Force”, \$50,000,000.

14 SEC. 8120. The total amount appropriated in title IV
15 is hereby reduced by \$685,000,000 to decrease amounts
16 budgeted in anticipation of the application of non-statute-
17 tory funding set asides: *Provided*, That this reduction shall
18 be allocated proportionately to each budgeted program,
19 program element, project, and activity: *Provided further*,
20 That funds made available for programs of the National
21 Foreign Intelligence Program (NFIP) are exempt from
22 the application of this provision.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8121. TANKER REPLACEMENT TRANSFER
25 FUND.—In addition to funds made available elsewhere in
26 this Act, there is hereby appropriated \$100,000,000, to

1 remain available until transferred: *Provided*, That these
2 funds are appropriated to the “Tanker Replacement
3 Transfer Fund” (referred to as “the Fund” elsewhere in
4 this section), which is hereby established in the Treasury:
5 *Provided further*, That the Secretary of the Air Force may
6 transfer amounts in the Fund to “Operation and Mainte-
7 nance, Air Force”, “Aircraft Procurement, Air Force”,
8 and “Research, Development, Test and Evaluation, Air
9 Force”, only for the purposes of proceeding with a KC-
10 767 tanker acquisition program: *Provided further*, That
11 these funds may be made available to implement the provi-
12 sions of section 117 of the House-passed version of H.R.
13 4200 (108th Congress), the National Defense Authoriza-
14 tion Act for Fiscal Year 2005: *Provided further*, That
15 funds transferred shall be merged with and be available
16 for the same purposes and for the same time period as
17 the appropriation or fund to which transferred: *Provided*
18 *further*, That this transfer authority is in addition to any
19 other transfer authority available to the Department of
20 Defense: *Provided further*, That the Secretary of the Air
21 Force shall, not fewer than 15 days prior to making trans-
22 fers using funds provided in this section, notify the con-
23 gressional defense committees in writing of the details of
24 any such transfer: *Provided further*, That the Secretary
25 shall submit a report no later than 30 days after the end

1 of each fiscal quarter to the congressional defense commit-
2 tees summarizing the details of the transfer of funds from
3 this appropriation.

4 SEC. 8122. None of the funds appropriated or other-
5 wise made available by this Act may be used to amend
6 or cancel, or implement any amendment or cancellation
7 of, Department of Defense Directive 1344.7, “Personal
8 Commercial Solicitation on DoD Installations”, until after
9 the end of the one-year period beginning on the date on
10 which the report containing the results of the investigation
11 regarding insurance premium allotment processing, which
12 is underway as of the date of the enactment of this Act,
13 is submitted to the congressional defense committees (as
14 defined in section 101(a)(16) of title 10, United States
15 Code), the Committee on Government Reform of the
16 House of Representatives, and the Committee on Govern-
17 mental Affairs of the Senate.

18 SEC. 8123. The Secretary of Defense shall provide
19 a report to the congressional defense committees not later
20 than July 30, 2004, that addresses how the Department
21 of Defense (DoD) is improving the dud rate of cluster mu-
22 nitions to meet existing DoD policies. This report shall
23 address: (1) the types and quantities of munitions systems
24 that employ cluster munitions presently in DoD’s inven-
25 tory that do and do not meet the 1-percent dud rate policy;

1 (2) DoD efforts to ensure the development of cluster mu-
2 nitions that meet the 1-percent dud rate policy, including
3 a list of programs funded in fiscal year 2005; and (3) a
4 schedule describing the DoD cluster munitions inventory
5 profile from the present until the time this inventory will
6 meet the 1-percent dud rate policy.

7 TITLE IX—ADDITIONAL APPROPRIATIONS

8 CHAPTER I

9 DEPARTMENT OF DEFENSE—MILITARY

10 MILITARY PERSONNEL

11 MILITARY PERSONNEL, ARMY

12 For an additional amount for “Military Personnel,
13 Army”, \$2,552,200,000: *Provided*, That, if the enactment
14 of this title occurs during fiscal year 2004, such amount
15 is designated as an emergency requirement pursuant to
16 section 402 of S. Con. Res. 95 (108th Congress), as made
17 applicable to the House of Representatives by H. Res. 649
18 (108th Congress): *Provided further*, That, if the enactment
19 of this title occurs during fiscal year 2005, such amount
20 is designated as making appropriations for overseas con-
21 tingency operations pursuant to section 403 of such S.
22 Con. Res. 95.

23 MILITARY PERSONNEL, NAVY

24 For an additional amount for “Military Personnel,
25 Navy”, \$232,200,000: *Provided*, That, if the enactment

1 of this title occurs during fiscal year 2004, such amount
2 is designated as an emergency requirement pursuant to
3 section 402 of S. Con. Res. 95 (108th Congress), as made
4 applicable to the House of Representatives by H. Res. 649
5 (108th Congress): *Provided further*, That, if the enactment
6 of this title occurs during fiscal year 2005, such amount
7 is designated as making appropriations for overseas con-
8 tingency operations pursuant to section 403 of such S.
9 Con. Res. 95.

10 MILITARY PERSONNEL, MARINE CORPS

11 For an additional amount for “Military Personnel,
12 Marine Corps”, \$273,200,000: *Provided*, That, if the en-
13 actment of this title occurs during fiscal year 2004, such
14 amount is designated as an emergency requirement pursu-
15 ant to section 402 of S. Con. Res. 95 (108th Congress),
16 as made applicable to the House of Representatives by H.
17 Res. 649 (108th Congress): *Provided further*, That, if the
18 enactment of this title occurs during fiscal year 2005, such
19 amount is designated as making appropriations for over-
20 seas contingency operations pursuant to section 403 of
21 such S. Con. Res. 95.

22 MILITARY PERSONNEL, AIR FORCE

23 For an additional amount for “Military Personnel,
24 Air Force”, \$874,400,000: *Provided*, That, if the enact-
25 ment of this title occurs during fiscal year 2004, such

1 amount is designated as an emergency requirement pursu-
2 ant to section 402 of S. Con. Res. 95 (108th Congress),
3 as made applicable to the House of Representatives by H.
4 Res. 649 (108th Congress): *Provided further*, That, if the
5 enactment of this title occurs during fiscal year 2005, such
6 amount is designated as making appropriations for over-
7 seas contingency operations pursuant to section 403 of
8 such S. Con. Res. 95.

9 OPERATION AND MAINTENANCE

10 OPERATION AND MAINTENANCE, ARMY

11 For an additional amount for “Operation and Main-
12 tenance, Army”, \$11,698,400,000: *Provided*, That, if the
13 enactment of this title occurs during fiscal year 2004, such
14 amount is designated as an emergency requirement pursu-
15 ant to section 402 of S. Con. Res. 95 (108th Congress),
16 as made applicable to the House of Representatives by H.
17 Res. 649 (108th Congress): *Provided further*, That, if the
18 enactment of this title occurs during fiscal year 2005, such
19 amount is designated as making appropriations for over-
20 seas contingency operations pursuant to section 403 of
21 such S. Con. Res. 95.

22 OPERATION AND MAINTENANCE, NAVY

23 For an additional amount for “Operation and Main-
24 tenance, Navy”, \$303,000,000: *Provided*, That, if the en-
25 actment of this title occurs during fiscal year 2004, such

1 amount is designated as an emergency requirement pursu-
2 ant to section 402 of S. Con. Res. 95 (108th Congress),
3 as made applicable to the House of Representatives by H.
4 Res. 649 (108th Congress): *Provided further*, That, if the
5 enactment of this title occurs during fiscal year 2005, such
6 amount is designated as making appropriations for over-
7 seas contingency operations pursuant to section 403 of
8 such S. Con. Res. 95.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 For an additional amount for “Operation and Main-
11 tenance, Marine Corps”, \$1,295,000,000: *Provided*, That,
12 if the enactment of this title occurs during fiscal year
13 2004, such amount is designated as an emergency require-
14 ment pursuant to section 402 of S. Con. Res. 95 (108th
15 Congress), as made applicable to the House of Representa-
16 tives by H. Res. 649 (108th Congress): *Provided further*,
17 That, if the enactment of this title occurs during fiscal
18 year 2005, such amount is designated as making appro-
19 priations for overseas contingency operations pursuant to
20 section 403 of such S. Con. Res. 95.

21 OPERATION AND MAINTENANCE, AIR FORCE

22 For an additional amount for “Operation and Main-
23 tenance, Air Force”, \$744,000,000: *Provided*, That, if the
24 enactment of this title occurs during fiscal year 2004, such
25 amount is designated as an emergency requirement pursu-

1 ant to section 402 of S. Con. Res. 95 (108th Congress),
2 as made applicable to the House of Representatives by H.
3 Res. 649 (108th Congress): *Provided further*, That, if the
4 enactment of this title occurs during fiscal year 2005, such
5 amount is designated as making appropriations for over-
6 seas contingency operations pursuant to section 403 of
7 such S. Con. Res. 95.

8 OPERATION AND MAINTENANCE, DEFENSE-WIDE

9 For an additional amount for “Operation and Main-
10 tenance, Defense-Wide”, \$295,000,000: *Provided*, That, if
11 the enactment of this title occurs during fiscal year 2004,
12 such amount is designated as an emergency requirement
13 pursuant to section 402 of S. Con. Res. 95 (108th Con-
14 gress), as made applicable to the House of Representatives
15 by H. Res. 649 (108th Congress): *Provided further*, That,
16 if the enactment of this title occurs during fiscal year
17 2005, such amount is designated as making appropria-
18 tions for overseas contingency operations pursuant to sec-
19 tion 403 of such S. Con. Res. 95.

20 IRAQ FREEDOM FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Iraq Freedom Fund”,
23 \$2,978,000,000, to remain available for transfer until
24 September 30, 2006, for the purposes authorized under
25 this heading in Public Law 108–11: *Provided*, That the

1 Secretary of Defense may transfer the funds provided
2 herein to appropriations for military personnel; operation
3 and maintenance; Overseas Humanitarian, Disaster, and
4 Civic Aid; procurement; research, development, test and
5 evaluation; the Defense Health Program; and working
6 capital funds: *Provided further*, That of the amounts pro-
7 vided under this heading, not less than \$1,978,000,000
8 shall be for classified programs, which shall be in addition
9 to amounts provided for elsewhere in this title, and under
10 this heading: *Provided further*, That funds transferred
11 shall be merged with and be available for the same pur-
12 poses and for the same time period as the appropriation
13 or fund to which transferred: *Provided further*, That this
14 transfer authority is in addition to any other transfer au-
15 thority available to the Department of Defense: *Provided*
16 *further*, That upon a determination that all or part of the
17 funds transferred from this appropriation are not nec-
18 essary for the purposes provided herein, such amounts
19 may be transferred back to this appropriation: *Provided*
20 *further*, That the Secretary of Defense shall, not fewer
21 than 5 days prior to making transfers from this appropria-
22 tion, notify the congressional defense committees in writ-
23 ing of the details of any such transfer: *Provided further*,
24 That the Secretary shall submit a report no later than
25 30 days after the end of each fiscal quarter to the congress-

1 sional defense committees summarizing the details of the
2 transfer of funds from this appropriation: *Provided fur-*
3 *ther*, That, if the enactment of this title occurs during fis-
4 cal year 2004, such amount is designated as an emergency
5 requirement pursuant to section 402 of S. Con. Res. 95
6 (108th Congress), as made applicable to the House of
7 Representatives by H. Res. 649 (108th Congress): *Pro-*
8 *vided further*, That, if the enactment of this title occurs
9 during fiscal year 2005, such amount is designated as
10 making appropriations for overseas contingency operations
11 pursuant to section 403 of such S. Con. Res. 95.

12 PROCUREMENT

13 MISSILE PROCUREMENT, ARMY

14 For an additional amount for “Missile Procurement,
15 Army”, \$42,800,000, to remain available until September
16 30, 2007: *Provided*, That, if the enactment of this title
17 occurs during fiscal year 2004, such amount is designated
18 as an emergency requirement pursuant to section 402 of
19 S. Con. Res. 95 (108th Congress), as made applicable to
20 the House of Representatives by H. Res. 649 (108th Con-
21 gress): *Provided further*, That, if the enactment of this
22 title occurs during fiscal year 2005, such amount is des-
23 ignated as making appropriations for overseas contingency
24 operations pursuant to section 403 of such S. Con. Res.
25 95.

1 tingency operations pursuant to section 403 of such S.
2 Con. Res. 95.

3 OTHER PROCUREMENT, ARMY

4 For an additional amount for “Other Procurement,
5 Army”, \$1,151,400,000, to remain available until Sep-
6 tember 30, 2007: *Provided*, That, if the enactment of this
7 title occurs during fiscal year 2004, such amount is des-
8 ignated as an emergency requirement pursuant to section
9 402 of S. Con. Res. 95 (108th Congress), as made applica-
10 ble to the House of Representatives by H. Res. 649 (108th
11 Congress): *Provided further*, That, if the enactment of this
12 title occurs during fiscal year 2005, such amount is des-
13 ignated as making appropriations for overseas contingency
14 operations pursuant to section 403 of such S. Con. Res.
15 95.

16 AIRCRAFT PROCUREMENT, NAVY

17 For an additional amount for “Aircraft Procurement,
18 Navy”, \$34,000,000, to remain available until September
19 30, 2007: *Provided*, That, if the enactment of this title
20 occurs during fiscal year 2004, such amount is designated
21 as an emergency requirement pursuant to section 402 of
22 S. Con. Res. 95 (108th Congress), as made applicable to
23 the House of Representatives by H. Res. 649 (108th Con-
24 gress): *Provided further*, That, if the enactment of this
25 title occurs during fiscal year 2005, such amount is des-

1 Congress): *Provided further*, That, if the enactment of this
2 title occurs during fiscal year 2005, such amount is des-
3 ignated as making appropriations for overseas contingency
4 operations pursuant to section 403 of such S. Con. Res.
5 95.

6 OTHER PROCUREMENT, AIR FORCE

7 For an additional amount for “Other Procurement,
8 Air Force”, \$35,300,000, to remain available until Sep-
9 tember 30, 2007: *Provided*, That, if the enactment of this
10 title occurs during fiscal year 2004, such amount is des-
11 ignated as an emergency requirement pursuant to section
12 402 of S. Con. Res. 95 (108th Congress), as made applica-
13 ble to the House of Representatives by H. Res. 649 (108th
14 Congress): *Provided further*, That, if the enactment of this
15 title occurs during fiscal year 2005, such amount is des-
16 ignated as making appropriations for overseas contingency
17 operations pursuant to section 403 of such S. Con. Res.
18 95.

19 PROCUREMENT, DEFENSE-WIDE

20 For an additional amount for “Procurement, De-
21 fense-Wide”, \$80,000,000, to remain available until Sep-
22 tember 30, 2007: *Provided*, That, if the enactment of this
23 title occurs during fiscal year 2004, such amount is des-
24 ignated as an emergency requirement pursuant to section
25 402 of S. Con. Res. 95 (108th Congress), as made applica-

1 ble to the House of Representatives by H. Res. 649 (108th
2 Congress): *Provided further*, That, if the enactment of this
3 title occurs during fiscal year 2005, such amount is des-
4 ignated as making appropriations for overseas contingency
5 operations pursuant to section 403 of such S. Con. Res.
6 95.

7 NATIONAL GUARD AND RESERVE EQUIPMENT

8 For an additional amount for “National Guard and
9 Reserve Equipment”, \$100,000,000, to remain available
10 until September 30, 2007: *Provided*, That, if the enact-
11 ment of this title occurs during fiscal year 2004, such
12 amount is designated as an emergency requirement pursu-
13 ant to section 402 of S. Con. Res. 95 (108th Congress),
14 as made applicable to the House of Representatives by H.
15 Res. 649 (108th Congress): *Provided further*, That, if the
16 enactment of this title occurs during fiscal year 2005, such
17 amount is designated as making appropriations for over-
18 seas contingency operations pursuant to section 403 of
19 such S. Con. Res. 95.

20 REVOLVING AND MANAGEMENT FUNDS

21 DEFENSE WORKING CAPITAL FUNDS

22 For an additional amount for “Defense Working
23 Capital Funds”, \$1,250,000,000: *Provided*, That, if the
24 enactment of this title occurs during fiscal year 2004, such
25 amount is designated as an emergency requirement pursu-

1 ant to section 402 of S. Con. Res. 95 (108th Congress),
2 as made applicable to the House of Representatives by H.
3 Res. 649 (108th Congress): *Provided further*, That, if the
4 enactment of this title occurs during fiscal year 2005, such
5 amount is designated as making appropriations for over-
6 seas contingency operations pursuant to section 403 of
7 such S. Con. Res. 95.

8 OTHER DEPARTMENT OF DEFENSE PROGRAMS
9 DEFENSE HEALTH PROGRAM

10 For an additional amount for “Defense Health Pro-
11 gram”, \$305,000,000 for Operation and maintenance:
12 *Provided*, That, if the enactment of this title occurs during
13 fiscal year 2004, such amount is designated as an emer-
14 gency requirement pursuant to section 402 of S. Con. Res.
15 95 (108th Congress), as made applicable to the House of
16 Representatives by H. Res. 649 (108th Congress): *Pro-*
17 *vided further*, That, if the enactment of this title occurs
18 during fiscal year 2005, such amount is designated as
19 making appropriations for overseas contingency operations
20 pursuant to section 403 of such S. Con. Res. 95.

CHAPTER 2

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for “Diplomatic and Consular Programs” for costs associated with United States Mission operations, technological support, logistical support, and necessary security costs in Iraq, \$665,300,000, to remain available until expended: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That, if the enactment of this title occurs during fiscal year 2005, such amount is designated as making appropriations for overseas contingency operations pursuant to section 403 of such S. Con. Res. 95.

EMBASSY SECURITY, CONSTRUCTION, AND

MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance” for interim facilities for the United States Mission in Iraq, \$20,000,000, to remain available until expended: *Provided*, That, if the enactment of this title occurs during fiscal year 2004, such amount

1 is designated as an emergency requirement pursuant to
2 section 402 of S. Con. Res. 95 (108th Congress), as made
3 applicable to the House of Representatives by H. Res. 649
4 (108th Congress): *Provided further*, That, if the enactment
5 of this title occurs during fiscal year 2005, such amount
6 is designated as making appropriations for overseas con-
7 tingency operations pursuant to section 403 of such S.
8 Con. Res. 95.

9 CHAPTER 3

10 BILATERAL ECONOMIC ASSISTANCE

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 UNITED STATES AGENCY FOR INTERNATIONAL

13 DEVELOPMENT

14 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

15 For an additional amount for “International Disaster
16 and Famine Assistance”, \$70,000,000, to remain available
17 until September 30, 2005: *Provided*, That funds appro-
18 priated by this paragraph shall be available to respond to
19 the humanitarian crisis in the Darfur region of Sudan and
20 in Chad: *Provided further*, That such amount is designated
21 as an emergency requirement pursuant to section 402 of
22 S. Con. Res. 95 (108th Congress), as made applicable to
23 the House of Representatives by H. Res. 649 (108th Con-
24 gress).

1 DEPARTMENT OF STATE

2 MIGRATION AND REFUGEE ASSISTANCE

3 For an additional amount for “Migration and Ref-
4 ugee Assistance”, \$25,000,000, to remain available until
5 September 30, 2005: *Provided*, That funds appropriated
6 by this paragraph shall be available to respond to the hu-
7 manitarian crisis in the Darfur region of Sudan and in
8 Chad: *Provided further*, That such amount is designated
9 as an emergency requirement pursuant to section 402 of
10 S. Con. Res. 95 (108th Congress), as made applicable to
11 the House of Representatives by H. Res. 649 (108th Con-
12 gress).

13 GENERAL PROVISIONS, TITLE IX

14 SEC. 9001. Appropriations provided in this title are
15 available for obligation until September 30, 2005, unless
16 otherwise so provided in this title: *Provided*, That notwith-
17 standing any other provision of law or of this Act, funds
18 in this title are available for obligation, and authorities
19 in this title shall apply, upon enactment of this Act.

20 SEC. 9002. Notwithstanding any other provision of
21 law or of this Act, funds made available in this title are
22 in addition to amounts provided elsewhere in this Act.

23 (TRANSFER OF FUNDS)

24 SEC. 9003. (a) Upon his determination that such ac-
25 tion is necessary in the national interest, the Secretary
26 of Defense may transfer between appropriations up to

1 \$2,000,000,000 of the funds made available to the De-
2 partment of Defense in this title: *Provided*, That the Sec-
3 retary shall notify the Congress promptly of each transfer
4 made pursuant to the authority in this section: *Provided*
5 *further*, That the authority provided in this section is in
6 addition to any other transfer authority available to the
7 Department of Defense and is subject to the same terms
8 and conditions as the authority provided in section 8005
9 of this Act.

10 (b) Section 8005 of the Department of Defense Ap-
11 propriations Act, 2004 (Public Law 108–87; 117 Stat.
12 1071), is amended—

13 (1) by striking “\$2,100,000,000” and inserting
14 in lieu thereof “\$3,000,000,000”; and

15 (2) by striking all after the third proviso and
16 inserting the following: “: *Provided further*, That
17 transfers among military personnel appropriations
18 shall not be taken into account for purposes of the
19 limitation on the amount of funds that may be
20 transferred under this section.”.

21 (c) Section 168(a) of division H of the Consolidated
22 Appropriations Act, 2004 (Public Law 108–199; 118 Stat.
23 456), is repealed upon enactment of this Act.

24 (d)(1) If the enactment of this title occurs during fis-
25 cal year 2004, the amounts made available by the transfer

1 of funds in or pursuant to this section are designated as
2 emergency requirements pursuant to section 402 of S.
3 Con. Res. 95 (108th Congress), as made applicable to the
4 House of Representatives by H. Res. 649 (108th Con-
5 gress).

6 (2) If the enactment of this title occurs during fiscal
7 year 2005, such amounts are designated as making appro-
8 priations for overseas contingency operations pursuant to
9 section 403 of such S. Con. Res. 95.

10 SEC. 9004. Funds appropriated in this title, or made
11 available by the transfer of funds in or pursuant to this
12 title, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 414).

15 SEC. 9005. None of the funds provided in this title
16 may be used to finance programs or activities denied by
17 Congress in fiscal year 2005 appropriations to the Depart-
18 ment of Defense or to initiate a procurement or research,
19 development, test and evaluation new start program with-
20 out prior notification to the congressional defense commit-
21 tees.

22 SEC. 9006. Sections 1318 and 1319 of the Emer-
23 gency Wartime Supplemental Appropriations Act, 2003
24 (Public Law 108–11; 117 Stat. 571), shall remain in ef-
25 fect during fiscal year 2005.

1 SEC. 9007. From October 1, 2004, through Sep-
2 tember 30, 2005, (a) the rates of pay authorized by sec-
3 tion 310(a) of title 37, United States Code, shall be \$225;
4 and (b) the rates of pay authorized by section 427(a)(1)
5 of title 37, United States Code, shall be \$250.

6 SEC. 9008. Notwithstanding any other provision of
7 law, from funds made available in this title to the Depart-
8 ment of Defense for operation and maintenance, not to
9 exceed \$500,000,000 may be used by the Secretary of De-
10 fense, with the concurrence of the Secretary of State, to
11 train, equip, and provide related assistance to military or
12 security forces in Iraq and Afghanistan, to enhance their
13 capability to combat terrorism and to support U.S. mili-
14 tary operations in Iraq and Afghanistan: *Provided*, That
15 such assistance may include the provision of equipment,
16 supplies, services, training and funding: *Provided further*,
17 That the authority to provide assistance under this section
18 is in addition to any other authority to provide assistance
19 to foreign nations: *Provided further*, That the Secretary
20 of Defense shall notify the congressional defense commit-
21 tees, the Committee on International Relations of the
22 House of Representatives, and the Committee on Foreign
23 Relations of the Senate not less than 15 days before pro-
24 viding assistance under the authority of this section.

1 SEC. 9009. From funds made available in this title
2 to the Department of Defense for operation and mainte-
3 nance, not to exceed \$300,000,000 may be used, notwith-
4 standing any other provision of law, to fund the Com-
5 mander's Emergency Response Program, for the purpose
6 of enabling military commanders in Iraq to respond to ur-
7 gent humanitarian relief and reconstruction requirements
8 within their areas of responsibility by carrying out pro-
9 grams that will immediately assist the Iraqi people, and
10 to fund a similar program to assist the people of Afghani-
11 stan: *Provided*, That the Secretary of Defense shall pro-
12 vide quarterly reports to the congressional defense com-
13 mittees regarding the source of funds and the allocation
14 and use of funds made available pursuant to the authority
15 provided in this section.

16 SEC. 9010. Section 202(b) of the Afghanistan Free-
17 dom Support Act of 2002 (22 U.S.C. 7532(b)) is amended
18 by striking "\$450,000,000" and inserting in lieu thereof
19 "\$650,000,000".

20 SEC. 9011. Funds available to the Department of De-
21 fense for operation and maintenance in this title may be
22 used, notwithstanding any other provision of law, to pro-
23 vide supplies, services, transportation, including airlift and
24 sealift, and other logistical support to coalition forces sup-
25 porting military and stability operations in Iraq and Af-

1 ghanistan: *Provided*, That the Secretary of Defense shall
2 provide quarterly reports to the congressional defense
3 committees regarding support provided under this section.

4 SEC. 9012. (a) Not later than April 30 and October
5 31 of each year, the Secretary of Defense shall submit
6 to Congress a report on the military operations of the
7 Armed Forces and the reconstruction activities of the De-
8 partment of Defense in Iraq and Afghanistan.

9 (b) Each report shall include the following informa-
10 tion:

11 (1) For each of Iraq and Afghanistan for the
12 half-fiscal year ending during the month preceding
13 the due date of the report, the amount expended for
14 military operations of the Armed Forces and the
15 amount expended for reconstruction activities, to-
16 gether with the cumulative total amounts expended
17 for such operations and activities.

18 (2) An assessment of the progress made toward
19 preventing attacks on United States personnel.

20 (3) An assessment of the effects of the oper-
21 ations and activities in Iraq and Afghanistan on the
22 readiness of the Armed Forces.

23 (4) An assessment of the effects of the oper-
24 ations and activities in Iraq and Afghanistan on the

1 recruitment and retention of personnel for the
2 Armed Forces.

3 (5) For the half-fiscal year ending during the
4 month preceding the due date of the report, the
5 costs incurred for repair of Department of Defense
6 equipment used in the operations and activities in
7 Iraq and Afghanistan.

8 (6) The foreign countries, international organi-
9 zations, and nongovernmental organizations that are
10 contributing support for the ongoing military oper-
11 ations and reconstruction activities, together with a
12 discussion of the amount and types of support con-
13 tributed by each during the half-fiscal year ending
14 during the month preceding the due date of the re-
15 port.

16 (7) The extent to which, and the schedule on
17 which, the Selected Reserve of the Ready Reserve of
18 the Armed Forces is being involuntarily ordered to
19 active duty under section 12304 of title 10, United
20 States Code.

21 (8) For each unit of the National Guard of the
22 United States and the other reserve components of
23 the Armed Forces on active duty pursuant to an
24 order to active duty under section 12304 of title 10,
25 United States Code, the following information:

1 (A) The unit.

2 (B) The projected date of return of the
3 unit to its home station.

4 (C) The extent (by percentage) to which
5 the forces deployed within the United States
6 and outside the United States in support of a
7 contingency operation are composed of reserve
8 component forces.

9 SEC. 9013. Authorities contained in sections 402,
10 407, and 605 of division B of Public Law 108–199 shall
11 also apply to amounts provided in this title for the Depart-
12 ment of State.

13 SEC. 9014. Congress, consistent with international
14 and United States law, reaffirms that torture of prisoners
15 of war and detainees is illegal and does not reflect the
16 policies of the United States Government or the values of
17 the people of the United States.

18 SEC. 9015. The President shall provide to the Con-
19 gress a report detailing the estimated costs over the period
20 from fiscal year 2006 to 2011 of Operation Iraqi Freedom
21 and Operation Enduring Freedom, or any related military
22 operations in and around Iraq and Afghanistan, and the
23 estimated costs of reconstruction, internal security, and
24 related economic support to Iraq and Afghanistan: *Pro-*
25 *vided*, That the President may waive the requirement to

1 submit this report only if the President certifies in writing
2 to the Congress that estimates of these future military and
3 economic support costs cannot be provided for purposes
4 of national security: *Provided further*, That the report ref-
5 erenced above shall be submitted no later than October
6 1, 2004.

7 SEC. 9016. Section 3101 of title 31, United States
8 Code, is amended by adding at the end the following new
9 subsection:

10 “(d) The United States Government shall take
11 all steps necessary to guarantee the full faith and
12 credit of the Government.”.

13 SEC. 9017. From within funds made available in
14 chapter 1 of this title, the Secretary of Defense shall use
15 such funds as necessary to provide to Congress, not later
16 than 4 months after the date of the enactment of this Act,
17 a list of all contracts entered into by the Department of
18 Defense for the provision of security, translation, and in-
19 terrogation services in Iraq, Afghanistan, or Guantanamo
20 Bay, and the amount of each such contract.

21 SEC. 9018. None of the funds made available in chap-
22 ter 1 of this title may be used to fund any contract in
23 contravention of section 8(d)(6) of the Small Business Act
24 (15 U.S.C. 637(d)(6)).

- 1 This Act may be cited as the “Department of Defense
- 2 Appropriations Act, 2005”.

Passed the House of Representatives June 22, 2004.

Attest:

Clerk.