108TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
108–122

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

MAY 21, 2003.—Referred to the House Calendar and ordered to be printed

Mrs. MYRICK, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 247]

The Committee on Rules, having had under consideration House Resolution 247, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 1588, the National Defense Authorization Act For Fiscal Year 2004. The rule makes in order only those amendments printed in this report and amendments en bloc described in section 2 of the resolution.

The rule provides that amendments printed in this report shall be considered only in the order printed in this report (except as specified in section 3 of the resolution), may be offered only by a Member designated in this report, shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule provides that each amendment printed in this report shall be debatable for 10 minutes (unless otherwise specified in the report) equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment). The rule waives all points of order against amendments printed in this report and those amendments en bloc as described in Section 2 of the resolution.

The rule authorizes the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in this report, or germane modifications

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thereto, which shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled between the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question.

The rule provides that, for the purposes of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken, and that the original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The rule allows the Chairman of the Committee of the Whole to recognize for consideration of any amendment printed in this report, out of the order printed, but not sooner than one hour after the chairman of the Armed Services Committee or his designee announces from the floor a request to that effect.

Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 80

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Frost.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Spratt, which restores the President's requests for Cooperative Threat Reduction programs. Rescinds the transfer of $28.8 million from chemical weapons destruction activities in Russia. Grants the Defense Department authority to spend up to $50 million in prior year unobligated balanced on destruction of weapons of mass destruction outside the former Soviet Union. Establishes a reporting requirement to enhance Cooperative Threat Reduction program accountability to Congress.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 81

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Frost.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Frost, which changes three provisions of immigration law to make it easier for

non-citizens serving in the U.S. Armed Forces to become naturalized citizens.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 82

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Representatives Maloney and Turner, which modifies Section 1451 to require civilian executive agencies to comply with federal procurement processes and procedures when carrying out certain prototype projects.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 83

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Frost.

Summary of motion: To not make in order the amendment offered by Representative Tom Davis of Virginia, which establishes the President's new Human Capital Performance Fund, to be administered by OPM, to enable agencies to reward their highest performing and most valuable employees. Limits human capital performance payment to an individual employee to 10 percent of the employee's basic pay rate. Authorizes $500 million for FY 04 and such sums as necessary in subsequent years.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 84

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. McGovern.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Allen, which transfers $466 million from certain long-range ballistic missile defense programs to the Iraqi Freedom Fund to promote stability and security in Iraq, and to secure Iraqi weapons of mass destruction. Allows the President to waive the transfer if he certifies that the overall potential long-range ballistic missile threat to the United States has not decreased as a result of the liberation of Iraq.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 85

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. McGovern.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Inslee, which requires that the Department of Energy, when disposing of low-level radioactive wastes in landfills, that such landfills be compliant with the Resources Conservation and Recovery Act. Allows for a waiver of the requirement upon consent of the State in which the wastes are dumped, the Environmental Protection Agency, and the Department of Energy.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 86

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment and grant the appropriate waivers offered by Representative Lantos, which subject to appropriation, requires that the employing agency of a federal employee pay the employee the difference between his or her civilian and military salary. Also subject to appropriation, establishes a cost-sharing formula allowing State and local governments that decide to pay their Reservist employees the difference between their civilian and military salaries shall be able to petition the Secretary of Defense for a reimbursement of a portion of those costs.

Results: Defeated 3 to 8.

Vote by Members:

Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 87

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. McGovern.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Markey, which modifies the Missile Defense Act of 1999 to limit deployment of a missile defense system until the President certifies that the system is technologically feasible; the system is effective against countermeasures; cost of the system will not deplete resources for other defense priorities; the system will not diminish overall na-

tional security; the system will not disrupt relations with our allies; the threat of a long-range missile attack has been demonstrated. The missile defense system could be deployed once a presidential certification has been made and a law has been enacted specifically authorizing such deployment. Results: Defeated 3 to 8.

Vote by Members:

Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 88

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment offered by Representative Rahall, which strikes limitation on Endangered Species Act (ESA) critical habitat designations unrelated to the Department of Defense. Prohibits designation of critical habitat on military lands under the ESA when Defense Department conservation plans for threatened and endangered species meet specified criteria. Clarifies that any impact on national security will be considered when designating critical habitat. Codifies the National Research Council's 2000 definition of the term "harassment" under the Marine Mammal Protection Act (MMPA), but only as applicable to military activities. Provides for Defense Department national security exemptions from the MMPA if sought by the President during war or times of declared national emergencies. Strikes changes to MMPA "incidental take" standards. Strikes special exemption from ESA compliance at Fort Huachuca, Arizona.

Results: Defeated 3 to 8.

Vote by Members:

Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 89

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment offered by Representative Holt, which authorizes the Army, through its Communications and Electronics Research Development Center, within the Army Materiel Command to receive and retain funds as reimbursement from the New York Metropolitan Transportation Authority in order to provide rapid deployment of enhanced homeland security measures.

Results: Defeated 3 to 8.

Vote by Members:

Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 90

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Snyder, which Requires the Secretary of Defense to prescribe guidelines regarding standards of conduct for members of the Defense Policy Board and Defense Science Board. Guidelines would have to include conditions governing access to classified and confidential information and appropriate limitations of such information; guidelines regarding conflicting financial interest and recusal; and guidelines regarding the lobbying of Department of Defense officials and other contacts with Defense officials on matters in which the Board members may have a financial interest. Requires the Secretary of Defense to submit a copy of the guidelines to the appropriate Congressional committees.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 91

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the amendment offered by Representative Waxman, which ensures that no sole-source contract for more than $1 million entered into under the authority granted by Section 1441 and 1444 of the bill would be exempt from the Truth in Negotiations Act and Cost Accounting Standards.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 92

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Linda Sanchez, which prohibits the Secretary of Defense from entering into contracts with corporate expatriates. Allows the Secretary to waive the prohibition when the Secretary determines that such a waiver is required in the interest of national security.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 93

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Davis of California, which directs that, beginning in 2007, military pay raises shall be equal to civilian wage growth as measured by the Employment Cost Index, a rate generated by the U.S. Department of Labor. Allows the President to suspend the provision in times of serious national emergency or economic conditions.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 94

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the following amendments en bloc: Blumenauer No. 98; Bordallo No. 11; DeFazio No. 20; Hoeffel No. 8; Jackson-Lee No. 70; Jackson-Lee No. 71; Maloney No. 35; Nadler No. 41; Ryan of Ohio No. 81; Smith of Washington No. 88.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 95

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Cooper, which states the sense of Congress that the Department of Defense needs some new flexibility to adapt to today's security and employment environment, but that in any new system fundamental employee rights must be protected in any new system. Lists fundamental employee rights to be protected. Requires the Defense Department to bargain in good faith and requires any national-level bargaining to be resolved by an impartial panel or other dispute resolution procedure. Adds additional protections to employees by strengthening any new appeals process.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 96

Date: May 21, 2003.

Measure: H.R. 1588—National Defense Authorization Act for Fiscal Year 2004.

Motion by: Mr. Frost.

Summary of motion: To not make in order the amendment offered by Representative Hunter, which provides an additional $100.0 million for the Secretary of the Army to field increased lethality and sustainment capabilities to the fourth Stryker brigade. Provides $3.0 million for evaluation of commercially available medical diagnostic technology for potential use in DOD medical treatment facilities. Provides $4.0 million for development of lightweight cartridge cases for ammunition. Provides $6.5 million to improve the effectiveness and reduce the cost of Navy carrier launch and recovery operations. Provides $1.4 million to improve the accuracy and reduce the workload of preventive maintenance operations on Navy aircraft carrier launch and recovery operations. Provides $5.0 million for development and demonstration of the SPIKE lightweight, low cost missile system for use in urban combat operations. Provides $3.3 million for hydrographic sciences research. Provides $5.0 million for an at sea demonstration of a variant of the F–22 electronic warfare product improvement program. Provides $4.0 million for development of general-purpose reconfigurable signal processors suitable for time critical sensor processing for broad military intelligence, surveillance, and reconnaissance applications. Provides $2.0 million for evaluation of new technology for detection and cueing of specific elements or compounds that would indicate the presence of a nuclear, biological, chemical, or radiological agent. Provides $5 million for continuing applied research on an antidote for mustard gas. Provides $1.1 million for development of technology for accurately tracing portable, sensitive items that might be exported outside the United States. Reduction of $135.5 million from Air Force operation and maintenance funds to offset expenditures in sections 112, 203, and 304 above. Provides a clarification of the Hatch Act. Marine Mammal Act—a technical amendment to limit new standard for permitting authority under MMPA to "military readiness activity." Provides for amendments to certain government wide procurement authorities for defense against terror to clarify them and make them permanent. Provides authority for the Secretary of the Army to convey land at Fort Belvoir, Virginia.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Frost—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

(Summaries of amendments derived from information provided by the sponsor.)

1. Kline: Grants the Secretary of Education specific wavier authority within Title IV of the Higher Education Act to provide relief to those affected by the recent military mobilization and any unforeseen issues that may arise. Waivers granted by the Secretary may allow for reservists leaving their job may be relieved from student loan payments for a time, borrowers may be relieved from receiving collection calls from lenders, and consecutive service re-

quirements for loan forgiveness programs may be considered uninterrupted. Provides the Secretary with the authority to implement waivers deemed necessary and not yet contemplated. Expires on September 30, 2005. Requires the Secretary of Education to report to Congress on the impact of the waivers implemented as a result of this amendment.

2. Brown (SC): Expands the Department of Defense Excess Personal Property Disposal Program to include health agencies in addition to law enforcement and firefighting agencies. The transfer could only take place if the property was excess to the needs of the Defense Department and suitable for use in providing fire and emergency medical services or in responding to health or environmental emergencies.

3. Ackerman: Encourages the Department of Defense and the Navy to engage with the government of Israel and the Israel Defense Forces to establish appropriate and effective arrangements to ensure the safety of U.S. Navy vessels and personnel, and subsequently, to resume regular port visits to Haifa, Israel, by the U.S. Sixth Fleet.

4. Davis, Tom: Establishes the President's new Human Capital Performance Fund, to be administered by OPM, to enable agencies to reward their highest performing and most valuable employees. Limits human capital performance payment to an individual employee to 10% of the employee's basic pay rate. Authorizes $500 million for FY 04 and such sums as necessary in subsequent years.

5. Hefley/Gallegly: Establishes a 2-year pilot program to improve the use of Air Force Reserve and Air National Guard Modular Airborne Fire-Fighting Systems to fight wildfires by waiving the Economy Act of 1934, which requires federal firefighters to exhaust all private and commercial sources of materiel before they can access military equipment or personnel for use in fighting forest wildfires, for 2 years.

6. Dreier/Lofgren: Specifies that 120 days after enactment of the underlying act, MTOPS regulations are repealed. Specifies that during that 120 day period, and before implementing any new regulations relating to an export administration system for high-performance computers, the President shall consult with the relevant Congressional committees. (20 Minutes)

7. Lantos: Strikes the repeal of a reporting requirement contained in section 656 of the Foreign Assistance Act of 1961. The section 656 report, filed jointly by the Secretaries of State and Defense, provides information regarding U.S. foreign military training programs abroad. This provision is within the jurisdiction of the Committee on International Relations was addressed in the recently reported Foreign Relations Authorization Act, Fiscal Years 2004 and 2005 and was addressed in the Foreign Relations Authorization Act, Fiscal Year 2003.

8. Jackson-Lee: Directs the Secretary of Defense to commission a study on the use of small businesses, minority-owned businesses, and women-owned businesses in the efforts to rebuild Iraq.

9. Hastings (FL): Strikes the repeal of certain Department of Defense reporting requirements in Title 10, U.S.C., on the President's objectives when armed forces are deployed, on costs of military operations, and on the management of the civilian workforce.

10. Woolsey/Leach/Platts: Expresses the sense of Congress that the Secretary of Defense should maintain the functions and missions of the Army Peacekeeping Institute at the Army War College or within a joint entity of the Department of Defense to ensure that members of the Armed Forces continue to study the strategic challenges and uses of peacekeeping missions and to prepare the Armed Forces.

11. Weldon (PA): Declares it to be U.S. policy to seek to cooperate with Russia and the independent states of the former Soviet Union in order to effect as quickly as is reasonably practical basic security measures at all their nuclear weapons and materials storage facilities. Requires the National Academy of Sciences will carry out an analysis of the effect on threat reduction and non-proliferation programs of applicable congressional oversight. Requires a report from the Secretary of Energy on the use of funds appropriated for threat reduction and non-proliferation programs in Russia and the former Soviet Union. Requires the President to prepare and submit a plan to secure and destroy all chemical and biological weapons, and the chemical and biological materials designed for use in such weapons that are located in Russia and the former Soviet Union. Declares it to be U.S. policy to seek to work with Russia to create comprehensive inventories of weapons-grade materials and assembled warheads, with particular attention paid to tactical or "non-strategic" warheads and weapons that are no longer operationally deployed. Establishes a Duma-Congress nuclear threat reduction working group to explore ways to enhance cooperation in terms of nuclear non-proliferation and security. The Membership will include 10 Senators and 30 Representatives. Declares it to be U.S. policy for the U.S. to work with NATO to enter into appropriate cooperative relationships with Russia in development and deployment of theater-level ballistic missile defenses. Declares it to be U.S. policy to encourage joint efforts by the U.S. and Russia to reduce the chances of a Russian nuclear attack anywhere in the world as a result of misinformation or miscalculation by further development of the RussiaAmerican Observation Satellite (RAMOS) program. Creates a cooperative venture known as the Teller-Kurchatov Alliance for Peace to develop and promote peaceful, safe and environmentally sensitive uses of nuclear strategy. Creates the Teller-Kurchatov 2 year non-proliferation fellowship for scientists employed at the Kurchatov Institute and Lawrence Livermore National Laboratory. States that the U.S. should seek to initiate discussions between the International Atomic Energy Agency and the Organization for Economic Cooperation and Development for the purpose of exploring issues of nuclear and radiological security and safety. (Late)

12. Rogers, Mike (MI): Requires the Department of Defense to assist, to the maximum extent practicable, provide all necessary support in an expeditious manner to assist Iraqi children who were injured during Operation Iraqi Freedom. Assistance may only be provided if adequate treatment from other sources in Iraq or neighboring countries is not available and only after completion of an evaluation by a physician or other appropriate medical personnel of the U.S. Armed Forces.

13. Upton: Authorizes the Secretary of Defense to pay imminent danger pay to military service members responding to terrorist at-

tacks on the United States when there is an immediate threat of physical harm or imminent danger as a direct result or residual effects of the attack or potential secondary attacks.

14. Vitter: Under the Maritime Security Program, allows existing vessels to be documented under United States flag provided that the telecommunications and other electronic equipment of such vessels meets internationally accepted standards. Currently, the Federal Communications Commission (FCC) requires that all such equipment be type-approved by the FCC, a regulation that does not apply to foreign flag vessels in U.S. waters. This amendment would remove that requirement.

15. Hunter: Provides an additional $100.0 million for the Secretary of the Army to field increased lethality and sustainment capabilities to the fourth Stryker brigade. Provides $3.0 million for evaluation of commercially available medical diagnostic technology for potential use in DOD medical treatment facilities. Provides $4.0 million for development of lightweight cartridge cases for ammunition. Provides $6.5 million to improve the effectiveness and reduce the cost of Navy carrier launch and recovery operations. Provides $1.4 million to improve the accuracy and reduce the workload of preventive maintenance operations on Navy aircraft carrier launch and recovery operations. Provides $5.0 million for development and demonstration of the SPIKE lightweight, low cost missile system for use in urban combat operations. Provides $3.3 million for hydrographic sciences research. Provides $5.0 mil for an at sea demonstration of a variant of the F 22 electronic warfare product improvement program. Provides $4.0 million for development of general-purpose reconfigurable signal processors suitable for time critical sensor processing for broad military intelligence, surveillance, and reconnaissance applications. Provides $2.0 million for evaluation new technology for detection and cueing of specific elements or compounds would indicate the presence of a nuclear, biological, chemical, radiological agent. Provides $5 million for continuing applied research on an antidote for mustard gas. Provides $1.1 million development of technology for accurately tracing portable, sensitive items that might be exported outside the United States. Reduction of $135.5 million from Air Force operation and maintenance funds to offset expenditures in sections 112, 203, and 304 above. Provides a clarification of the Hatch Act. Marine Mammal Act—a technical amendment to limit new standard for permitting authority under MMPA to "military readiness activity." Provides for amendments to certain government wide procurement authorities for defense against terror to clarify them and make them permanent. Provides authority for Secretary of the Army to convey land at Fort Belvoir, Virginia.

16. Simmons: Requires a report from the Secretary of Defense on the granting (or renewal) of security clearances for Department of Defense personnel and defense contractor personnel. The assessment shall review the effects of the disqualification factors and shall include such recommendations for legislation or administrative steps as the Secretary considers necessary.

17. Tierney: Expands the scope of the Assessment of United States Defense Industrial Base Capabilities to include the business rationale for transferring the contracted work overseas, and the percentage of the total contract award that is to be performed out-

side the country. Requires the Secretary to make recommendations as to how the U.S. Defense Industrial Base Capabilities can be strengthened.

18. Nadler: Requires the Secretary of Defense to submit a study to Congress examining the costs and benefits of purchasing all the ex-Soviet weaponsgrade uranium and plutonium in fiscal year 2005, and safeguarding it from smuggling or theft until can be rendered unusable for weapons.

19. Porter: Requires the Secretary of Defense to conduct a study and review of the effects of perchlorate in drinking water on human beings.

20. LoBiondo: Requires the Department of Defense to report to Congress on Military Construction requirements, both inside and outside of the Five Year Defense Plan, necessary to support homeland defense missions of the U.S. military.

21. Kaptur: Requires the Secretary of Defense to collect data in order to identify all contractors and subcontractors that use machine tools in carrying out any defense contract $5,000,000 or greater. Requires the Secretary of Defense to establish a center to provide technical assistance to machine tool companies in the United States, and entities that use machine tools, to seek guidance with respect to government contracting regulations, including compliance procedures, and opportunities for contracting with the Department of Defense.

22. Kaptur: Specifies that when, under Section 2 of the Buy American Act, whether application of that Act is inconsistent with the public interest, the Secretary of Defense shall not consider the provisions of any trade agreement between the United States and a foreign country that is in effect at the time of the determination.

23. Turner (OH)/Ryan (OH): Directs the Secretary of Defense to assist the United States Air and Trade Show, Incorporated to study with that organization the feasibility of establishing a United States international air and trade show. Authorizes the Secretary to spend up to $1 million in matching funds to conduct and implement recommendations derived from the feasibility study.

24. Kingston: Specifies that if a military installation to be closed includes a road used for public access that the required consultation includes a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.

25. Hobson: Requires that Department of Defense purchases subject to the Buy American Act be at least 65 percent domestic content, instead of the current 50 percent.

26. Hoeffel: Expresses the sense of Congress that the Secretary of the Army should demolish the Tacony Warehouse in accordance with the fiscal year 2001 Department of Defense Appropriations Act.

27. Hostettler: Clarifies that the domestic source limitation in Section 821 of H.R. 1588 would only apply to a specific type of packaging, specifically pre-formed retort packaging.

28. Farr: Makes permanent a demonstration project in Monterey, California that allows Department of Defense installations to contract with the City of Monterey for the provision of municipal services.

29. Dicks: Authorizes the Secretary of the Navy to convey land on the eastern end of Puget Sound Naval Shipyard to the city of Bremerton, WA.

30. Crenshaw: Transfers certain vessels from the Maritime Administration to the Beauchamp Tower Corporation (a not-for-profit corporation) for use as moored support ships and as memorials to the Fulton and Victory-class ships. The Beauchamp Tower Corporation would then use the ships in their National Emergency Urban Interface Program, which uses unique facilities to provide free training for both private industry and local/state/federal government emergency responders.

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KLINE OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of division A (page 433, after line 20), insert the following new title:

TITLE XV—HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS

SEC. 1501. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the "Higher Education Relief Opportunities for Students Act of 2003".

(b) REFERENCE.—References in this title to "the Act" are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1502. WAIVER AUTHORITY FOR RESPONSE TO MILITARY CONTINGENCIES AND NATIONAL EMERGENCIES.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this title as the "Secretary") may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act as the Secretary deems necessary in connection with a war or other military operation or national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;

(C) the calculation of "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Act for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;

(D) the calculation under section 484B(b)(2) of the Act (20 U.S.C. 1091b(b)(2)) of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student's status as an affected individual in the student's file, and (ii) the amount of any overpayment discharged; and

(E) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Act that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Act, and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c),

1098a) shall not apply to the waivers and modifications authorized or required by this title.

SEC. 1503. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are affected individuals for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for active duty or active service; and

(2) if affected individuals withdraw from a course of study as a result of such active duty or active service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 1504. USE OF PROFESSIONAL JUDGMENT.

A financial aid administrator shall be considered to be making a necessary adjustment in accordance with section 479A(a) of the Act if the administrator makes adjustments with respect to the calculation of the expected student or parent contribution (or both) of an affected individual, and adequately documents the need for the adjustment.

SEC. 1505. DEFINITIONS.

In this title:

(1) ACTIVE DUTY.—The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term "affected individual" means an individual who—

(A) is serving on active duty during a war or other military operation or national emergency;

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with a national emergency; or

(D) suffered direct economic hardship as a direct result of a war or other military operation or national emergency, as determined by the Secretary.

(3) MILITARY OPERATION.—The term "military operation" means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

(4) NATIONAL EMERGENCY.—The term "national emergency" means a national emergency declared by the President of the United States.

(5) SERVING ON ACTIVE DUTY.—The term "serving on active duty during a war or other military operation or national emergency" shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such war, operation, or emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(6) QUALIFYING NATIONAL GUARD DUTY.—The term "qualifying National Guard duty during a war or other military operation or national emergency" means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, another military operation, or a national emergency declared by the President and supported by Federal funds.

SEC. 1506. TERMINATION OF AUTHORITY.

The provisions of this title shall cease to be effective at the close of September 30, 2005.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF SOUTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III (page ____, after line ____), insert the following new section:

SEC. ___. EXPANSION OF DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY DISPOSAL PROGRAM TO INCLUDE HEALTH AGENCIES IN ADDITION TO LAW ENFORCEMENT AND FIREFIGHTING AGENCIES.

(a) INCLUSION OF HEALTH AGENCIES.—Section 2576b of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may transfer to a firefighting agency or health agency in a State any personal property of the Department of Defense that the Secretary determines is—

"(1) excess to the needs of the Department of Defense; and

"(2) suitable for use in providing fire and emergency medical services or responding to health or environmental emergencies, including personal protective equipment and equipment for communication and monitoring."; and

(2) in subsection (b)(2) and (c), by striking "firefighting" both places it appears.

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

"§ 2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

"2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies.".

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ACKERMAN OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. SENSE OF CONGRESS CONCERNING NAVY PORT CALLS IN ISRAEL.

(a) FINDINGS.—Congress finds the following:

(1) The United States Sixth Fleet has not conducted regular visits to the port of Haifa, Israel, since the attack on the U.S.S. Cole in Aden, Yemen, on October 12, 2000, but previously visited that port on a regular basis, with an average of 90 United States warships visiting Haifa each year.

(2) The United States Navy has invested millions of dollars in expanding the capacity and capability of the port of Haifa to accommodate United States Navy requirements and the port of Haifa is among the most secure harbors in the world and offers reliable and efficient repair facilities with close proximity to capable air transport and communications.

(3) The forward presence of United States Navy ships is a powerful deterrent to aggression and a tangible expression of American national interests.

(4) The visits of the United States Sixth Fleet to Haifa demonstrate the historic friendship of the American and Israeli people and the commitment of the United States to the security and survival of the State of Israel.

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

(1) the Secretary of Defense and the United States Navy should engage with the Government of Israel and the Israel Defense Forces to establish appropriate and effective arrangements to ensure the safety of United States Navy vessels and personnel; and

(2) upon such arrangements being made, the Sixth Fleet should resume regular port visits to Haifa, Israel.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TOM DAVIS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XI (page 349, after line 10), insert the following new section (and redesignate subsequent sections accordingly):

SEC. 1111. HUMAN CAPITAL PERFORMANCE FUND.

(a) IN GENERAL.—Subpart D of part III of title 5, United States Code, is amended by inserting after chapter 53 the following:

"CHAPTER 54—HUMAN CAPITAL PERFORMANCE FUND

"Sec.
"5401. Purpose.
"5402. Definitions.
"5403. Human Capital Performance Fund.
"5404. Human capital performance payments.
"5405. Regulations.
"5406. Agency plan.
"5407. Nature of payment.
"5408. Appropriations.

"§ 5401. Purpose

"The purpose of this chapter is to promote, through the creation of a Human Capital Performance Fund, greater performance in the Federal Government. Monies from the Fund will be used to reward agencies' highest performing and most valuable employees. This Fund will offer Federal managers a new tool to recognize employee performance that is critical to the achievement of agency missions.

"§ 5402. Definitions

"For the purpose of this chapter—

"(1) 'agency' means an Executive agency under section 105, but does not include the General Accounting Office;

"(2) 'employee' includes—

"(A) an individual paid under a statutory pay system defined in section 5302(1);

"(B) a prevailing rate employee, as defined in section 5342(a)(2); and

"(C) a category of employees included by the Office of Personnel Management following the review of an agency plan under section 5403(b)(1);

but does not include—

"(i) an individual paid at an annual rate of basic pay for a level of the Executive Schedule, under subchapter II of chapter 53, or at a rate provided for one of those levels under another provision of law;

"(ii) a member of the Senior Executive Service paid under subchapter VIII of chapter 53, or an equivalent system;

"(iii) an administrative law judge paid under section 5372;

"(iv) a contract appeals board member paid under section 5372a;

"(v) an administrative appeals judge paid under section 5372b; and

"(vi) an individual in a position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; and

"(3) 'Office' means the Office of Personnel Management.

"§ 5403. Human Capital Performance Fund

"(a) There is hereby established the Human Capital Performance Fund, to be administered by the Office for the purpose of this chapter.

"(b)(1)(A) An agency shall submit a plan as described in section 5406 to be eligible for consideration by the Office for an allocation under this section. An allocation shall be made only upon approval by the Office of an agency's plan.

"(B)(i) After the reduction for training required under section 5408, ninety percent of the remaining amount appropriated to the Fund may be allocated by the Office to the agencies. Of the amount to be allocated, an agency's pro rata distribution may not exceed its pro rata share of Executive branch payroll.

"(ii) If the Office does not allocate an agency's full pro rata share, the undistributed amount remaining from that share will become available for distribution to other agencies, as provided in subparagraph (C).

"(C)(i) After the reduction for training under section 5408, ten percent of the remaining amount appropriated to the Fund, as well as the amount of the pro rata share not distributed because of an agency's failure to submit a satisfactory plan, shall be allocated among agencies with exceptionally high-quality plans.

"(ii) An agency with an exceptionally high-quality plan is eligible to receive an additional distribution in addition to its full pro rata distribution.

"(2) Each agency is required to provide to the Office such payroll information as the Office specifies necessary to determine the Executive branch payroll.

"§ 5404. Human capital performance payments

"(a)(1) Notwithstanding any other provision of law, the Office may authorize an agency to provide human capital performance payments to individual employees based on exceptional performance contributing to the achievement of the agency mission.

"(2) The number of employees in an agency receiving payments from the Fund, in any year, shall not be more than the number equal to 15 percent of the agency's average total civilian full- and part-time permanent employment for the previous fiscal year.

"(b)(1) A human capital performance payment provided to an individual employee from the Fund, in any year, shall not exceed 10 percent of the employee's rate of basic pay.

"(2) The aggregate of an employee's rate of basic pay, adjusted by any locality-based comparability payments, and human capital performance pay, as defined by regulation, may not exceed the rate of basic pay for Executive Level IV in any year.

"(3) Any human capital performance payment provided to an employee from the Fund is in addition to any annual pay adjustment (under section 5303 or any similar provision of law) and any locality-based comparability payment that may apply.

"(c) No monies from the Human Capital Performance Fund may be used to pay for a new position, for other performance-related payments, or for recruitment or retention incentives paid under sections 5753 and 5754.

"(d)(1) An agency may finance initial human capital performance payments using monies from the Human Capital Performance Fund, as available.

"(2) In subsequent years, continuation of previously awarded human capital performance payments shall be financed from other agency funds available for salaries and expenses.

"§ 5405. Regulations

"The Office shall issue such regulations as it determines to be necessary for the administration of this chapter, including the administration of the Fund. The Office's regulations shall include criteria governing—

"(1) an agency plan under section 5406;

"(2) the allocation of monies from the Fund to agencies;

"(3) the nature, extent, duration, and adjustment of, and approval processes for, payments to individual employees under this chapter;

"(4) the relationship to this chapter of agency performance management systems;

"(5) training of supervisors, managers, and other individuals involved in the process of making performance distinctions; and

"(6) the circumstances under which funds may be allocated by the Office to an agency in amounts below or in excess of the agency's pro rata share.

"§ 5406. Agency plan

"(a) To be eligible for consideration by the Office for an allocation under this section, an agency shall—

"(1) develop a plan that incorporates the following elements:

"(A) adherence to merit principles set forth in section 2301;

"(B) a fair, credible, and transparent employee performance appraisal system;

"(C) a link between the pay-for-performance system, the employee performance appraisal system, and the agency's strategic plan;

"(D) a means for ensuring employee involvement in the design and implementation of the system;

"(E) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the pay-for-performance system;

"(F) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

"(G) effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance; and

"(H) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the pay-for-performance system;

"(2) upon approval, receive an allocation of funding from the Office;

"(3) make payments to individual employees in accordance with the agency's approved plan; and

"(4) provide such information to the Office regarding payments made and use of funds received under this section as the Office may specify.

"(b) The Office, in consultation with the Chief Human Capital Officers Council, shall review and approve an agency's plan before the

agency is eligible to receive an allocation of funding from the Office.

"(c) The Chief Human Capital Officers Council shall include in its annual report to Congress under section 1303(d) of the Homeland Security Act of 2002 an evaluation of the formulation and implementation of agency performance management systems.

"§ 5407. Nature of payment

"Any payment to an employee under this section shall be part of the employee's basic pay for the purposes of subchapter III of chapter 83, and chapters 84 and 87, and for such other purposes (other than chapter 75) as the Office shall determine by regulation.

"§ 5408. Appropriations

"There is authorized to be appropriated $500,000,000 for fiscal year 2004, and, for each subsequent fiscal year, such sums as may be necessary to carry out the provisions of this chapter. In the first year of implementation, up to 10 percent of the amount appropriated to the Fund shall be available to participating agencies to train supervisors, managers, and other individuals involved in the appraisal process on using performance management systems to make meaningful distinctions in employee performance and on the use of the Fund.".

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 53 the following:

"54. Human Capital Performance Fund ..... 5401".

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ____. PILOT PROGRAM TO IMPROVE USE OF AIR FORCE AND AIR NATIONAL GUARD MODULAR AIRBORNE FIRE-FIGHTING SYSTEMS TO FIGHT WILDFIRES.

(a) TEMPORARY EXCEPTION TO ECONOMY ACT REQUIREMENT.—Notwithstanding section 1535(a)(4) of title 31, United States Code, the Secretary of the Interior and the Secretary of Agriculture may procure the services of military aircraft (and personnel of the Armed Forces to operate and maintain such aircraft) of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units in California, Colorado, North Carolina, and Wyoming to fight a wildfire without first comparing the cost and convenience of procuring such services from such source to the cost of procuring the same services from a commercial enterprise.

(b) DURATION OF PILOT PROGRAM.—The authority provided by subsection (a) expires December 31, 2005.

(c) REPORTING REQUIREMENT.—Not later than February 1, 2005, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report describing—

(1) the use of the exception provided in subsection (a) to expedite the procurement of the services of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units to fight wildfires; and

(2) the ability of these units in responding to wildfires in a timely and effective manner.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DRIER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ____. REPEAL OF MTOPS REQUIREMENT FOR COMPUTER EXPORT CONTROLS.

(a) REPEAL.—Effective 120 days after the date of the enactment of this Act, subtitle B of title XII and section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) are repealed.

(b) CONSULTATION REQUIRED.—During the 120-day period beginning on the date of the enactment of this Act and before implementing any new regulations relating to an export administration system for high-performance computers, the President shall consult with the following congressional committees:

(1) The Select Committee on Homeland Security, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) REPORT.—Not later than 30 days after implementing any regulations described in subsection (b), the President shall submit to Congress a report that—

(1) identifies the functions of the Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of State, the Secretary of Homeland Security, and any other relevant national security or intelligence agencies under the export administration system embraced by those regulations; and

(2) explains how the export administration system will effectively advance the national security objectives of the United States.

(d) NEW REGULATIONS.—If the President finds that it is in the national security interest of the United States, the President may, after consultation with the Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of State, Secretary of Homeland Security, the Director of Central Intelligence, and other relevant national security and intelligence agencies, issue regulations that replace the current MTOPS-based method for controlling computer exports, after considering other means of controlling such exports, including controls that may incorporate accepted and accurate measurements of computer performance (including the performance of clustered computers).

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANTOS OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1021, strike subsection (b) (page 274, lines 22 through 24), and redesignate subsequent subsections accordingly.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. STUDY ON FEASIBILITY OF USE OF SMALL BUSINESSES, MINORITY-OWNED BUSINESSES, AND WOMEN-OWNED BUSINESSES IN EFFORTS TO REBUILD IRAQ.

The Secretary of Defense shall commission a study of the feasibility of using small businesses, minority-owned businesses, and women-owned businesses in the United States' efforts to rebuild Iraq. The study shall include the development of outreach procedures to provide, to small businesses, minority-owned businesses, and women-owned businesses, information on participating in rebuilding Iraq.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 260, strike lines 23 and 24.
Page 262, strike lines 7 through 12.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOOLSEY OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING CONTINUATION OF MISSION AND FUNCTIONS OF ARMY PEACEKEEPING INSTITUTE.

It is the sense of Congress that the Secretary of Defense should maintain the functions and missions of the Army Peacekeeping Institute at the Army War College in Carlisle, Pennsylvania, or within a joint entity of the Department of Defense, such as the National Defense University or the Joint Forces Command, to ensure that members of the Armed Forces continue to study the strategic challenges and uses of peacekeeping missions and to prepare the Armed Forces for conducting such missions.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (page 627, after line 25), insert the following new title:

TITLE XXXVI—NUCLEAR SECURITY INITIATIVE

SEC. 3601. SHORT TITLE.

This title may be cited as the "Nuclear Security Initiative Act of 2003".

Subtitle A—Nonproliferation Program Enhancements

SEC. 3621. ACCELERATION AND EXPANSION OF INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM.

(a) POLICY WITH RESPECT TO FORMER SOVIET UNION.—It is the policy of the United States to seek to cooperate with the Russian Federation and each other independent state of the former Soviet Union to effect as quickly as is reasonably practical basic security measures (such as the replacement of doors, the bricking of or placement of bars in windows, the clearing of underbrush from facility perimeters, and the erection of fences) at each facility in the Russian Federation and each such state that is used for storing nuclear weapons or nuclear materials and is not yet protected by such measures.

(b) POLICY WORLDWIDE.—It is the policy of the United States to seek to cooperate with all appropriate nations—

(1) to attempt to ensure that all nuclear weapons and nuclear materials worldwide are secure and accounted for according to stringent standards; and

(2) to minimize the number of facilities worldwide at which separated plutonium and highly enriched uranium are present, so as to achieve the highest and most sustainable levels of security for such facilities in the most cost-effective manner.

(c) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—(1) The Secretary of Energy may expand the International Nuclear Materials Protection and Cooperation program of the Department of Energy to encompass countries other than the Russian Federation and the other independent states of the former Soviet Union.

(2) In carrying out such program with respect to countries other than the Russian Federation and the other independent states of the former Soviet Union, the Secretary of Energy may provide such funds as are needed to remove nuclear materials from potentially vulnerable facilities, including funds to cover the costs of—

(A) transporting such materials from those facilities to secure facilities;

(B) purchasing such materials;

(C) converting those facilities to a use that no longer requires nuclear materials; and

(D) providing incentives to facilitate the removal of such materials from such facilities.

(3)(A) In carrying out such program with respect to countries other than the Russian Federation and the other independent states of the former Soviet Union, the Secretary of Energy may provide technical assistance to the Secretary of State in the efforts of the Secretary of State to assist such countries to review and improve their security programs with respect to nuclear weapons and nuclear materials.

(B) The technical assistance provided under subparagraph (A) may, where consistent with the treaty obligations of the United States, include the sharing of technology or methodologies to the countries referred to in that subparagraph. Any such sharing shall

take into account the sovereignty of the country concerned and the nuclear weapons programs of such country, as well as the sensitivity of any information involved regarding United States nuclear weapons or nuclear weapons systems.

(C) The Secretary of Energy may include the Russian Federation in activities under this paragraph if the Secretary determines that the experience of the Russian Federation under the International Nuclear Materials Protection and Cooperation program would make the participation of the Russian Federation in those activities useful in providing technical assistance under subparagraph (A).

(d) FUNDING.—(1) The amount provided in title XXXI for defense nuclear nonproliferation activities is hereby increased by $28,000,000, to be available, in addition to any sums otherwise authorized to be appropriated, for the International Nuclear Materials Protection and Cooperation program of the Department of Energy for the purpose of carrying out the policies specified in subsections (a) and (b) and the expansion of the program authorized by subsection (c).

(2) The amount provided in section 1302 is hereby reduced by $28,000,000, to be derived from strategic offensive arms elimination in Russia.

Subtitle B—Administration and Oversight of Threat Reduction and Nonproliferation Programs

SEC. 3641. ANALYSIS OF EFFECT ON THREAT REDUCTION AND NONPROLIFERATION PROGRAMS OF CONGRESSIONAL OVERSIGHT MEASURES WITH RESPECT TO SUCH PROGRAMS.

(a) ANALYSIS OF AND REPORT ON CONGRESSIONAL OVERSIGHT MEASURES.—(1) The National Academy of Sciences shall carry out an analysis of the effect on threat reduction and nonproliferation programs of applicable congressional oversight measures. The analysis shall take into account—

(A) the national security interests of the United States;

(B) the need for accountability in the expenditure of funds by the United States;

(C) the effect of such congressional oversight measures on the continuity and effectiveness of such programs; and

(D) the oversight responsibilities of Congress with respect to such programs.

(2) In carrying out the analysis, the National Academy of Sciences shall consult with the chairs and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

(b) REPORT.—Not later than November 1, 2004, the National Academy of Sciences shall submit to Congress a report on the analysis required by subsection (a). The report shall—

(1) identify, and describe the purpose of, each congressional oversight measure; and

(2) set forth such recommendations as the National Academy of Sciences considers appropriate as to whether the measure should be retained, amended, or repealed, together with the reasoning underlying that determination.

(c) DEFINITIONS.—In this section:

(1) the term "congressional oversight measure" means—

(A) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952);

(B) the eligibility requirements in paragraphs (1) through (4) of section 502 of the FREEDOM Support Act (22 U.S.C. 5852);

(C) the prohibition in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 512; 22 U.S.C. 5952 note); and

(D) any restriction or prohibition on the use of funds otherwise available for threat reduction and nonproliferation programs that applies absent the submission to Congress (or any one or more officers or committees of Congress) of a report, certification, or other matter.

(2) The term "threat reduction and nonproliferation programs" means—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note); and

(B) any programs for which funds are made available under the defense nuclear nonproliferation account of the Department of Energy.

SEC. 3642. ANNUAL REPORT ON THE USE OF FUNDS APPROPRIATED FOR THREAT REDUCTION AND NONPROLIFERATION IN STATES OF THE FORMER SOVIET UNION.

(a) REPORT.—Not later than December 31 of each year, the Secretary of Energy shall submit to Congress a report on the use, during the fiscal year ending September 30 of that year, of funds appropriated for threat reduction and nonproliferation programs in the Russian Federation and the other independent states of the former Soviet Union. The report shall be prepared in consultation with the Secretary of Defense and shall include the following:

(1) A description of the use of such funds and the manner in which such funds are being monitored and accounted for, including—

(A) the amounts obligated, and the amounts expended, for such activities;

(B) the purposes for which such amounts were obligated and expended;

(C) the forms of assistance provided, and the justification for each form of assistance provided;

(D) the success of each such activity, including the purposes achieved for each such activity;

(E) a description of the participation in such activities by private sector entities in the United States and by Federal agencies; and

(F) any other information that the Secretary of Energy considers appropriate to provide a complete description of the operation and success of such activities.

(2) An accounting of the financial commitment made by the Russian Federation, as of the date of the end of the fiscal year covered by the report, to the destruction of its weapons of mass

destruction and to threat reduction and nonproliferation programs.

(3) A description of the efforts made by the United States to encourage the Russian Federation to continue to maintain its current level of financial commitment at a level not less than the level of its commitment for fiscal year 2003, and the response of the Russian Federation to such efforts.

(4) A description of the access provided by the Russian Federation to the United States during the fiscal year covered by the report to the facilities with respect to which the United States is providing assistance under threat reduction and nonproliferation programs.

(b) CONSULTATION REQUIRED.—In preparing the report, the Secretary of Energy shall consult with the chairs and ranking minority members of the following congressional committees:

(1) The Committee on Armed Services, Committee on Appropriations, and Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, Committee on Appropriations, and Committee on Foreign Relations of the Senate.

(c) INFORMATION FROM RUSSIAN FEDERATION.—In the case of activities covered by the report that are carried out in the Russian Federation, the Secretary of Energy shall, in preparing the report, include information provided by the Russian Federation with respect to those activities.

(d) DEFINITION.—In this section, the term "threat reduction and nonproliferation programs" has the meaning given such term in section 3641.

SEC. 3643. PLAN FOR AND COORDINATION OF CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH STATES OF THE FORMER SOVIET UNION.

(a) CHEMICAL AND BIOLOGICAL WEAPONS PLAN.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as amended by section 1205 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2664) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) CHEMICAL AND BIOLOGICAL WEAPONS.—(1) Not later than June 1, 2004, the President shall prepare and submit to Congress a comprehensive, detailed plan—

"(A) to secure and destroy all chemical and biological weapons, and the chemical and biological materials designed for use in such weapons, that are located in Russia and the independent states of the former Soviet Union; and

"(B) to prevent the outflow from those states of the technology and scientific expertise that could be used for developing those weapons, including delivery systems.

"(2) The plan required by paragraph (1) shall include the following:

"(A) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in subparagraphs (A) and (B) of paragraph (1).

"(B) Identification of all significant obstacles to achieving those objectives and the means for overcoming those obstacles.

"(C) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by the Russian Federation.

"(D) Specification of the fiscal and other resources necessary in each of the eight fiscal years after fiscal year 2003 to achieve those objectives.

"(E) Recommendations for any changes—

"(i) in the structure or organization of the programs for carrying out those objectives; and

"(ii) in regulations or legislation that would increase the efficiency and coordination of those programs or would otherwise contribute to the achievement of those objectives.

"(3) In developing the plan required by paragraph (1), the President shall consult with—

"(A) the majority and minority leadership of the appropriate committees of Congress; and

"(B) appropriate officials of the states of the former Soviet Union.

"(4)(A) The President, after consultation with the majority and minority leadership of the appropriate committees of Congress, shall designate a senior official of the Executive Branch, and provide that official with sufficient authority and staffing and other resources, to coordinate the programs referred to in paragraph (2)(A).

"(B) The President shall designate that official not later than 12 months after the date of the enactment of this subsection.".

(b) REPORT REQUIRED TO COVER BOTH PLANS.—Subsection (e) of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as redesignated by subsection (a), is amended—

(1) in the subsection heading, by striking "PLAN.—" and inserting "PLANS.—";

(2) in paragraph (1)—

(A) by striking "January 31, 2003," and inserting "January 31, 2005,"; and

(B) by striking "plan required by subsection (a)" and inserting "plans required by subsections (a) and (d)(1)"; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "plan required by subsection (a)" and inserting "plans required by subsections (a) and (d)(1)"; and

(B) in subparagraphs (B), (C), and (D) by striking "plan" each place it appears and inserting "plans".

(c) CONFORMING AMENDMENT.—The heading of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247) is amended to read as follows:

"SEC. 1205. PLANS FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF, AND FOR COORDINATING CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH, STATES OF THE FORMER SOVIET UNION.".

(d) EFFECTIVE DATE FOR FIRST REPORT COVERING BOTH PLANS.—The amendments made by subsection (b) shall apply with respect to the first report due after January 31, 2004.

Subtitle C—United States—Russia Relations

SEC. 3661. COMPREHENSIVE INVENTORIES AND DATA EXCHANGES ON NUCLEAR WEAPONS-GRADE MATERIAL AND NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that inventories of nuclear weapons-grade material and nuclear weapons should be tracked in order, among other things—

(1) to make it more likely that the Russian Federation can fully account for its entire inventory of nuclear weapons-grade material and nuclear weapons; and

(2) to make it more likely that the sources of any such material or weapons possessed or used by any foreign state or terrorist organization can be identified.

(b) STATEMENT OF POLICY.—It is the policy of the United States to seek to establish jointly with the Russian Federation comprehensive inventories and data exchanges of Russian Federation and United States nuclear weapons-grade material and nuclear weapons, with particular attention to tactical warheads and warheads that are no longer operationally deployed.

(c) ASSISTANCE IN DEVELOPING COMPREHENSIVE INVENTORIES.—Notwithstanding any other provision of law, the United States should seek to work with the Russian Federation to develop comprehensive inventories of Russian highly enriched uranium, weapons-grade plutonium, and assembled warheads, with special attention to be focused on tactical warheads and warheads that are no longer operationally deployed.

(d) DATA EXCHANGES.—As part of the development of inventories under subsection (c), to the maximum extent practicable and without jeopardizing United States national security interests, the United States may exchange data with the Russian Federation on categories of material and weapons described in subsection (c).

(e) REPORT.—Not later than 12 months after the date of the enactment of this Act, and annually thereafter until a comprehensive inventory is created and the information collected from the inventory is exchanged between the United States and the Russian Federation, the President shall submit to Congress a report, in both classified and unclassified form as necessary, describing the progress that has been made toward creating an inventory and exchanging the information.

SEC. 3662. ESTABLISHMENT OF DUMA-CONGRESS NUCLEAR THREAT REDUCTION WORKING GROUP.

(a) ESTABLISHMENT OF WORKING GROUP.—There is hereby established a working group to be known as the "Nuclear Threat Reduction Working Group" as an interparliamentary group of the United States and the Russian Federation.

(b) PURPOSE OF WORKING GROUP.—The purpose of the Working Group established by subsection (a) shall be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security, and such other issues related to reducing nuclear weapons dangers as the delegations from the two legislative bodies may consider appropriate.

(c) MEMBERSHIP.—(1) The majority leader of the Senate, after consultation with the minority leader of the Senate, shall appoint 10 Senators to the Working Group established by subsection (a).

(2) The Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, shall appoint 30 Representatives to the Working Group.

SEC. 3663. JOINT UNITED STATES/NORTH ATLANTIC TREATY ORGANIZATION COOPERATION WITH RUSSIA ON THEATER-LEVEL BALLISTIC MISSILE DEFENSES.

(a) POLICY.—It is the policy of the United States that the President should seek to ensure that the United States takes the lead in arranging for the United States, in conjunction with the North Atlantic Treaty Organization, to enter into appropriate cooperative relationships with the Russian Federation with respect to the development and deployment of theater-level ballistic missile defenses.

(b) PURPOSE OF COOPERATIVE RELATIONSHIPS.—It is the policy of the United States—

(1) that the purpose of the cooperative relationships described in subsection (a) is to increase transparency and confidence with the Russian Federation;

(2) that United States defense and security cooperation with the Russian Federation should contribute to defining a new bilateral strategic framework that is not rooted in the concept of "mutual assured destruction"; and

(3) that that new bilateral strategic framework should be based upon improving the security of the United States and the Russian Federation by promoting transparency and confidence between the two countries.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the President shall transmit to Congress a report (in unclassified or classified form as necessary) on the feasibility of increasing cooperation with the Russian Federation on the subject of theater-level ballistic missile defenses and on the purposes and objectives set forth in subsection (b). The report shall include—

(1) recommendations from the Department of Defense and Missile Defense Agency;

(2) a threat assessment; and

(3) an assessment of possible benefits to missile defense programs of the United States.

SEC. 3664. ENCOURAGEMENT OF ENHANCED COLLABORATION TO ACHIEVE MORE RELIABLE RUSSIAN EARLY WARNING SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) the innovative United States-Russian space-based remote sensor research and development program known as the Russian-American Observation Satellite (RAMOS) program addresses a variety of defense concerns while promoting enhanced transparency and confidence between the United States and the Russian Federation; and

(2) an initial concept of co-orbiting United States and Russian satellites for simultaneous stereo observations is complete and should be continued.

(b) POLICY.—It is the policy of the United States—

(1) to encourage joint efforts by the United States and the Russian Federation to reduce the chances of a Russian nuclear attack anywhere in the world as the result of misinformation or miscalculation by developing the capabilities and increasing the reliability of Russian ballistic missile early-warning systems, including the Russian-American Observation Satellite (RAMOS) program; and

(2) to encourage other United States-Russian programs to ensure that the Russia Federation has reliable information, including real-time data, regarding launches of ballistic missiles anywhere in the world.

(c) INTERIM RAMOS FUNDING.—The Secretary of Defense shall ensure that, pending the execution of a new agreement between the United States and the Russian Federation providing for the conduct of the RAMOS program, sufficient amounts of funds appropriated for that program are used in order to ensure the satisfactory continuation of that program during fiscal years 2004 and 2005.

SEC. 3665. TELLER-KURCHATOV ALLIANCE FOR PEACE.

(a) FINDINGS.—Congress finds that—

(1) Edward Teller of the United States and Igor Kurchatov of the former Soviet Union were architects of the nuclear weapons programs in their respective countries;

(2) these outstanding individuals both expressed a longing for peace and opposition to war; and

(3) as the United States and the Russian Federation work together to redirect the nations of the world towards the peaceful use of nuclear energy, seeking to improve the quality of life for all human beings, it is appropriate to establish an alliance for peace in the names of Edward Teller and Igor Kurchatov.

(b) TELLER-KURCHATOV ALLIANCE FOR PEACE.—(1) The Secretary of Energy shall seek to enter into an agreement with the Minister of Atomic Energy of the Russian Federation to carry out a cooperative venture, to be known as the Teller-Kurchatov Alliance for Peace, to develop and promote peaceful, safe, and environmentally sensitive uses of nuclear energy.

(2) The cooperative venture referred to in paragraph (1) shall involve the national security laboratories of the National Nuclear Security Administration and the laboratories of the Ministry of Atomic Energy and the Kurchatov Institute of the Russian Federation.

(3) The cooperative venture shall be directed by two co-chairs, one each from the United States and the Russian Federation. The co-chair from the United States shall serve for a term of two years and shall be designated by the Administrator for Nuclear Security from among officials of the three national security laboratories, with each laboratory represented on a rotating basis.

SEC. 3666. NONPROLIFERATION FELLOWSHIPS.

(a) IN GENERAL.—(1) From amounts made available to carry out this section, the Administrator for Nuclear Security may carry out a program under which the Administrator awards, to scientists employed at the Kurchatov Institute of the Russian Federation and Lawrence Livermore National Laboratory, international exchange fellowships, to be known as Teller-Kurchatov Fellowships, in the nuclear nonproliferation sciences.

(2) The purpose of the program shall be to provide opportunities for advancement in the field of nuclear nonproliferation to scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in that field.

(3) A fellowship awarded to a scientist under the program shall be for study and training at (and, where appropriate, at an institution of higher education in the vicinity of)—

(A) the Kurchatov Institute, in the case of a scientist employed at Lawrence Livermore National Laboratory; and

(B) Lawrence Livermore National Laboratory, in the case of a scientist employed at the Kurchatov Institute.

(4) The duration of a fellowship under the program may not exceed two years. The Administrator may provide for a longer duration in an individual case to the extent warranted by extraordinary circumstances, as determined by the Administrator.

(5) In a calendar year, the Administrator may not award more than—

(A) one fellowship to a scientist employed at the Kurchatov Institute; and

(B) one fellowship to a scientist employed at Lawrence Livermore National Laboratory.

(6) A fellowship under the program shall include—

(A) travel expenses;

(B) any tuition and fees at an institution of higher education for study or training under the fellowship; and

(C) any other expenses that the Administrator considers appropriate, such as room and board.

(b) FUNDING.—Amounts available to the Department of Energy for defense nuclear nonproliferation activities shall be available for the fellowships authorized by subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term "institution of higher education" means a college, university, or other educational institution that is empowered by an appropriate authority, as determined by the Administrator, to award degrees higher than the baccalaureate level;

(2) the term "nuclear nonproliferation sciences" means bodies of scientific knowledge relevant to developing or advancing the means to prevent or impede the proliferation of nuclear weaponry; and

(3) the term "scientist" means an individual who has a degree from an institution of higher education in a science that has practical application in the field of nuclear nonproliferation.

Subtitle D—Other Matters

SEC. 3681. PROMOTION OF DISCUSSIONS ON NUCLEAR AND RADIOLOGICAL SECURITY AND SAFETY BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

(a) FINDINGS.—Congress finds that—

(1) cooperative programs to control potential threats from any fissile and radiological materials, whatever and wherever

their sources, should be expanded to include additional states and international organizations; and

(2) addressing issues of nuclear weapons and materials, as well as the issue of radiological dispersal bombs, in new forums around the world is crucial to the generation of innovative mechanisms directed at addressing the threats.

(b) SENSE OF CONGRESS REGARDING INITIATION OF DIALOGUE BETWEEN THE IAEA AND THE OECD.—It is the sense of Congress that—

(1) the United States should seek to initiate discussions between the International Atomic Energy Agency and the Organization for Economic Cooperation and Development for the purpose of exploring issues of nuclear and radiological security and safety, including the creation of new sources of revenue (including debt reduction) for states to provide nuclear security; and

(2) the discussions referred to in paragraph (1) should also provide a forum to explore possible sources of funds in support of the G–8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to Congress a report on—

(1) the efforts made by the United States to initiate the discussions described in subsection (b);

(2) the results of those efforts; and

(3) any plans for further discussions and the purposes of such discussions.

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. ASSISTANCE TO IRAQI CHILDREN INJURED DURING OPERATION IRAQI FREEDOM.

(a) ASSISTANCE.—The Secretary of Defense shall, to the maximum extent practicable, provide all necessary support in an expeditious manner to assist Iraqi children who were injured during Operation Iraqi Freedom.

(b) ADDITIONAL REQUIREMENTS.—Assistance described in subsection (a) may be provided to a child only if adequate treatment from other sources in Iraq or neighboring countries is not available and only after completion of an evaluation by a physician or other appropriate medical personnel of the United States Armed Forces. In addition, assistance described in subsection (a) may be provided only if it would not adversely affect military operations of the United States.

(c) DEFINITION.—In this section, the term "Operation Iraqi Freedom" means operations of the United States Armed Forces, the armed forces of the United Kingdom, and the armed forces of other coalition member countries initiated on or about March 19, 2003—

(1) to disarm Iraq of its weapons of mass destruction;

(2) to enforce United Nations Security Council Resolution 1441 (November 8, 2002) and other relevant Security Council resolutions with respect to Iraq; and

(3) to liberate the people of Iraq from the regime of Saddam Hussein.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE UPTON OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VI (page 172, after line 19), insert the following new section:

SEC. ___. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER PAY FOR RESERVE COMPONENT MEMBERS SERVING IN RESPONSE TO CERTAIN DOMESTIC TERRORIST ATTACKS.

(a) AVAILABILITY OF SPECIAL PAY.—Subsection (a)(2) of section 310 of title 37, United States Code, as amended by section 616 of this Act, is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) was on duty as a first responder, or as a member assigned to accompany or protect first responders, to a terrorist attack on the United States regarding which there is an immediate threat of physical harm or imminent danger as a result of direct or residual effects of the attack or potential secondary attacks; or".

(b) FIRST RESPONDER DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(e) FIRST RESPONDER DEFINED.—In this section, the term 'first responder' means a member of the uniformed services who, as part of the member's assigned duties, is expected to arrive at the site of a terrorist attack within 12 hours after the attack.".

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VITTER OF LOUISIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 3517 (page 615, after line 12) add the following new subsection:

(c) TELECOMMUNICATIONS EQUIPMENT.—The telecommunications and other electronic equipment on an existing vessel that is redocumented under the laws of the United States for operation under an operating agreement under this subtitle shall be deemed to satisfy all Federal Communications Commission equipment certification requirements, if—

(1) such equipment complies with all applicable international agreements and associated guidelines as determined by the country in which the vessel was documented immediately before becoming documented under the laws of the United States;

(2) that country has not been identified by the Secretary as inadequately enforcing international regulations as to that vessel; and

(3) at the end of its useful life, such equipment will be replaced with equipment that meets Federal Communications Commission equipment certification standards.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title I (page 20, after line 24), insert the following new section:

SEC. 112. CONFIGURATION OF FOURTH STRYKER BRIGADE COMBAT TEAM.

(a) CONFIGURATION, LETHALITY ENHANCEMENTS, AND SUSTAINABILITY.—The Secretary of the Army shall configure the fourth Stryker brigade combat team so that that brigade combat team provides the commanders of combatant commands with enhanced combat capability and sustainability well beyond the combat and sustainment capabilities provided by any one of the first three fielded Stryker brigade combat teams.

(b) FUNDS.—The amount provided in section 101(3) is hereby increased by $100,000,000, to be available for procurement of additional lethality and sustainability enhancements for the fourth Stryker brigade combat team.

(c) OPTIONS FOR CONSIDERATION.—In the execution of the funds provided pursuant to subsection (b)(1), the Secretary of the Army shall include among the enhancements considered for the configuration of the fourth Stryker brigade combat team enhancement with heavy armored vehicles, with additional heavy attack helicopters, with additional reconnaissance and attack helicopters, and with indirect fire artillery capabilities, or with any combination thereof.

(d) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that details the additional types of lethality and sustainability enhancements that will be fielded as part of the new configuration of the fourth Stryker brigade combat team.

At the end of subtitle A of title II (page 30, after line 7), insert the following new section:

SEC. 203. PROGRAM INCREASES.

(a) COMPUTER-ASSISTED MEDICAL DIAGNOSTIC TECHNOLOGY.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Medical Advanced Technology in Program Element 0603002A for evaluation for potential use by Department of Defense medical treatment facilities of commercially available medical diagnostic technology that, using a digital chemical library and decision support software, can be used for diagnosis of dermatological diseases.

(b) LIGHTWEIGHT CARTRIDGE CASES FOR AMMUNITION.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Weapons and Munitions Advanced Technology in Program Element 0603004A for advanced technology development for lightweight cartridge cases for ammunition.

(c) AVIATION-SHIPBOARD INFORMATION TECHNOLOGY.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $6,500,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the Aviation-Shipboard Information Technology Initiative.

(d) AUTOREAD.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $1,400,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the AutoREAD system for improving the accuracy and reducing the workload of collecting preventive maintenance data on aircraft launch and recovery systems.

(e) SPIKE URBAN WARFARE SYSTEM.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for the Marine Corps Advanced Technology Demonstrations in Program Element 0603640M for development and demonstration of the SPIKE urban warfare system.

(f) RESEARCH IN HYDROGRAPHIC SCIENCES.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $3,250,000, to be available for Air/Ocean Tactical Applications advanced component development and prototyping in Program Element 0603207N for hydrographic sciences research.

(g) SHIPBOARD ELECTRONIC WARFARE IMPROVEMENTS.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for system development and demonstration for Tactical Command Systems in Program Element 0604231N for an at-sea demonstration for shipboard use of a variant of the F/A–22 digital electronic warfare product improvement program.

(h) AEROSPACE SENSORS.—The amount provided in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by $4,000,000, to be available for Aerospace Sensors in Program Element 0602204F for development of general purpose reconfigurable signal processors suitable for time critical sensor processing for broad military intelligence, surveillance, and reconnaissance applications.

(i) ELEMENTAL DETECTOR TECHNOLOGY APPRAISAL.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-Wide, is hereby increased by $2,000,000, to be available for Program Element 0603750D8Z, Advanced Concept Technology Demonstrations, to evaluate the capability of an elemental detector to provide directional cueing to concentrations of specific elements and compounds.

(j) MUSTARD GAS ANTIDOTE.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $5,000,000, to be available for Chemical-Biological Defense Applied Research in Program Element 0603284BP for continuing applied research on an antidote for mustard gas.

At the end of subtitle A of title III (page 45, after line 21), insert the following new sections:

SEC. 304. COUNTEREXPLOITATION INITIATIVE.

Within the amount authorized to be appropriated by section 301(5) for operations and maintenance, Defense-wide, the amount for the United States Special Operations Command is hereby increased by $1,100,000, to be made available for the initiative for accurately tracing portable, sensitive items exported beyond the borders of the United States.

SEC. 305. REDUCTION IN AUTHORIZATION FOR AIR FORCE OPERATION AND MAINTENANCE ACCOUNT.

The amount authorized to be appropriated in section 301(4) is hereby reduced by $135,500,000.

In section 318, strike subsection (c) (page 62, line 21, through page 64, line 7) and insert the following new subsection:

(c) INCIDENTAL TAKINGS OF MARINE MAMMALS IN MILITARY READINESS ACTIVITIES.—Section 101(a)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)) is amended—

(1) in subparagraph (A), by adding at the end the following: "Notwithstanding the preceding sentence, the Secretary is not required to publish notice under this subparagraph with respect to incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register.";

(2) in subparagraph (D), by adding at the end the following new clause:

"(vi) Notwithstanding clause (iii), the Secretary is not required to publish notice under this subparagraph with respect to an authorization under clause (i) of incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register."; and

(3) by adding at the end the following new subparagraph:

"(F) In determining whether a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense is in compliance with the requirements of subparagraphs (A), (B), and (D), the following references shall not apply:

"(i) In subparagraph (A), 'within a specified geographical region' and 'within that region of small numbers'.

"(ii) In subparagraph (B), 'within a specified geographical region' and 'within one or more regions'.

"(iii) In subparagraph (D), 'within a specific geographic region', 'of small numbers', and 'within that region'.".

In section 421, strike $98,938,511,000" (page 83, line 23) and insert "$98,634,511,000".

In section 1021(a), strike paragraph (10) (page 262, lines 7 and 8).

In section 1021(a), strike paragraph (29) (page 266, lines 4 through 7).

In section 1021(a), strike paragraph (34) (page 266, lines 16 and 17).

In section 1021, strike subsection (b) (page 2674, lines 22 through 24).

Page 342, starting on line 10, strike "the Federal Employees Pay for Performance Act of 2003" and insert "the National Defense Authorization Act for Fiscal Year 2004".

Page 342, starting on line 25, strike "sections 3 and 4 of the Federal Employees Pay for Performance Act of 2003," and insert "section 1106 of the National Defense Authorization Act for Fiscal Year 2004,".

Page 343, line 19, strike "(c)" and insert "(3)".

Page 344, line 3, strike "subsection (c)(2)" and insert "paragraph (2)".

Strike section 1109 (page 346, line 20 through page 348, line 6) and insert the following:

SEC. 1109. CLARIFICATION OF HATCH ACT.

No Federal employee or individual who, before the date of the enactment of this Act, was employed in the Office of the Department of Defense Inspector General and transferred to a Special Court sponsored by the United Nations pursuant to the authority described in section 3582(a) of title 5, United States Code, shall be subject to enforcement of the provisions of section 7326 of such title, except that this section shall not apply in the event that such employee or individual subsequently becomes reemployed in the civil service.

In section 1201(d)(2), insert "of such section" after "subsection (a)" (page 373, line 14).

In section 1201(d)(3), strike "each" (page 373, line 18) and insert "such".

Page 374, line 9, strike the fourth word.

Strike section 1453 (page 427, line 12, through page 429, line 10).

In section 1455(a), strike the matter preceding paragraph (1) (page 430, lines 11 through 14) and insert the following:

(a) IN GENERAL.—No contract awarded on a sole source basis for the procurement of items or services that are treated as or deemed to be commercial items pursuant to the amendments made by section 1441, 1444, or 1457 of this Act shall be exempt from—

At the end of subtitle E of title XIV (page 433, after line 20), insert the following new section:

SEC. 1457. AMENDMENTS RELATING TO FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY.

(a) REPEAL OF SUNSET FOR AUTHORITIES APPLICABLE TO PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.—Section 852 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended by striking ", but only if a solicitation of offers for the procurement is issued during the 1-year period beginning on the date of the enactment of this Act".

(b) APPLICABILITY OF INCREASED SIMPLIFIED ACQUISITION THRESHOLD.—(1) The matter preceding paragraph (1) of section 853(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended to read as follows:

"(a) THRESHOLD AMOUNTS.—For a procurement referred to in section 852, the simplified acquisition threshold referred to in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is deemed to be—".

(2) Subsections (b) and (c) of section 853 of such Act are repealed.

(3) The heading of section 853 of such Act is amended to read as follows:

"SEC. 853. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR CERTAIN PROCUREMENTS.".

(4) The table of contents in section 1(b) of such Act is amended by striking the item relating to section 853 and inserting the following:

"Sec. 853. Increased simplified acquisition threshold for certain procurements.".

(5) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking "or" at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting "; or"; and

(C) by adding at the end the following:

"(I) the procurement is by the head of an executive agency pursuant to the special procedures provided in section 853 of the Homeland Security Act of 2002 (Public Law 107–296).".

(c) APPLICABILITY OF CERTAIN COMMERCIAL ITEMS AUTHORITIES.—(1) Subsection (a) of section 855 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2236) is amended to read as follows:

"(a) AUTHORITY.—With respect to a procurement referred to in section 852, the head of an executive agency may deem any item or service to be a commercial item for the purpose of Federal procurement laws.".

(2) Subsection (b)(1) of section 855 of such Act is amended by striking "to which any of the provisions of law referred to in subsection (a) are applied".

(d) EXTENSION OF DEADLINE FOR REVIEW AND REPORT.—Section 857(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2237) is amended by striking "2004" and inserting "2006".

In section 2803(b)(2)(A), insert "subsections" after "as" (page 464, line 15).

In section 2805(b), strike "2822" and insert "2822(b)" (page 472, line 18).

At the end of subtitle C of title XXVIII (page 487, after line 23), insert the following new section:

SEC. ___. LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army shall convey, without consideration, to Fairfax County, Virginia (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at Fort Belvoir and known as the John McNaughton Memorial baseball fields for the purpose of permitting the County to use the property for recreational purposes.

(b) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually in-

curred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

In section 3121(e)(5), insert ", as amended by section 3112," after "926)" (page 513, line 23).

Page 537, line 23, strike the first close parenthesis.

Page 544, line 13, insert "Authorization" after "National Defense".

Page 557, line 9, strike "(c)" and insert "(d)".

Page 560, line 24, insert open quotation marks before "SEC.".

Page 572, line 11, strike "ON" and insert "TO CONGRESS OF".

Page 572, line 15, strike "Fiscal Year".

Page 574, line 8, strike "of" the first place it appears and insert "after".

Page 587, line 23, strike "59" and insert "50".

Page 616, line 9, insert "by redesignating the second subsection (e) as subsection (f), and" after "is amended".

Page 616, line 10, strike "(e)" and insert "(g)".

Page 622, lines 15 and 16, strike "(e)" each place it appears and insert "(g)".

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SIMMONS OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ____. ASSESSMENT OF EFFECTS OF SPECIFIED STATUTORY LIMITATIONS ON THE GRANTING OF SECURITY CLEARANCES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment of the effects of the provisions of section 986 of title 10, United States Code (relating to limitations on security clearances), on the granting (or renewal) of security clearances for Department of Defense personnel and defense contractor personnel. The assessment shall review the effects of the disqualification factors specified in subsection (c) of that section and shall include such recommendations for legislation or administrative steps as the Secretary considers necessary.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 205, line 18, strike "performed." and insert the following: "performed, an explanation of the business rationale for why the decision was made to transfer the work outside the United States, and a certification of the specific percentage of the total contract to be performed outside the United States.".

Page 206, line 16, strike "Representatives." and insert the following: "Representatives, including the recommendations of the Secretary regarding how procurement from the United States defense industrial base can be maximized.".

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NADLER OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XIII (page 393, after line 14), insert the following new section:

SEC. 1308. STUDY RELATING TO EX-SOVIET URANIUM AND PLUTONIUM.

The Secretary of Defense shall submit a study to Congress not later than one year after the date of the enactment of this Act, examining the costs and benefits of purchasing all the ex-Soviet weapons-grade uranium and plutonium in fiscal year 2005, and safeguarding it from smuggling or theft until it can be rendered unusable for weapons.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PORTER OF NEVADA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III (page 79, after line 17), insert the following new section:

SEC. ___. DEPARTMENT OF DEFENSE PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) EPIDEMIOLOGICAL STUDY OF EXPOSURE TO PERCHLORATE.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) PERFORMANCE OF STUDY.—The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another Federal entity with experience in environmental toxicology selected by the Secretary for purposes of the study.

(3) MATTERS TO BE INCLUDED IN STUDY.—In providing for the study under this subsection, the Secretary shall require the Federal entity conducting the study—

(A) to assess the incidence of thyroid disease and measurable effects of thyroid function in relation to exposure to perchlorate;

(B) to ensure that the study is of sufficient scope and scale to permit the making of meaningful conclusions of the measurable public health threat associated with exposure to perchlorate, especially the threat to sensitive subpopulations; and

(C) to study thyroid function, including measurements of urinary iodine and thyroid hormone levels, in a sufficient number of pregnant women, neonates, and infants exposed to perchlorate in drinking water and match measurements of perchlorate levels in the drinking water of each study participant in order to permit the development of meaningful conclusions on the public health threat to individuals exposed to perchlorate.

(4) REPORT ON STUDY.—The Secretary shall require the Federal entity conducting the study under this subsection to submit to the Secretary a report on the study not later than June 1, 2005.

(b) REVIEW OF EFFECTS OF PERCHLORATE ON ENDOCRINE SYSTEM.—

(1) IN GENERAL.—The Secretary shall provide for an independent review of the effects of perchlorate on the human endocrine system.

(2) PERFORMANCE OF REVIEW.—The Secretary shall provide for the performance of the review under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The Secretary shall ensure that the panel conducting the review is composed of individuals with expertise in human endocrinology.

(3) MATTERS TO BE INCLUDED IN REVIEW.—In providing for the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

(B) available data on other substances that have endocrine effects similar to perchlorate to which the public is frequently exposed.

(4) REPORT ON REVIEW.—The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XXVIII (page 477, after line 10), insert the following new section:

SEC. ___. ANNUAL REPORT ON MILITARY CONSTRUCTION REQUIREMENTS TO SUPPORT HOMELAND DEFENSE MISSIONS OF THE ARMED FORCES.

As part of the annual defense authorization request required by section 113a(b) of title 10, United States Code, the Secretary of Defense shall include an assessment of the military construction requirements anticipated to be necessary to support the homeland defense missions of the Armed Forces for the fiscal year for which the defense authorization request is submitted, for the fiscal years

covered by the then-current future-years defense plan under section 221 of such title, and for subsequent fiscal years.

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KAPTUR OF OHIO, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 220, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 827. DATA COLLECTION AND TECHNICAL ASSISTANCE CENTER RELATING TO MACHINE TOOLS.

(a) COLLECTION OF DATA ON CONTRACTS USING MACHINE TOOLS.—The Secretary of Defense shall collect data in order to identify all contractors and subcontractors that use machine tools in carrying out any defense contract in an amount that is $5,000,000 or greater.

(b) TECHNICAL ASSISTANCE CENTER.—The Secretary of Defense shall establish a center to provide technical assistance to machine tool companies in the United States, and entities that use machine tools, to seek guidance with respect to government contracting regulations, including compliance procedures, and opportunities for contracting with the Department of Defense. As part of the assistance provided through the center, the Secretary may provide information about defense contracts that are expected to be carried out through the use of machine tools.

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KAPTUR OF OHIO, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 220, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 827. BUY AMERICAN ENHANCEMENT.

Section 2533 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining under section 2 of the Buy American Act (41 U.S.C. 10a et seq.) whether application of such Act is inconsistent with the public interest, the Secretary of Defense shall not consider the provisions of any trade agreement between the United States and a foreign country that is in effect at the time of the determination.".

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 1051 (page 323, line 4, through page 324, line 20) and insert the following:

SEC. 1051. ASSISTANCE FOR STUDY OF FEASIBILITY OF BIENNIAL UNITED STATES INTERNATIONAL AIR TRADE SHOW AND FOR INITIAL IMPLEMENTATION.

(a) ASSISTANCE FOR FEASIBILITY STUDY.—(1) The Secretary of Defense shall provide assistance to the nonprofit organization named United States Air and Trade Show Inc. for expenses of a study by

that organization of the feasibility of the establishment and operation of a biennial United States international air trade show.

(2) The Secretary shall provide for the organization specified in paragraph (1) to submit to the Secretary a report containing the results of the study not later than September 30, 2004. The Secretary shall promptly submit the report to Congress, together with such comments on the report as the Secretary considers appropriate.

(b) ASSISTANCE FOR IMPLEMENTATION.—If the organization conducting the study under subsection (a) determines that the establishment and operation of such an air show is feasible and should be implemented, the Secretary shall provide assistance to that organization for the initial expenses of implementing such an air show.

(c) AMOUNT OF ASSISTANCE.—The amount of assistance provided by the Secretary under subsections (a) and (b)—

(1) may not exceed a total of $1,000,000, to be derived from amounts available for operation and maintenance for the Air Force for fiscal year 2004; and

(2) may not exceed one-half of the cost of the study and may not exceed one-half the cost of such initial implementation.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KINGSTON OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVIII (page 495, after line 6), insert the following new section:

SEC. ___. CONSIDERATION OF PUBLIC-ACCESS-ROAD ISSUES RELATED TO DISPOSAL OF PROPERTY AT MILITARY INSTALLATIONS UNDER BASE CLOSURE PROCESS.

(a) 1988 LAW.—Section 204(b)(2)(E) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "If a military installation to be closed or placed in an inactive status under this title includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.".

(b) 1990 LAW.—Section 2905(b)(2)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "If a military installation to be closed or placed in an inactive status under this part includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.".

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOBSON OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Part II of subtitle B of title VIII is amended by adding at the end (page 220, after line 12) the following new section:

SEC. 827. REQUIREMENT RELATING TO PURCHASES BY DEPARTMENT OF DEFENSE SUBJECT TO BUY AMERICAN ACT.

In applying section 2 of the Buy American Act (41 U.S.C. 10a) to acquisitions by the Department of Defense, the term "substantially all" shall mean at least 65 percent.

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26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOEFFEL OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XXVIII (page 479, before line 15), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON DEMOLITION OF ARMY TACONY WAREHOUSE DEPOT SITE, PHILADELPHIA, PENNSYLVANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 656), appropriated $5,000,000 for the demolition of the Army Tacony Warehouse depot site in Philadelphia, Pennsylvania, operated by Fort Dix.

(2) The Secretary of the Army has yet to implement plans to demolish the Tacony warehouse.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army should take swift action to finally demolish the Tacony warehouse, as previously required by Act of Congress.

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27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOSTETTLER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2534(a) of title 10, United States Code, as proposed to be added by section 821(a), strike "Packaging in direct contact with meals" (page 212, line 8) and insert: "Pre-formed retort packaging in direct contact with main entree meals".

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28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FARR OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title III (page ____, after line ____), insert the following new section:

SEC. ___. PERMANENT AUTHORITY FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES AT INSTALLATIONS IN MONTEREY COUNTY, CALIFORNIA.

(a) AUTHORITY.—Subject to subsection (b), public works, utility, and other municipal services needed for the operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located in that county.

(b) PROHIBITION ON PURCHASE OF CERTAIN SERVICES.—Section 2465 of title 10, United States Code, relating to the purchase of firefighting or security-guard services at a military installation, applies with respect to the authority provided by subsection (a).

(c) CONFORMING AMENDMENT.—Section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820) is repealed.

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29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DICKS OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XXVIII (page ____, after line ____), insert the following new section:

SEC. ___. LAND CONVEYANCE, PUGET SOUND NAVAL SHIPYARD, BREMERTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Bremerton, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.8 acres at the eastern end of the Puget Sound Naval Shipyard, Bremerton, Washington, immediately adjacent to the Bremerton Transportation Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City, directly or through an agreement with another entity, shall replace administrative space on the parcel to be conveyed by renovating for new occupancy approximately 7,500 square feet of existing space in Building 433 at Naval Station, Bremerton, Washington, at no cost to the United States, in accordance with plans and specifications acceptable to the Secretary. In lieu of any portion of such renovation, the Secretary may accept other facility alteration or repair of not less than equal value.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) ENVIRONMENTAL CONDITIONS.—The Secretary may use funds available in the Environmental Restoration Account, Navy to carry out the environmental remediation of the real property to be conveyed under subsection (a). Such environmental remediation shall be conducted in a manner consistent with section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), including the requirement to consider the anticipated future land use of the parcel.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRENSHAW OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XXXV (page 627, after line 25), add the following:

SEC. . AUTHORITY TO CONVEY NDRF VESSELS AND VESSEL CONTENTS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to any or all of the vessels USS ORION (AS–18), USS HOWARD W. GILMORE (AS–16), USS SPERRY (AS–12), USS NEREUS (AS–17), USS PROTEUS (XAS–19), and S.S. HATTIESBURG VICTORY (number 248651), a barge and its inventoried contents (YFNB 4, also known as SSE–512), and the contents (Victory class spares) that have been removed from the S.S. CATAWBA VICTORY, to Beauchamp Tower Corporation (a not-for-profit corporation, in this section referred to as the "recipient") for use as moored support ships for the corporation and as memorials to the Fulton class ships and the Victory class ships, if—

(1) the vessel is not used for commercial transportation purposes;

(2) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(3) the recipient agrees that when the recipient no longer requires the vessel for use as a moored support ship for the corporation and as a memorial to the Fulton class ships and the Victory class ships—

(A) the recipient shall, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of Florida, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance

of the vessel, except for claims arising from use by the Government under paragraph (2) or (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, a written loan commitment, or financial resources—

(A) except as provided in subparagraph (B), of at least $1,500,000 for each vessel conveyed; and

(B) at least $50,000 for each barge with contents conveyed.

(b) DELIVERY OF VESSEL.—If a conveyance of a vessel is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of the enactment of this Act, in its present condition, without cost to the Government.

(c) MANAGEMENT OF VESSELS PENDING CONVEYANCE.—

(1) 2-YEAR HOLDING PERIOD.—The Secretary shall remove all vessels authorized to be conveyed under this section from the scrapping disposal list for a period of 2 years.

(2) DISPOSAL AT END OF HOLDING PERIOD.—If a vessel has not been received and transported from its conveyance location by the recipient before the end of such 2-year period, the Secretary may dispose of the vessel as the Secretary determines to be appropriate.

(3) DISPOSAL DURING HOLDING PERIOD.—Notwithstanding paragraph (1), the Secretary may dispose of a vessel authorized to be conveyed under this section during the 2-year period provided for in paragraph (1), if it is determined that the vessel is in danger of sinking or presents an immediate critical hazard to the National Defense Reserve Fleet or environmental safety.

(d) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment, materials, and spares from other vessels or in storage with the Maritime Administration and the National Defense Reserve Fleet, for the recipient's use, including the restoration and refit of the vessels conveyed under this section and to assist other vessel museums.

(e) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet each vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

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