

## S 1047

Department of Defense Authorization Act for Fiscal Year 2004

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### Sponsor

**Name:** Sen. Warner, John [R-VA]

**Party:** Republican • **State:** VA • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported Original Measure	May 13, 2003

### Subjects & Policy Tags

*No subjects or policy tags are listed for this bill.*

### Related Bills

Bill	Relationship	Last Action
108 HR 1588	Related bill	<b>Nov 24, 2003:</b> Became Public Law No: 108-136.
108 S 1050	Related bill	<b>Jun 4, 2003:</b> See also H.R. 1588.

Department of Defense Authorization Act for Fiscal Year 2004 - **Title I: Procurement - Subtitle A: Authorization of Appropriations** - (Sec. 101) Authorizes appropriations for FY 2004 for the Army, Navy and Marine Corps, and Air Force for aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement.

(Sec. 104) Authorizes appropriations for FY 2004 for: (1) defense-wide procurement; (2) the Defense Inspector General; (3) the chemical demilitarization program; and (4) defense health programs.

(Sec. 108) Reduces by \$3.3 million the funds authorized to be appropriated for defense-wide procurement, reallocating such funds to Special Operations Forces rotary upgrades and operational enhancements.

**Subtitle B: Army Programs** - (Sec. 111) Directs the Secretary of the Army to study, and report to Congress on, the participation of a second source in the production of gears for transmissions incorporated into CH-47 helicopters being procured by the Army with funds authorized under this Act.

(Sec. 112) Earmarks specified Army procurement funds for the procurement of rapid infusion (IV) pumps.

**Subtitle C: Navy Programs** - (Sec. 121) Authorizes the Secretary of the Navy, beginning with the FY 2004 program year, to enter into multi-year procurement contracts for the: (1) F/A-18 aircraft; (2) E-2C aircraft; (3) tactical Tomahawk cruise missile; (4) Virginia class submarine; and (5) Phalanx Close In Weapon System program, Block 1B. Requires: (1) successful testing prior to entering into such a contract for the Tomahawk cruise missile; and (2) the contract for the Virginia class submarine to follow contract requirements for the New Attack Submarine under the National Defense Authorization Act for Fiscal Year 1998.

(Sec. 122) Authorizes the Secretary of the Navy to carry out a pilot program of flexible funding of conversions and overhauls of Navy cruisers using transferred Navy procurement and operation and maintenance funds for FY 2004 through 2012. Provides limitations. Requires a program report from such Secretary to the congressional defense and appropriations committees. Terminates the pilot program on September 30, 2012.

**Subtitle D: Air Force Programs** - (Sec. 131) Amends the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Stump Act) to eliminate quantity limitations on the multi-year procurement authority for C-130J aircraft.

(Sec. 132) Earmarks specified Air Force procurement funds for B1-B bomber aircraft modifications. Requires a report from the Secretary of the Air Force to the defense and appropriations committees concerning amounts necessary to reconstitute the B1-B fleet.

**Title II: Research, Development, Test, and Evaluation - Subtitle A: Authorization of Appropriations** - (Sec. 201) Authorizes appropriations for FY 2004 for the armed forces for research, development, test, and evaluation (RDT&E). Earmarks specified amounts for science and technology projects.

(Sec. 203) Authorizes appropriations for FY 2004 for RDT&E for: (1) the Defense Inspector General; and (2) defense health programs.

**Subtitle B: Program Requirements, Restrictions, and Limitations** - (Sec. 211) Prohibits the Secretary of Defense (Secretary) from designating any official outside the Office of the Secretary to exercise programming or budgeting authority for explosive demilitarization technology, specified high energy laser research and development, and the

university research initiative.

(Sec. 212) Requires the Secretary to ensure that the Objective Force Indirect Fires Program is being planned, programmed, and budgeted as a distinct program element and that funds for such Program are being administered consistent with its budgetary status. Prohibits the Program from being administered in combination with the Armored Systems Modernization program. Requires a certification from the Secretary to the defense committees of the separate treatment of the Indirect Fires Program.

(Sec. 213) Earmarks specified RDT&E funds for: (1) the Joint Engineering Data Management Information and Control System; (2) human tissue engineering; (3) research and development (R&D) of non-thermal imaging systems; (4) R&D on magnetic levitation technologies at Holloman Air Force Base, New Mexico; (5) development and fabrication of composite sail test articles for incorporation into future submarines; (6) the development of portable mobile emergency broadcast systems; (7) RDT&E on boron energy cell technology; and (8) the support of network centric operations of the Department of Defense (DOD).

(Sec. 220) Authorizes modification of a program element of the Army short range air defense radar program.

**Subtitle C: Ballistic Missile Defense** - (Sec. 221) Earmarks specified RDT&E funds for the development and fielding of an initial set of ballistic missile defense (BMD) capabilities.

(Sec. 222) Repeals the requirement for specified program elements for Missile Defense Agency activities.

(Sec. 223) Directs the Secretary, in budget justification materials submitted to Congress in support of the DOD budget, to include specified information for each BMD element for which the Missile Defense Agency is engaged in planning for production and initial fielding. Requires the Director of the Missile Defense Agency to prescribe measurable criteria for all planned development phases of the BMD system and each element). Requires the Director of Operational Test and Evaluation to: (1) establish and approve for each BMD system element appropriate plans and schedules for operational testing; and (2) include BMD annual testing progress information within an annual report required under prior law. Requires the future-years defense program submitted to Congress each year to include an estimate of the amount necessary for procurement for each BMD system element and justification therefor.

(Sec. 224) Amends the National Defense Authorization Act for Fiscal Year 2002 to extend through FY 2006 the authority to assist local communities impacted by the BMD system test bed. Requires budget justification materials submitted for FY 2004 through 2006 to include a description of community assistance projects to be supported and a cost estimate.

(Sec. 225) Prohibits the obligation or expenditure of any defense-wide RDT&E funds available for BMD system interceptors for the design, development, or deployment of hit-to-kill interceptors or other weapons for placement in space unless specifically authorized by Congress. Earmarks specified BMD funds for research and concept definition for the space based test bed.

(Sec. 226) Prohibits the obligation or expenditure of any DOD funds authorized under this Act for RDT&E, or procurement or development, of nuclear armed interceptors in a missile defense system.

**Subtitle D: Other Matters** - (Sec. 231) Requires the Director of Defense Research and Engineering to carry out a Global Research Watch program to, among other things, monitor and analyze the basic and applied research activities and capabilities of foreign nations in areas of military interest.

(Sec. 232) Requires the Director of the Defense Advanced Research Projects Agency, every other year, to prepare a

strategic plan for Agency activities and to submit such plan to Congress. Requires the Secretary to establish a panel to advise the Director on each plan.

(Sec. 233) Authorizes the Secretary, in furtherance of the support of educational programs in science, mathematics, engineering, and technology, to: (1) enter into contracts and cooperative agreements; (2) make financial assistance grants; (3) provide cash awards and other incentives; and (4) accept voluntary services.

(Sec. 234) Directs the Secretary to carry out a program of research and development (R&D) to promote greater bandwidth capability with high-speed network-centric communications. Requires the Secretary, acting through the Director of Defense Research and Engineering, to report to the defense and appropriations committees on program activities undertaken.

(Sec. 235) Requires the Secretary to: (1) develop a DOD strategy for management of the electromagnetic spectrum to improve access and connectivity to military assets; and (2) communicate with Federal civilian departments and agencies in such strategy development. Requires a board of senior DOD acquisition officials to develop a DOD spectrum management strategy to facilitate the availability of adequate spectrum for network-centric warfare and to communicate with Federal civilian departments and agencies in such strategy development.

(Sec. 236) Earmarks specified RDT&E funds for: (1) the Collaborative Information Warfare Network; and (2) coproduction of the Arrow BMD system.

**Title III: Operation and Maintenance - Subtitle A: Authorization of Appropriations** - (Sec. 301) Authorizes appropriations for FY 2004 for operation and maintenance (O&M) for the armed forces and specified activities and agencies of DOD.

(Sec. 302) Authorizes appropriations for FY 2004 for: (1) working capital funds; and (2) the Armed Forces Retirement Home.

**Subtitle B: Program Requirements, Restrictions, and Limitations** - (Sec. 311) Earmarks specified O&M funds for the American Red Cross to fund the Armed Forces Emergency Services.

Directs the Secretary to establish and carry out a program to provide prepaid phone cards or an equivalent telecommunications benefit to military personnel stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan to allow such personnel to call family and friends in the United States. Limits such benefit to \$40 per month per person. Terminates the program at the end of FY 2004. Requires the Secretary, under such program, to: (1) maximize the use of existing DOD telecommunications programs and capabilities, private entities' free or reduced-cost services, and programs to enhance morale and welfare; and (2) work with telecommunications providers to facilitate the deployment of additional telephones for such use.

(Sec. 312) Requires not less than 90 percent of the funds authorized for the acquisition, processing, and licensing of commercial imagery under this Act to be used to: (1) acquire space-based imagery from commercial sources; and (2) support the development of next-generation commercial imagery satellites. Requires a report from the Secretary to the defense committees on actions taken to implement the President's commercial remote sensing policy.

(Sec. 313) Earmarks specified O&M funds for information operations sustainment for Army Reserve land forces readiness.

(Sec. 314) Directs the Secretary to submit to specified congressional committees a survey on perchlorate contamination

at all active and closed DOD sites.

**Subtitle C: Environmental Provisions** - (Sec. 321) Adds definitions applicable to DOD facilities and operations requirements.

(Sec. 322) Prohibits the Secretary of the Interior from designating as critical habitat any lands or other areas owned or controlled by DOD, or designated for its use, that are subject to an integrated natural resources management plan prepared under the Sikes Act, if such Secretary determines that: (1) the management activities identified in the plan will effectively conserve the threatened and endangered species; and (2) the plan provides assurances that adequate funding will be provided for such management activities.

(Sec. 323) Authorizes the Secretary to conduct on a cooperative basis with countries located in the Arctic and Western Pacific regions the Arctic and Western Pacific Environmental Technology Cooperation Program which shall include cooperation and assistance among DOD elements and military departments or other relevant agencies of other countries on activities that contribute to the demonstration of environmental technology. Requires such activities to be consistent with the Cooperative Threat Reduction program. Prohibits more than ten percent of funds made available for the Program from being used for projects other than projects on radiological matters. Requires an annual Program report from the Secretary to Congress.

(Sec. 324) Authorizes the Secretary of the military department concerned, if a military construction project results in the destruction of or impacts to wetlands, to make one or more payments to a wetland mitigation banking program or consolidated user site in lieu of creating a wetland on Federal property as mitigation for the project. Requires a banking program or user site to be approved before such payments may be made. Provides funding.

(Sec. 325) Extends through FY 2006 the authority to use environmental restoration account funds for the relocation of a contaminated facility.

(Sec. 326) Requires restoration advisory boards established by the Secretary to publish timely notice of their meetings.

(Sec. 327) Directs the Secretary of the Navy, before using a former naval vessel for experimental purposes, to carry out required environmental remediation. Authorizes the sale of material and equipment stripped from such vessel.

(Sec. 328) Authorizes the Secretary of the Navy to transfer any vessel stricken from the Naval Vessel Register to any State, U.S. possession, or municipal corporation or political subdivision thereof. Makes such authority inapplicable to vessels transferred to the Maritime Administration for disposal. Requires vessels so transferred to be used as artificial reefs. Directs such Secretary to ensure that transferred vessels comply with environmental best management practices and any applicable environmental laws. Authorizes such Secretary to share vessel transfer costs with recipients. Allows recipients to receive more than one vessel.

(Sec. 329) Authorizes the Secretary of the Navy to include environmental protection equipment within salvage facilities provided for public and private vessels. Allows claims for salvage services to include claims for environmental protection services.

(Sec. 330) Directs the Secretary to establish a task force to determine and assess various means of enabling full use of the live ordnance delivery areas at Barry M. Goldwater Range, Arizona, while also protecting endangered species at such Range. Requires an activities report from the task force to Congress.

(Sec. 331) Requires the Secretary to provide for an independent epidemiological study of exposure to perchlorate in

drinking water. Requires the Federal entity conducting the study to report to the Secretary on study results. Directs the Secretary to provide for an independent review of the effects of perchlorate on the human endocrine system.

**Subtitle D: Reimbursement Authorities** - (Sec. 341) Earmarks specified O&M funds for transfer to reserve military personnel accounts for the reimbursement of pay and allowances to reserve personnel in connection with training and other activities relating to the clearing of land mines for humanitarian purposes. Limits such transfer to \$5 million.

(Sec. 342) Directs the Secretary or the Secretary concerned to transfer to the appropriate reserve personnel or O&M account amounts necessary for reimbursement for costs charged for intelligence support provided by reserve personnel.

(Sec. 343) Allows the Secretary to use the DOD reimbursement rate for military airlift services provided to the State Department for the transportation of armored motor vehicles to a foreign country.

**Subtitle E: Defense Dependents Education** - (Sec. 351) Earmarks specified O&M funds for assistance to local educational agencies that benefit dependents of members of the armed forces and DOD civilian employees. Requires the Secretary to notify each local educational agency eligible for such assistance in FY 2004. Allows up to \$500,000 of such funds to be used for making basic support payments to a local educational agency that received a basic support payment for FY 2003, but whose payment for FY 2004 would be reduced because of the conversion of Federal property to non-Federal ownership under a DOD infrastructure demonstration project at Brooks Air Force Base, Texas.

(Sec. 352) Earmarks specified O&M funds for DOD impact aid for children with severe disabilities, as authorized under the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Spence Act).

**Subtitle F: Other Matters** - (Sec. 361) Authorizes the Secretary to sell working-capital funded services of the Defense Information Systems Agency to a person outside DOD for use in the performance of the Navy-Marine Corps Intranet contract. Requires reimbursement for the costs of such services.

(Sec. 362) Allows funds from the Defense Modernization Account to be used to pay the costs of commencing any project undertaken by DOD or a defense agency to reduce the life cycle cost of a new or existing system. Requires the Account to be reimbursed from savings realized from reducing such life cycle costs. Requires regulations to include a system for proposals for the use of Account funds in such manner. Extends through FY 2006 the authority to transfer funds into the Account.

(Sec. 363) Exempts from the prohibition on contracts for the performance of DOD firefighting or security guard functions a contract for the performance of firefighting functions if such: (1) contract is for a period of one year or less; and (2) functions would otherwise have been performed by military firefighters who are otherwise deployed.

(Sec. 364) Repeals a provision excepting the Sacramento Army Depot, California, from limitations on the DOD contracting-out of depot-level maintenance of materiel.

(Sec. 365) Excepts from certain competition requirements a depot-level maintenance and repair workload that is performed by a public-private partnership.

(Sec. 366) Authorizes the Secretary of the Navy to provide to designated entities assistance in support of a transfer of a decommissioned naval vessel or related shipboard equipment.

(Sec. 367) Directs the Secretary of the Air Force to ensure that the number of KC135E aircraft retired in FY 2004 does not exceed 12. Requires such Secretary to submit to the defense and appropriations committees an analysis of

alternatives for meeting Air Force aerial refueling requirements.

(Sec. 368) Makes the Act known as the Randolph-Sheppard Act inapplicable to any existing DOD dining facility contract entered into with a nonprofit agency for the blind or other severely handicapped in compliance with the Javits-Wagner-O'Day Act. Makes the Randolph-Sheppard Act the official short title of such Act.

Authorizes the Secretary to carry out two demonstration projects during fiscal years 2004 and 2005 providing opportunities for participation by severely disabled individuals in the industries of manufacturing and information technology.

(Sec. 369) Repeals the 24 days per calendar year limit on the use of commissary stores by members of the Ready Reserves who have earned 50 or more retirement-creditable points.

**Title IV: Military Personnel Authorizations - Subtitle A: Active Forces** - (Sec. 401) Sets forth authorized end strengths for active-duty forces as of the end of FY 2004.

(Sec. 402) Increases from 50 to 55 the maximum percentage of general and flag officers on active duty authorized to be serving in grades above general and rear admiral (lower half).

(Sec. 403) Extends through 2005 certain authorities relating to the management of general and flag officers in certain grades.

**Subtitle B: Reserve Forces** - (Sec. 411) Sets forth the authorized end strengths as of the end of FY 2004 for members of the Selected Reserve and reserve personnel on active duty in support of the reserves.

(Sec. 413) Sets forth the minimum end strength for FY 2004 for Army and Air Force dual status military technicians.

(Sec. 414) Places specified FY 2004 limits on the number of non-dual status technicians authorized to be employed by the Army and Air National Guard.

**Subtitle C: Other Matters Relating to Personnel Strengths** - (Sec. 421) Requires Congress (currently, the Secretary) to prescribe end strengths for: (1) active-duty personnel who are to be paid from funds appropriated for active-duty personnel; (2) active-duty personnel and full-time National Guard personnel who are to be paid from funds appropriated for reserve personnel; and (3) members of the Selected Reserve.

(Sec. 422) Excludes recalled retired military personnel from strength (formerly end strength) limitations on military personnel ordered to active duty during a war or national emergency.

**Subtitle D: Authorization of Appropriations** - (Sec. 431) Authorizes appropriations for FY 2004 for military personnel.

**Title V: Military Personnel Policy - Subtitle A: Officer Personnel Policy** - (Sec. 501) Allows health professions officers who have failed of selection for promotion to be retained on active duty until completion of the active duty service for which the officer is obligated, unless the Secretary concerned determines that the completion of such service obligation is not in the best interests of that military department.

(Sec. 502) Requires the Chief of the Army Veterinary Corps to be appointed from among officers of such Corps.

**Subtitle B: Reserve Component Personnel Policy** - (Sec. 511) Allows for the use of members of the Ready Reserve to respond to terrorist or threatened terrorist attacks that could result in the loss (currently catastrophic loss) of life or

property.

(Sec. 512) Removes the requirement of: (1) selection board participation in the determination of whether to continue officers on the reserve active-status list; (2) approval of such continuation by the Secretary concerned; and (3) a continuation board to meet for such purpose.

(Sec. 513) Prohibits an officer who is on active duty in the Army or Air National Guard in a State, territory, or the District of Columbia and who is in command of a National Guard unit from being relieved from active duty in such State, territory, or District if: (1) the President authorizes such service in both duty statuses; and (2) the Governor of the State or territory or Commanding General of the District consents to service in both statuses.

**Subtitle C: Revision of Retirement Authorities** - (Sec. 521) Makes permanent (currently, terminates at the end of 2003) the authority to reduce the three-year time-in-grade requirement for retirement in that grade for officers above major and lieutenant commander.

**Subtitle D: Education and Training** - (Sec. 531) Repeals the requirement that: (1) each officer with a joint specialty who graduates from a joint professional military education school be assigned to a joint duty assignment for that officer's next duty assignment after such graduation; and (2) the duration of the principal course of instruction offered at the Joint Forces Staff College be at least three months.

(Sec. 532) Provides additional expenses to be covered within the educational assistance authorized for cadets and midshipmen receiving Reserve Officers' Training Corps (ROTC) scholarships. Makes similar additions with respect to the financial assistance program for specially selected members of the Army Reserve and Army National Guard enrolled in advanced courses under ROTC programs.

(Sec. 533) Authorizes the Secretary of the Navy to permit an enlisted member to receive instruction in an executive level seminar at the Naval Postgraduate School. Provides that the requirement for the payment of costs in connection with such education shall be subject to such exceptions as the Secretary of Defense may prescribe for members receiving instruction in connection with pursuit of a degree or certification as participants in the Information Security Scholarship program.

(Sec. 534) Authorizes the Secretary concerned to direct the Superintendent of the military academy of that department to prescribe a policy on sexual misconduct applicable to academy personnel. Outlines policy requirements, including promotion of the awareness of the incidence of rape, acquaintance rape, and other sexual offenses that involve academy personnel, and procedures to follow in case of the occurrence of sexual misconduct. Requires the Secretary of Defense to direct each Superintendent to undertake an annual assessment of that academy's policies, training, and procedures to prevent criminal sexual misconduct involving academy personnel. Requires annual reports from each Secretary on sexual misconduct involving academy personnel for each of the 2004 through 2008 academy program years.

(Sec. 535) Requires funding of educational assistance entitlement incentives under the National Call to Service program to be derived from the Department of Defense Education Benefits Fund.

**Subtitle E: Military Justice** - (Sec. 551) Amends the Uniform Code of Military Justice (UCMJ) to allow a person charged with having committed a child abuse offense to be tried by court-martial at any time before the child reaches the age of 25.

(Sec. 552) Makes the requisite blood alcohol content under the UCMJ equal to or in excess of (currently, in excess of) the



requisite blood alcohol content adopted by the State in which the offense occurs. Provides for the adoption of the lower requisite blood alcohol content in incidents occurring on military installations located in more than one State.

**Subtitle F: Other Matters** - (Sec. 561) Prohibits a member from being deployed, or continued in a deployment, on any day on which the total number of days in which the member has been deployed out of the preceding 365 days would exceed the maximum number of deployment days prescribed by the Under Secretary of Defense for Personnel and Readiness. Provides exceptions. Requires the Secretary concerned to pay a high-tempo allowance for members deployed in excess of the authorized number due to an exception. Prohibits such monthly allowance from exceeding \$1,000. Makes a member ineligible for such allowance while serving in a duty position designated by the Secretary concerned, with the approval of the Under Secretary, as exempt. Requires: (1) such allowance to be paid from O&M funds; and (2) allowance payment information to be included in a currently required annual report.

(Sec. 562) Directs the Secretary to carry out a direct entry program, beginning on October 1, 2003, and ending on September 30, 2005, for persons with critical military skills who enter the armed forces for an initial period of not less than three years. Requires an initial and final program report from the Secretary to the defense committees.

(Sec. 563) Directs the Secretary to: (1) prescribe the DOD policy on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children; and (2) transmit such policy to the defense committees.

(Sec. 564) Amends the Uniformed and Overseas Citizens Absentee Voting Act to provide standards for State invalidation of ballots submitted in an election for Federal office by an absent military voter. Requires a State to: (1) accept and process any otherwise valid voter registration application submitted by a military voter in an election for Federal office; and (2) permit each recently separated member to vote in any election for which a valid voter registration application has been accepted and processed if that voter has registered and is eligible to vote under State law.

(Sec. 565) Authorizes the Secretary concerned to provide certain travel and transportation allowances for dependents of military personnel who have committed a dependent-abuse offense when the safety of the spouse or dependent is at risk and their relocation is advisable.

**Title VI: Compensation and Other Personnel Benefits - Subtitle A: Pay and Allowances** - (Sec. 601) Waives any FY 2004 pay increases tied to increases in the General Schedule of Compensation for Government employees. Increases, effective January 1, 2004, the rates of basic pay for military personnel.

(Sec. 602) Requires: (1) the annual adjustment to military basic pay rates on January 1 of each year; and (2) that such adjustment be an equal percentage increase for all military personnel based on the percentage increase in the Economic Cost Index. Directs that if the President considers any adjustment inappropriate because of national emergency or serious economic conditions, the President shall transmit to Congress a plan for an alternative pay adjustment for that year, including an assessment of its impact on the Government's ability to recruit and retain well-qualified persons for the armed forces.

(Sec. 603) Provides for the computation of the basic pay rate for commissioned officers with prior enlisted or warrant officer service.

(Sec. 604) Entitles non-scholarship Senior ROTC members to a monthly subsistence allowance in return for continuing ROTC education into their sophomore year, graduating, and accepting an appointment as a commissioned officer for a prescribed minimum period.

(Sec. 605) Entitles each member married to another member without dependents when both members are on sea duty to a basic allowance for housing. (Currently, such members are jointly entitled to one such allowance.)

(Sec. 606) Increases from \$100 to \$250 the monthly rate of the family separation allowance.

**Subtitle B: Bonuses and Special and Incentive Pays** - (Sec. 611) Extends through 2004 specified authorities currently scheduled to expire at the end of 2003 with respect to certain special pay and bonus programs within the regular and reserve armed forces.

(Sec. 615) Limits the number of officers in the Selected Reserve who may be paid special pay for reserve officers holding positions of unusual responsibility and of a critical nature.

(Sec. 616) Directs the Secretary concerned to pay monthly incentive pay of \$100 to a member for the period the member serves in Korea while entitled to basic pay. Terminates such authority on December 31, 2005.

(Sec. 617) Increases from \$60,000 to \$70,000 the bonus for members who have completed at least 17 months of continuous active duty and agree to reenlist or extend their current enlistment for at least three years.

(Sec. 618) Ensures the payment of the Selected Reserve reenlistment bonus during any period that such members are called or ordered to active duty.

(Sec. 619) Increases from \$150 to \$225 the monthly rate of hostile fire and imminent danger special pay. Makes reserve personnel on inactive duty eligible for such pay for periods during which such a member: (1) was subject to hostile fire or explosion of hostile mines; (2) was on duty in an area of imminent danger; (3) was killed, injured, or wounded by hostile action; or (4) was on duty in a foreign area in which the member was subject to the threat of harm or imminent danger due to civil insurrection, civil war, terrorism, or wartime conditions. Continues such eligibility for the first three months of any required hospitalization.

(Sec. 621) Makes officers (currently, only enlisted personnel) eligible for: (1) special pay or a bonus for extending overseas tours of duty; and (2) a rest and recuperative absence in lieu of such pay or bonus.

(Sec. 622) Makes appointed warrant officers eligible for an accession bonus for new officers serving in critical skills positions.

(Sec. 623) Authorizes the Secretary concerned to pay an incentive bonus to certain members who agree to convert to, and serve for at least four years in, a military occupational specialty for which there is a shortage of trained and qualified personnel. Limits such bonus to \$4,000. Requires pro rata repayment for any required period not served. Terminates the bonus authority after December 31, 2006.

**Subtitle C: Travel and Transportation Allowances** - (Sec. 631) Authorizes the Secretary concerned to allow a member making a permanent change of station to arrange for the private shipment of a motor vehicle in lieu of motor vehicle transportation at the expense of the United States.

(Sec. 632) Authorizes the payment or reimbursement of student baggage storage costs for dependent children accompanying members assigned to a permanent change of station overseas at any time in the same fiscal year of such change in station, as selected by the member.

(Sec. 633) Authorizes the Secretary to include in a contract for the transportation of baggage and household effects for

members a clause that requires the carrier to pay the full replacement value for loss or damage to such baggage or effects.

(Sec. 634) Authorizes round-trip transportation for up to two family members of a member who is retired due to an illness or injury incurred in active duty if the attending physician or surgeon and the commander or head of the military medical facility concerned determine that the presence of the family members would be in their best interests of the family member.

**Subtitle D: Retired Pay and Survivor Benefits** - (Sec. 641) Makes commanders of unified or specified combatant commands equal to chiefs of service for purposes of computation of the retired pay base.

(Sec. 642) Authorizes the payment of a Survivor Benefit Plan annuity for the surviving spouses of reserve personnel not eligible for retirement who die from a cause incurred or aggravated during inactive-duty training.

(Sec. 643) Increases from \$6,000 to \$12,000 the death gratuity payable to survivors of deceased military personnel. Expresses the sense of Congress recognizing the sacrifices made by members of the armed forces, the significant disparity between death benefits for survivors of deceased military personnel and those for survivors of civilian victims of terrorism, and the inadequacy of the current military death benefits system. Directs the: (1) Secretary to conduct a study to determine the adequacy of all current and projected death benefits for survivors of military personnel; and (2) Comptroller General (CG) to study death benefits payable under Federal, State, and local laws. Requires both studies' results to be submitted to the defense committees.

**Subtitle E: Other Matters** - (Sec. 651) Authorizes the Secretary to allow up to 120 days' annual leave accumulation (currently, only 60) for a member who, during a fiscal year: (1) serves on active duty for a continuous period of 120 days in an area in which the member is entitled to special pay for duty subject to hostile fire or imminent danger; or (2) is assigned to a deployable ship or mobile unit in support of a contingency operation when such member would otherwise lose any accumulated leave in excess of 60 days at the end of the fiscal year. Allows such excess leave to be used any time within the next three fiscal years.

(Sec. 652) Requires the CG to submit a report regarding the adequacy of special pays and allowances for service members who experience frequent deployments of less than 30 days away from their permanent duty stations.

**Title VII: Health Care** - (Sec. 701) Authorizes the provision of medical and dental screening for members of the Ready Reserve called or ordered to active duty. Makes eligible for enrollment under TRICARE members of the Selected Reserve and members of the Individual Ready Reserve subject to being ordered to active duty involuntarily, as well as the dependents of each. Directs the Secretary to provide at least one open enrollment period for such individuals each year. Provides annual premium amounts required for self or self and family coverage for enlisted and officer personnel. Prohibits a person from so enrolling while entitled to transitional health care authorized for a temporary period after active-duty service. Outlines additional coverage requirements and conditions.

(Sec. 702) Requires the designation for each of the TRICARE regions of at least one person to serve full-time as a beneficiary counseling and assistance coordinator solely for reserve members and their dependents who are beneficiaries under the TRICARE program.

(Sec. 703) Extends through December 31, 2008, DOD authority to enter into personal services contracts for health care services to be performed at locations outside military medical treatment facilities.

(Sec. 704) Authorizes the Secretary to determine separate Medicare-eligible retiree health care fund valuations and contributions for each of the participating military departments.

(Sec. 705) Directs the Secretary to: (1) conduct surveys in at least 20 TRICARE Standard market areas to determine the number of health care providers in each area that are accepting new patients; and (2) designate a senior DOD official to take necessary actions to achieve and maintain participation of health care providers in TRICARE Standard in each market area in a number adequate to ensure its viability for beneficiaries in that area. Requires the CG to: (1) review the above actions and report, semiannually, to the defense committees.

(Sec. 706) Amends the National Defense Authorization Act for Fiscal Year 1997 to remove certain limitations on the ability of covered beneficiaries to receive health care services from former Public Health Service treatment facilities.

(Sec. 707) Establishes the Department of Veterans Affairs-Department of Defense Joint Executive Committee to recommend direction for the joint coordination and sharing of health care efforts. Directs the Committee to report annually to the Secretaries and Congress.

(Sec. 708) Makes eligible for medical and dental care in any military medical facility a member of the reserves who has been commissioned as an officer if: (1) the member has requested orders for active duty for the initial period of duty following commissioning; (2) the request has been approved; (3) the orders are to be issued but have not been issued; and (4) the member does not have other health insurance or coverage.

(Sec. 709) Includes a dental specialist as a specialty care provider for purposes of authorized reimbursement of certain travel expenses of a covered military health care beneficiary who is referred by a primary care physician to a specialty care provider who is more than 100 miles from the location of the primary care physician.

**Title VIII: Acquisition Policy, Acquisition Management, and Related Matters - Subtitle A: Acquisition Policy and**

**Management** - (Sec. 801) Amends the National Defense Authorization Act for Fiscal Year 2002 to extend through FY 2005 (currently FY 2003) the authority to undertake emergency procurements to facilitate the defense against or recovery from terrorism or biological, chemical (current law), nuclear, or radiological attack.

(Sec. 802) Authorizes the Secretary, through FY 2006, to settle any financial account for a contract entered into by the Secretary or the Secretary of a military department before October 1, 1996, that is administratively complete if the account has an unreconciled balance, either positive or negative, of less than \$100,000.

(Sec. 803) Requires the Secretary to revise and reissue DOD Directive 4650.1, relating to management and use of the radio frequency spectrum, to update the procedures applicable to DOD management and use of such spectrum. Outlines requirements for DOD system acquisition that involves the use of spectrum.

(Sec. 804) Requires the Secretary, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, to: (1) direct and manage the acquisitions under the National Security Agency Modernization Program; and (2) designate projects under such Program as major defense acquisition programs. Lists included projects. Requires the Under Secretary to exercise milestone decision authority with respect to such projects. Prohibits the delegation of such authority before October 1, 2006, and sets forth conditions for such delegation.

(Sec. 805) Directs the Secretary to prescribe a quality control policy for the procurement of aviation critical safety items and of modifications, repair, and overhaul of such items.

**Subtitle B: Procurement of Services** - (Sec. 811) Amends the Spence Act to: (1) increase from \$5 million to \$10 million

the value of a DOD performance-based service contract or task order that may be treated as a contract for the procurement of commercial items; and (2) extend such treatment authority through October 30, 2006.

(Sec. 812) Authorizes the Secretary to carry out a pilot program during FY 2004 through 2008 for use of a best value criterion in the selection of sources for performance of information technology services for DOD. Requires the analysis to include an examination as to whether change of the performance of an information technology service function from DOD employees to the private sector will result in the best value to the Government over the life of the contract. Requires the CG to review the pilot program and report results to the defense and appropriations committees.

(Sec. 813) Authorizes the head of any DOD element within the intelligence community, or the United States Special Operations Command, to enter into a contract for the procurement of personal services necessary to carry out required missions without regard to current limitations on such contracts if the services to be procured are unique and not practically obtained by other means.

**Subtitle C: Major Defense Acquisition Programs** - (Sec. 821) Amends the National Defense Authorization Act for Fiscal Year 1994 to extend through FY 2007 DOD authority to engage in certain weapons-related prototype projects. Includes under such authority the improvement of weapons or weapon systems currently in use by the armed forces. Authorizes the Secretary to carry out a pilot program for follow-on contracting for the production of items or processes that are developed by nontraditional defense contractors under such prototype projects. Terminates pilot program authority on September 30, 2007.

(Sec. 822) Directs the Secretary to establish a board of senior acquisition officials to administer the implementation of policies and requirements applicable for procurements of information technology equipment determined to be an integral part of a weapon or weapon system.

**Subtitle D: Domestic Source Requirements** - (Sec. 831) Exempts from Buy American requirements procurements: (1) outside the United States in support of contingency operations; (2) for which other than competitive procedures have been approved which relate to unusual and compelling urgency of need; and (3) of waste and byproducts of cotton and wood fiber for use in the production of propellants and explosives.

(Sec. 833) Authorizes the Secretary to waive the application of any domestic source or content requirement for the procurement of items grown, processed, or manufactured in a foreign country that has a Declaration of Principles (cooperative relationship) with the United States when the Secretary determines that: (1) such application would impede the reciprocal procurement of defense items under such a Declaration; and (2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(Sec. 834) Provides a Buy American requirement exception with respect to ball and roller bearings prepared for use in foreign products.

**Subtitle E: Defense Acquisition and Support Workforce** - (Sec. 841) Repeals provisions establishing certain acquisition workforce directors. Authorizes the Secretary (currently the acquisition career program board concerned) to waive acquisition workforce management requirements when the Secretary determines that the employee possesses significant potential for advancement to levels of greater responsibility and authority. Eliminates the requirement that the Office of Personnel Management approve of DOD civilian workforce management requirements. Provides for a single Acquisition Corps for all of the armed forces (currently, there is one for each department). Directs the Secretary (currently, each department) to conduct internship, cooperative education, and scholarship programs for aiming

promising students toward DOD acquisition careers.

Authorizes the Secretary to prescribe a different minimum number of years of experience, different minimum education qualifications, and different tenure of service qualifications for eligibility for appointment or advancement to the following acquisition positions: contracting officer, program executive officer, senior contracting official, program manager, and positions in the contract contingency force that are filled by military personnel.

(Sec. 842) Prohibits reduction of the defense acquisition and support workforce below its level as of September 30, 2002, except as necessary to strengthen such workforce in higher priority positions as authorized under this section.

(Sec. 843) Amends the National Defense Authorization Act for Fiscal Year 1996 to require at least two-thirds of the individuals participating in a demonstration project relating to certain acquisition personnel management policies and procedures to be acquisition workforce and support personnel. Increases the authorized number of project participants from 95,000 to 120,000.

**Subtitle F: Federal Support for Procurement of Anti-Terrorism Technologies and Services by State and Local Governments** - (Sec. 851) Authorizes the President to exercise discretionary indemnification authority to indemnify contractors and subcontractors in procurements by States or units of local government of a technology or service for preventing, detecting, identifying, deterring, or recovering from acts of terrorism. Provides indemnification limits.

(Sec. 852) Directs the President to designate an officer or Federal employee to: (1) establish a program under which States and local governments may procure anti-terrorism technologies or services; and (2) carry out the SAFER grant program (grants for increasing the number of permanent firefighting positions). Sets forth responsibilities of the contracting official and required procurement application procedures under each program. Provides firefighter compensation limits under the SAFER program. Terminates at the end of FY 2010 the authority to award a SAFER grant. Requires a SAFER grant program report from the designated officer or employee to Congress. Authorizes appropriations for FY 2004 through 2006.

**Subtitle G: General Contracting Authorities, Procedures, and Limitations, and Other Matters** - (Sec. 861) Directs the Secretary to delegate to the commander of the unified combatant command responsible for joint warfighting experimentation the authority to develop and acquire battlefield command, control, communications, and intelligence equipment and other equipment appropriate for joint warfighting experimentation purposes. Provides cost limits.

(Sec. 862) Allows the Director of the Department of Defense Test Resource Management Center to be chosen from among senior civilian officers and employees of DOD (currently, only from active-duty commissioned officers).

Amends the Stump Act to require the Director of Operational Test and Evaluation, if items are deployed under rapid acquisition and deployment procedures before completion of operational testing and evaluation, to have access to relevant operational records and data in order to complete such testing and evaluation.

(Sec. 863) Repeals the five-year limit for task and delivery order contracts in connection with multi-year contracts for the acquisition of services. Allows the head of an agency entering into such a contract to provide that the contract cover a five-year period and an extended period, but prohibits the total period from exceeding eight years.

(Sec. 864) Repeals the requirement that a procurement contractor provide written assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the contractor.

(Sec. 865) Allows entering into a contract which covers parts of two different fiscal years, as long as the total contract

period does not exceed one year, in connection with the DOD lease of real or personal property.

(Sec. 866) Directs the Secretary to require the Secretary of each military department, the head of each defense agency, and the head of each DOD field activity to ensure that decisions made regarding consolidation of contract requirements (consolidation) are made with a view to providing small businesses with appropriate opportunities to participate in DOD procurements as prime contractors and/or subcontractors. Prohibits any such official from executing an acquisition strategy that includes a consolidation with a total value in excess of \$5 million unless the senior procurement executive concerned first: (1) conducts market research; (2) identifies any alternative contract approaches that would involve a lesser degree of consolidation; and (3) determines that the consolidation is necessary and justified.

Directs the Secretary to: (1) review DOD data collection systems to ensure that such systems are capable of identifying each procurement that involves a consolidation with a total value in excess of \$5 million; and (2) ensure that appropriate DOD officials periodically review the information collected to determine the extent of such consolidation and its impact on the ability of small businesses to participate in DOD procurements.

#### **Title IX: Department of Defense Organization and Management - Subtitle A: Department Officers and Agencies -**

(Sec. 902) Redesignates the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency. Requires the Director of the National Geospatial-Intelligence Agency to report to specified congressional committees and subcommittees on the status of Agency efforts to incorporate within the Commercial Joint Mapping Tool Kit applications for the rapid extraction and exploitation of three-dimensional geospatial data from reconnaissance imagery.

(Sec. 903) Directs the Secretary to promulgate standards of conduct for members of the Defense Policy Board and the Defense Science Board. Requires an implementation report from the Secretary to the defense committees.

**Subtitle B: Space Activities** - (Sec. 911) Directs the Under Secretary of the Air Force to develop a space science and technology strategy, review and revise the strategy as appropriate, and report to the defense committees. Requires the CG to review and assess such strategy and report assessment results to such committees.

(Sec. 912) Requires the Secretary to develop and report to the defense committees on a human capital resources strategy for space personnel of DOD. Requires the CG to review the strategy and report results to the defense committees.

(Sec. 913) Declares it to be the policy of the United States for the President to undertake appropriate actions to ensure that the United States has the necessary capabilities to launch and insert U.S. national security payloads into space whenever needed.

(Sec. 914) Directs the Secretary to carry out a three-year pilot program to provide entities outside the Federal Government with satellite tracking services using assets owned or controlled by DOD. Requires a recipient of such services to enter into an agreement not to transfer any data or technical information to any other entity without the Secretary's express approval. Prohibits services and information concerning or derived from U.S. intelligence assets or data from being provided under the pilot program.

(Sec. 915) Requires additional information in a required report from the Secretary to the defense committees concerning the Global Positioning System.

**Subtitle C: Other Matters** - (Sec. 921) Redesignates the CINC Initiative Fund as the Combatant Commander Initiative Fund. Includes joint warfighting capabilities among authorized Fund activities. Increases the maximum amounts

authorized for various Fund activities.

(Sec. 922) Authorizes the President of the Marine Corps University to confer the degree of master of operational studies upon graduates of the School of Advanced Warfighting of the Command and Staff College.

(Sec. 923) Directs the Secretary to report to the defense committees on the changing roles of the U.S. Special Operations Command.

(Sec. 924) Declares it to be a DOD goal to fully coordinate and integrate the intelligence, surveillance, and reconnaissance capabilities and developmental activities of the military departments, intelligence agencies, and relevant combatant commands. Requires the Under Secretary of Defense for Intelligence to: (1) establish an Intelligence, Surveillance, and Reconnaissance Integration Council to provide a permanent forum for the discussion and arbitration of issues relating to the integration of intelligence, surveillance, and reconnaissance capabilities; (2) develop a comprehensive Defense Intelligence, Surveillance, and Reconnaissance Roadmap to guide the development and integration of DOD intelligence, surveillance, and reconnaissance capabilities for 15 years; and (3) report results to the defense, appropriations, and intelligence committees.

(Sec. 925) Authorizes the Secretary to cooperate with the Governor of the Northern Mariana Islands to establish the National Guard for the Northern Mariana Islands and to integrate its members into the U.S. Army and Air National Guards.

**Title X: General Provisions - Subtitle A: Financial Matters** - (Sec. 1001) Authorizes the Secretary, in the national interest, to transfer up to \$3 billion of the amounts made available to DOD in this Act between any authorizations for that fiscal year. Requires congressional notification of each transfer.

(Sec. 1002) Provides a new limitation on the total amount authorized to be contributed by the Secretary for the common-funded budgets of NATO (rather than the maximum amount otherwise applicable under the 1998 baseline limitation). Allocates for such purpose amounts authorized under titles II and III of this Act.

(Sec. 1003) Adjusts amounts authorized to be appropriated in the Stump Act by the amount by which appropriations pursuant to such authorizations were increased or decreased by any supplemental appropriations for FY 2003. Requires a report from the Secretary to the defense and appropriations committees on FY 2003 fund transfers through transfer accounts, including the Iraqi Freedom Fund.

**Subtitle B: Improvement of Travel Card Management** - (Sec. 1011) Authorizes the Secretary to waive the requirement of direct payment to a travel card issuer (for payment of Government travel) when such payment would be against equity or good conscience or contrary to the best interests of the United States.

(Sec. 1012) Directs the Secretary to require that the creditworthiness of an individual be evaluated before a Defense travel card is issued.

(Sec. 1013) Requires the Secretary to prescribe and report to the defense committees on guidelines and procedures for making determinations regarding the taking of disciplinary action, including assessment of penalties, against DOD personnel for improper, fraudulent, or abusive use of Defense travel cards.

**Subtitle C: Reports** - (Sec. 1021) Eliminates or revises various reporting requirements applicable to DOD. Terminates after FY 2006 a required report from the Secretary to the defense committees concerning DOD cooperative agreements and transactions to carry out research projects. Requires quarterly reports from the Secretary to the defense and



appropriations committees on the conveyance of utility systems. Raises from \$500,000 to \$1 million the threshold required for DOD architectural and engineering services and construction design activities prior to congressional notification of the scope and cost of such services.

Amends the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 to remove an annual reporting requirement concerning DOD obligations for humanitarian and civic assistance incidental to authorized operations.

(Sec. 1022) Directs the Secretary to prescribe an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the armed forces. Requires plan reports from the Secretary to the defense and appropriations committees during 2004 through 2006.

(Sec. 1023) Requires the Secretary to report to the above committees on the conduct of military operations under Operation Iraqi Freedom. Requires that if a contract for the maintenance, rehabilitation, construction, or repair of infrastructure in Iraq is entered into under the oversight and direction of the Secretary or the Office of Reconstruction and Humanitarian Assistance within the Office of the Secretary without full and open competition, then the Secretary shall publish in the Federal Register or Commerce Business Daily and otherwise make public specified information on such contract, including justification and approval to use procedures other than full and open competition. Makes such requirement inapplicable to contracts entered into more than one year after enactment of this Act. Authorizes the head of an agency to withhold any information under such contract considered classified, but requires the full disclosure of such contract to specified congressional committees.

(Sec. 1024) Directs the Secretary to report to the defense committees on the mobilization of reserve forces during fiscal years 2002 and 2003.

(Sec. 1025) Requires the Secretary to study and report to Congress on the adequacy of the U.S. industrial base to meet defense requirements for beryllium.

**Subtitle D: Other Matters** - (Sec. 1031) Requires the Secretary, through the Commander of the U.S. Joint Forces Command, to carry out a joint experiment in FY 2004 to demonstrate and evaluate available blue (friendly) forces tracking technologies. Requires experiment results to be reported by the Secretary to the defense and appropriations committees.

(Sec. 1032) Authorizes the Secretary concerned, during FY 2004 and 2005, to exchange for an historical artifact any obsolete or surplus property held by such department.

(Sec. 1033) Authorizes the Secretary to accept any gifts (currently only foreign gifts or donations) on behalf of the Asia-Pacific Center for Security Studies. Authorizes the Secretary of the Navy to utilize the authority to accept a qualified guarantee for the completion of a major project in connection with development of the Marine Corps Heritage Center at the Marine Corps Base in Quantico, Virginia. Terminates such authority on December 31, 2006.

(Sec. 1034) Authorizes the Director of the National Security Agency to provide living quarters to a student in the Student Educational Employment Program or a similar program while the student is employed at the Agency laboratory.

(Sec. 1035) Amends the National Security Act of 1947 to allow the Director of the National Security Agency (NSA) to exempt NSA's operational files from public disclosure requirements. Outlines exceptions. Provides for judicial review whenever any person requesting information under the Freedom of Information Act alleges that the NSA has improperly

withheld records. Requires the Directors of NSA and Central Intelligence, at least every ten years, to review the exemptions to determine whether any should be removed, with consideration of the historical value of or other public interest in the subject matter of an exempted file and the potential for declassifying a significant part of the information.

(Sec. 1037) Directs the President to report to Congress on potential uses of unmanned aerial vehicles for support of the performance of homeland security missions.

(Sec. 1038) Authorizes the Secretary of the Air Force to convey to the Air Force Aviation Heritage Foundation, Inc., all rights and interest to one surplus T-37 "Tweet" aircraft, after ensuring that such aircraft no longer has any combat capability.

(Sec. 1039) Expresses the sense of the Senate: (1) that the Secretary should use available authority to disburse funds awarding individuals who provide information leading to the conclusive resolution of the status of any missing member of the armed forces; and (2) to encourage the Secretary to authorize and publicize a reward of \$1 million for information resolving the fate of those military personnel, such as Michael Scott Speicher, who the Secretary has reason to believe may yet be alive in captivity.

(Sec. 1040) Expresses the sense of the Senate: (1) in support of the innovative Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program; (2) of concern that the future-years defense program for FY 2004 does not reflect any Enterprise funding after FY 2004; and (3) that the Secretaries of Defense and the Navy should continue Enterprise funding at a sustained level through the future-years defense program in order to support subsequent rounds of research that reduce the cost of designing, building, and repairing ships.

(Sec. 1041) Expresses the sense of the Senate that each U.S. air carrier should: (1) make every effort to allow active-duty personnel to purchase tickets on a space-available basis for the lowest fares offered, without regard to advance purchase requirements and other restrictions; and (2) offer flexible terms that allow such personnel to purchase, modify, or cancel tickets without time restrictions, fees, or penalties.

(Sec. 1042) Expresses the sense of the Senate that the Secretary of the Army should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all U.S. chemical stockpile disposal sites in order to achieve the broadest possible protection of the general public, personnel involved in the chemical demilitarization program, and the environment.

(Sec. 1043) Amends Federal provisions concerning the National Guard Challenge Program of opportunities for civilian youth to: (1) eliminate prior-year matching funds requirements; (2) increase the amount of Program funds authorized for FY 2004; (3) direct the Secretary to conduct a study of the matching funds requirement and the value of the Program to DOD; (4) require the Secretary to include study findings in the next Program report to Congress; (5) increase by \$3 million the amount authorized to be appropriated under this Act for O&M for the Army National Guard; and (6) earmark such increased amount for the Program.

(Sec. 1044) Expresses the sense of the Senate that the Secretary should reconsider the decision of DOD to terminate the border and seaport inspection duties of the National Guard as part of the National Guard drug interdiction and counter-drug mission.

**Title XI: Department of Defense Civilian Personnel Policy** - (Sec. 1101) Authorizes the Secretary to employ civilian faculty members at the Western Hemisphere Institute for Security Cooperation.

(Sec. 1102) Provides that when the Secretary seeks a grant of authority for critical pay for one or more positions within DOD, the Director of the Office of Management and Budget may fix such rate of pay. Prohibits the total of such pay from exceeding that authorized for the Vice President under current Federal pay provisions. Authorizes the Secretary to establish, fix the compensation of, and appoint persons to positions designated as critical administrative, technical, or professional positions of DOD. Terminates such authority ten years after enactment of this Act.

(Sec. 1103) Amends the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Thurmond Act) to: (1) extend through FY 2008 the experimental authority for DOD recruitment of science or engineering experts for R&D projects administered by the Defense Advanced Research Projects Agency; (2) increase from 40 to 50 the number of authorized appointments; and (3) extend a required annual report.

(Sec. 1104) Authorizes the Secretary to transfer to the Office of Personnel Management the personnel sec

## Actions Timeline

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- **Jun 5, 2003:** Message on Senate action sent to the House.
- **Jun 5, 2003:** Received in the House.
- **Jun 5, 2003:** Held at the desk.
- **Jun 4, 2003:** Measure further amended to incorporate language of Amendment SA 847 and Amendment SA 848 by Unanimous Consent.
- **May 22, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR S6941)
- **May 22, 2003:** Senate struck all after the Enacting Clause and substituted the language of S. 1050 amended (Division A of the bill).
- **May 22, 2003:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **May 22, 2003:** Passed Senate with an amendment by Unanimous Consent.
- **May 13, 2003:** Introduced in Senate
- **May 13, 2003:** Committee on Armed Services. Original measure reported to Senate by Senator Warner. Without written report.
- **May 13, 2003:** Committee on Armed Services. Original measure reported to Senate by Senator Warner. Without written report.
- **May 13, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 93.
- **May 8, 2003:** Committee on Armed Services ordered to be reported an original measure.