SA 743. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 744. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, supra; which was ordered to lie on the table.

SA 745. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 746. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 747. Mr. WYDEN (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. BYRD, Mr. LAUTENBERG, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 748. Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 749. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 750. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 751. Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1050, supra.

SA 752. Mr. WARNER proposed an amendment to amendment SA 751 proposed by Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) to the bill S. 1050, supra.

SA 753. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 754. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 755. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 756. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 700. Mr. LOTT (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following:

SEC. 1039. ADVANCED SHIPBUILDING ENTERPRISE.

(a) FINDINGS.—Congress makes the following findings:

(1) The President's budget for fiscal year 2004, as submitted to Congress, includes $10,300,000 for the Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency among shipyards in the defense industrial base.

(3) The leaders of the Nation's shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method of exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all manufacturers in the industry.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate strongly supports the innovative Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program that has yielded new processes and techniques to reduce the cost of building and repairing ships in the United States;

(2) the Senate is concerned that the future-years defense program submitted to Congress for fiscal year 2004 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2004; and

(3) the Secretary of Defense and the Secretary of the Navy should continue funding the Advanced Shipbuilding Enterprise at a sustaining level through the future-years defense program to support subsequent rounds of research that reduce the cost of designing, building, and repairing ships.

SA 701. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

Subtitle E—Other Matters

SEC. 2851. EFFECT OF CERTAIN FACILITIES ADMINISTRATION AND MILITARY HOUSING ACTIVITIES ON ALLOCATIONS OR ELIGIBILITY OF MILITARY INSTALLATIONS FOR POWER FROM FEDERAL POWER MARKETING AGENCIES.

Notwithstanding any other provision of law, a Federal power marketing agency may not terminate the eligibility of a military installation for power, or reduce the allocation of power to a military installation, as a result of the exercise at the military installation of any authority as follows:

(1) The conveyance of a utility system of the military installation under section 2688 of title 10, United States Code.

(2) The acquisition or improvement of military housing for the military installation under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

SA 702. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. GUARDFIST II FIRE SUPPORT TRAINING SYSTEM.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $791,000 shall be available for Non-System Training Devices Combined Arms (PE 0604715F) for the GUARDFIST II fire support training system.

(2) The amount available under paragraph (1) for the purpose specified in that section is in addition to any other amounts available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, the amount available for Next Generation Training and Simulation Systems (PE 0603015A) for the Institute for Creative Technologies (ICT) is hereby reduced by $791,000.

SA 703. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 5 and 6, insert the following:

SEC. 370. PUBLIC-PRIVATE PARTNERSHIPS FOR GOVERNMENT-OWNED, GOVERNMENT-OPERATED ARSENALS, LOGISTICS BASES, AND WEAPON MANUFACTURING ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2474(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''depot-level activity of the military departments and the Defense Agencies'' and inserting ''activity of the military departments and the Defense Agencies described in paragraph (4)''; and

(2) by adding at the end the following new paragraph:

''(4) The activities of the military departments and Defense Agencies that are to be designated under paragraph (1) are as follows:

''(A) The depot-level activities.

''(B) The following Government-owned, Government operated activities:

''(i) Arsenals.

''(ii) Logistics bases.

''(iii) Weapon manufacturing activities.''.

SA 704. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2815. PREPARATION OF LIST OF MILITARY INSTALLATIONS EXCLUDED FROM CONSIDERATION IN 2005 BASE CLOSURE ROUND.

Section 2913 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 subsections:

''(g) BASE EXCLUSION CRITERIA.—In preparing the selection criteria required by this section that will be used in making recommendations for the closure or realignment of military installations inside the United States, the Secretary shall ensure that the final criteria reflect the requirement to develop a list of those military installations to be excluded from the base closure and realignment process, as provided in subsection (h).

''(h) LIST OF INSTALLATIONS EXCLUDED FROM CONSIDERATION FOR CLOSURE OR REALIGNMENT.—(1) Before preparing the list required by section 2914(a) of the military installations inside the United States that the Secretary recommends for closure or realignment, the Secretary shall prepare a list of core military installations that the Secretary considers absolutely essential to the national defense and that should not be considered for closure.

''(2) Not later than April 1, 2005, the Secretary shall submit to the congressional defense committees, publish in the Federal Register, and send to the Commission the list required by paragraph (1). The list shall contain at least 50 percent of the total number of military installations located inside the United States as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

''(3) The Commission shall consider the list based on the final criteria developed under subsection (e). The Commission may modify this list, in the manner provided in section 2903(d) and section 2914(d), if the Commission finds that the inclusion of a military installation on the list substantially violates the criteria. The Commission shall forward to the President, not later than April 30, 2004, a report containing its recommendations regarding the list, which must comply with the percentages specified in paragraph (2). The Comptroller General shall also comply with section 2904(d)(5) by that date.

''(4) If the Commission submits a report to the President under paragraph (3), the President shall notify Congress, not later than May 10, 2005, regarding whether the President approves or disapproves the report. If the President disapproves the report, the Commission shall be dissolved, and the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

''(5) A military installation included on the exclusion list approved under this subsection may not be included on the closure and realignment list prepared under section 2914(a) or otherwise considered for closure or realignment as part of the base closure process in 2005.''.

SA 705. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 926. REQUIRED FORCE STRUCTURE.

(a) ARMY.—Section 3062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Army shall be so organized as to include not less than—

''(1) 10 active and eight National Guard combat divisions or their equivalents;

''(2) one active armored cavalry regiment and one light cavalry regiment or their equivalents;

''(3) 15 National Guard enhanced brigades or their equivalents; and

''(4) such other active and reserve component land combat, rotary-wing aviation, and other services as may be required to support forces specified in paragraphs (1) through (3).''.

(b) NAVY.—Section 5062 of such title is amended by adding at the end the following new subsection:

''(d) The Navy, within the Department of the Navy, shall be so organized as to include—

''(1) not less than 305 vessels in active service;

''(2) not less than 12 aircraft carrier battle groups or their equivalents, not less than 12 amphibious ready groups or their equivalents, not less than 55 attack submarines, not less than 108 active surface combatant vessels, and not less than 8 reserve combatant vessels; and

''(3) such other active and reserve naval combat, naval aviation, and service forces as may be required to support forces specified in paragraphs (1) and (2).''.

(c) AIR FORCE.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) Notwithstanding subsection (e), the Air Force shall be so organized as to include not less than—

''(1) 46 active fighter squadrons or their equivalents;

''(2) 38 National Guard and Reserve squadrons or their equivalents;

''(3) 96 combat-coded bomber aircraft in active service; and

''(4) such other squadrons, reserve groups, and supporting auxiliary and reserve units as may be required to support forces specified in paragraphs (1) through (3).''.

At the end of subtitle B of title XXVIII, add the following:

SEC. 2815. MODIFICATION OF AUTHORITY TO CONDUCT A ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.

Section 2912(a) 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—

(1) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) A force-structure plan for the Armed Forces that—

''(i) at a minimum, assumes the force structure under the 1991 Base Force force structure (as defined in paragraph (5)) that is also known as the 'Cheney-Powell force structure'; and

''(ii) includes such consideration as the Secretary considers appropriate of an assessment by the Secretary of—

''(I) the probable threats to the national security during the 20-year period beginning with fiscal year 2005;

''(II) the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats; and

''(III) the anticipated levels of funding that will be available for national defense purposes during such period.'';

(2) in paragraph (2)(A), by inserting before the period at the end the following: '', based upon an assumption that there are no installations available outside the United States for the permanent basing of elements of the Armed Forces'';

(3) in paragraph (4), by inserting after the first sentence the following new sentence: ''Any such revision shall be consistent with this subsection.''; and

(4) by adding at the end the following new paragraph:

''(5) BASE FORCE.—In this subsection, the term '1991 Base Force force structure' means the force structure plan for the Armed Forces, known as the 'Base Force', that was adopted by the Secretary of Defense in November 1990 based upon recommendations of the Chairman of the Joint Chiefs of Staff and as incorporated in the President's budget for fiscal year 1992, as submitted to Congress in February 1991, and that assumed the following force structure:

''(A) For the Department of Defense, 1,600,000 members of the Armed Forces on active duty and 900,000 members in an active status in the reserve components.

''(B) For the Army, 12 active divisions, six National Guard divisions, and two cadre divisions or their equivalents.

''(C) For the Navy, 12 aircraft carrier battle groups or their equivalents and 451 naval vessels, including 85 attack submarines.

''(D) For the Marine Corps, three active and one Reserve divisions and three active and one Reserve air wings.

''(E) For the Air Force, 15 active fighter wings and 11 National Guard fighter wings or their equivalents.''.

SEC. 2816. USE OF FORCE-STRUCTURE PLAN FOR ARMED FORCES IN PREPARATION OF SELECTION CRITERIA FOR BASE CLOSURE ROUND.

Section 2913(a) 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 paragraph:

''(3) USE OF FORCE-STRUCTURE PLAN.—In preparing the proposed and final criteria to be used by the Secretary in making recommendations under section 2914 for the closure or realignment of military installations inside the United States, the Secretary shall use the force-structure plan for the Armed Forces prepared under section 2912(a).''

SA 706. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 926. REQUIRED FORCE STRUCTURE.

(a) ARMY.—Section 3062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Army shall be so organized as to include not less than—

''(1) 10 active and eight National Guard combat divisions or their equivalents;

''(2) one active armored cavalry regiment and one light cavalry regiment or their equivalents;

''(3) 15 National Guard enhanced brigades or their equivalents; and

''(4) such other active and reserve component land combat, rotary-wing aviation, and other services as may be required to support forces specified in paragraphs (1) through (3).''.

(b) NAVY.—Section 5062 of such title is amended by adding at the end the following new subsection:

''(d) The Navy, within the Department of the Navy, shall be so organized as to include—

''(1) not less than 305 vessels in active service;

''(2) not less than 12 aircraft carrier battle groups or their equivalents, not less than 12 amphibious ready groups or their equivalents, not less than 55 attack submarines, not less than 108 active surface combatant vessels, and not less than 8 reserve combatant vessels; and

''(3) such other active and reserve naval combat, naval aviation, and service forces as may be required to support forces specified in paragraphs (1) and (2).''.

(c) AIR FORCE.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) Notwithstanding subsection (e), the Air Force shall be so organized as to include not less than—

''(1) 46 active fighter squadrons or their equivalents;

''(2) 38 National Guard and Reserve squadrons or their equivalents;

''(3) 96 combat-coded bomber aircraft in active service; and

''(4) such other squadrons, reserve groups, and supporting auxiliary and reserve units as may be required to support forces specified in paragraphs (1) through (3).''.

At the end of subtitle B of title XXVIII, add the following:

SEC. 2815. MODIFICATION OF AUTHORITY TO CONDUCT A ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.

(a) REVISION TO FORCE STRUCTURE PLAN FOR 2005 ROUND.—Section 2912(a) 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—

(1) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) A force-structure plan for the Armed Forces that—

''(i) at a minimum, assumes the force structure under the 1991 Base Force force structure (as defined in paragraph (5)) that is also known as the 'Cheney-Powell force structure'; and

''(ii) includes such consideration as the Secretary considers appropriate of an assessment by the Secretary of—

''(I) the probable threats to the national security during the 20-year period beginning with fiscal year 2005;

''(II) the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats; and

''(III) the anticipated levels of funding that will be available for national defense purposes during such period.'';

(2) in paragraph (2)(A), by inserting before the period at the end the following: '', based upon an assumption that there are no installations available outside the United States for the permanent basing of elements of the Armed Forces'';

(3) in paragraph (4), by inserting after the first sentence the following new sentence: ''Any such revision shall be consistent with this subsection.''; and

(4) by adding at the end the following new paragraph:

''(5) BASE FORCE.—In this subsection, the term '1991 Base Force force structure' means the force structure plan for the Armed Forces, known as the 'Base Force', that was adopted by the Secretary of Defense in November 1990 based upon recommendations of the Chairman of the Joint Chiefs of Staff and as incorporated in the President's budget for fiscal year 1992, as submitted to Congress in February 1991, and that assumed the following force structure:

''(A) For the Department of Defense, 1,600,000 members of the Armed Forces on active duty and 900,000 members in an active status in the reserve components.

''(B) For the Army, 12 active divisions, six National Guard divisions, and two cadre divisions or their equivalents.

''(C) For the Navy, 12 aircraft carrier battle groups or their equivalents and 451 naval vessels, including 85 attack submarines.

''(D) For the Marine Corps, three active and one Reserve divisions and three active and one Reserve air wings.

''(E) For the Air Force, 15 active fighter wings and 11 National Guard fighter wings or their equivalents.''.

(b) PREPARATION OF LIST OF MILITARY INSTALLATIONS EXCLUDED FROM CONSIDERATION IN 2005 ROUND.—Section 2913 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 subsections:

''(g) BASE EXCLUSION CRITERIA.—In preparing the selection criteria required by this section that will be used in making recommendations for the closure or realignment of military installations inside the United States, the Secretary shall ensure that the final criteria reflect the requirement to develop a list of those military installations to be excluded from the base closure and realignment process, as provided in subsection (h).

''(h) LIST OF INSTALLATIONS EXCLUDED FROM CONSIDERATION FOR CLOSURE OR REALIGNMENT.—(1) Before preparing the list required by section 2914(a) of the military installations inside the United States that the Secretary recommends for closure or realignment, the Secretary shall prepare a list of core military installations that the Secretary considers absolutely essential to the national defense and that should not be considered for closure.

''(2) Not later than April 1, 2005, the Secretary shall submit to the congressional defense committees, publish in the Federal Register, and send to the Commission the list required by paragraph (1). The list shall contain at least 50 percent of the total number of military installations located inside the United States as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

''(3) The Commission shall consider the list based on the final criteria developed under subsection (e). The Commission may modify this list, in the manner provided in section 2903(d) and section 2914(d), if the Commission finds that the inclusion of a military installation on the list substantially violates the criteria. The Commission shall forward to the President, not later than April 30, 2004, a report containing its recommendations regarding the list, which must comply with the percentages specified in paragraph (2). The Comptroller General shall also comply with section 2904(d)(5) by that date.

''(4) If the Commission submits a report to the President under paragraph (3), the President shall notify Congress, not later than May 10, 2005, regarding whether the President approves or disapproves the report. If the President disapproves the report, the Commission shall be dissolved, and the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

''(5) A military installation included on the exclusion list approved under this subsection may not be included on the closure and realignment list prepared under section 2914(a) or otherwise considered for closure or realignment as part of the base closure process in 2005.''.

SEC. 2816. USE OF FORCE-STRUCTURE PLAN FOR ARMED FORCES IN PREPARATION OF SELECTION CRITERIA FOR BASE CLOSURE ROUND.

Section 2913(a) 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 paragraph:

''(3) USE OF FORCE-STRUCTURE PLAN.—In preparing the proposed and final criteria to be used by the Secretary in making recommendations under section 2914 for the closure or realignment of military installations inside the United States, the Secretary shall use the force-structure plan for the Armed Forces prepared under section 2912(a).''

SA 707. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, between lines 11 and 12, and insert the following:

SEC. 213. HUMAN TISSUE ENGINEERING.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,710,000 shall be available in PE 0602787A–874 for human tissue engineering.

(b) OFFSETS.—Of the amount authorized to be appropriated under section 201(1)—

(1) the total amount available in PE 0603015A for the Institute for Creative Technology, is hereby reduced by $710,000;

(2) the total amount available in PE 0602308A–DO2 for the Institute for Creative Technology, is hereby reduced by $500,000; and

(3) the total amount available in PE 0602712A for chemical vapor sensing, for landmine detection by Fido, is hereby reduced by $500,000.

SA 708. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following new section:

SEC. 1039. AUTHORITY TO PROVIDE HOMELAND SECURITY ASSISTANCE TO NEW YORK METROPOLITAN TRANSPORTATION AUTHORITY.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) The Secretary of the Army, acting through the United States Army Communications and Electronics Research Development Center of the Army Materiel Command, may provide to the New York Metropolitan Transportation Authority the assistance described in paragraph (2).

(2) The assistance that may be provided under this section is programmatic, technical, and acquisition assistance that utilizes the unique expertise of the Army in land-based command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) technology in support of the homeland security efforts of the New York Metropolitan Transportation Authority.

(b) REQUIREMENT FOR REIMBURSEMENT.—The Secretary may provide assistance under subsection (a) only to the extent that the

Authority reimburses the Secretary for the costs to the Army of providing such assistance.

(c) USE OF RECEIPTS.—The Secretary may retain amounts received under subsection (b) to reimburse the costs of the Army in providing assistance under subsection (a), and such funds shall be credited to appropriations of the Army then currently available for the same purposes.

(d) TERMINATION OF AUTHORITY.—The authority under this section expires on September 30, 2010.

SA 709. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 332. RANGE MANAGEMENT.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2711. Range management

''(a) EXCLUSION OF CERTAIN MUNITIONS AND OTHER MATERIALS FROM SOLID WASTE UNDER SOLID WASTE DISPOSAL ACT.—(1) For purposes of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the term 'solid waste' shall not include military munitions, including unexploded ordnance and the constituents thereof, that are or have been deposited incident to their normal and expected use on an operational range and remain thereon, unless such military munitions, including unexploded ordnance and the constituents thereof—

''(A) are recovered, collected, and then disposed of by burial or landfilling; or

''(B) have migrated off an operational range and are not addressed through a response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(2) Military munitions, including unexploded ordnance and the constituents thereof, that are described by subparagraph (A) or (B) of paragraph (1) shall be treated as solid waste for purposes of the Solid Waste Disposal Act, including sections 7002 and 7003 of that Act (42 U.S.C. 6972, 6973), where applicable.

''(3) Nothing in this subsection shall be construed to effect the authority of Federal, State, interstate, local regulatory authorities to determine when military munitions, including unexploded ordnance and the constituents thereof but excluding military munitions (including unexploded ordnance and the constituents thereof) that are excluded from solid waste under paragraph (1), are or become hazardous waste for purposes of the Solid Waste Disposal Act.

''(b) EXCLUSION OF CERTAIN ACTIONS ON MUNITIONS AND OTHER MATERIALS FROM RELEASE UNDER CERCLA.—(1) For purposes of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the term 'release' shall not include the deposit or presence on an operational range of any military munitions, including unexploded ordnance and the constituents thereof, that are or have been deposited thereon incident to their normal and expected used and remain thereon.

''(2) For purposes of Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the term 'release' shall include the deposit off an operational range, or the migration off an operational range, of military munitions, including unexploded ordnance and the constituents thereof.

''(3) Notwithstanding paragraphs (1) and (2), the authority of the President under section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a)) to take action because there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance includes the authority to take action because of the deposit or presence on an operational range of any military munitions, including unexploded ordnance and the constituents thereof, that are or have been deposited thereon incident to normal and expected use and remain thereon.

''(c) PROTECTION OF ENVIRONMENT, SAFETY, AND HEALTH.—Nothing in this section shall be construed to effect the authority of the Department of Defense to protect the environment, safety, and health on an operational range.

''(d) APPLICABILITY TO RANGES OTHER THAN OPERATIONAL RANGES.—Nothing in this section shall be construed to effect the legal requirements applicable to military munitions, including unexploded ordnance and the constituents thereof, that have been deposited on an operational range once the range ceases to be an operational range.

''(e) CONSTITUENTS DEFINED.—In this section, the term 'constituents' means any materials originating from military munitions, including unexploded ordnance, explosive and non-explosive materials, and the emissions, degradation, or breakdown products of such munitions.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

''2711. Range management.''.

SA 710. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1039. PROGRAM TO ENHANCE SUPPORT OF THE AMERICAN PEOPLE FOR THE MILITARY AND MILITARY SERVICE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

(b) PROGRAM NAME.—The program authorized by subsection (a) shall be known as the ''Reconnect with America Program''.

(c) ACTIVITIES.—Activities under the program authorized by subsection (a) shall include activities to achieve the following:

(1) The enhancement of support for the military and military service among those who may not be familiar with the benefits of military service to individuals or society as a whole.

(2) The creation of advocates for the military and military service among parents, teachers and others who have a significant influence on the career choices made by the youth of America.

(3) Such other objectives as the Secretary considers appropriate.

(d) CONSTRUCTION.—The authority under subsection (a) to carry out the program described in that subsection is in addition to any other authority under law to carry out programs intended to enhance the support of the American people for the military and military service.

(e) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide, $42,000,000 may be available for the program authorized by subsection (a).

SA 711. Mr. REED (for himself, Mr. LEVIN, Mr. FEINGOLD, and Mrs. FEINSTEIN) proposed an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 223, and insert the following:

SEC. 223. OVERSIGHT OF PROCUREMENT, PERFORMANCE CRITERIA, AND OPERATIONAL TEST PLANS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) PROCUREMENT.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 223 the following new section:

''§ 223a. Ballistic missile defense programs: procurement

''(a) BUDGET JUSTIFICATION MATERIALS.—(1) In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall specify, for each ballistic missile defense system element, the following information:

''(A) For each ballistic missile defense element for which the Missile Defense Agency in engaged in planning for production and initial fielding, the following information:

''(i) The production rate capabilities of the production facilities planned to be used.

''(ii) The potential date of availability of the element for initial fielding.

''(iii) The expected costs of the initial production and fielding planned for the element.

''(iv) The estimated date on which the administration of the acquisition of the element is to be transferred to the Secretary of a military department.

''(B) The performance criteria prescribed under subsection (b).

''(C) The plans and schedules established and approved for operational testing under subsection (c).

''(D) The annual assessment of the progress being made toward verifying performance through operational testing, as prepared under subsection (d).

''(2) The information provided under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex as necessary.

''(b) PERFORMANCE CRITERIA.—(1) The Director of the Missile Defense Agency shall prescribe measurable performance criteria for all planned development phases (known as ''blocks'') of each ballistic missile defense system program element. The performance criteria shall be updated as necessary while the program and any follow-on program remain in development.

''(2) The performance criteria prescribed under paragraph (1) for a block of a program for a system shall include, at a minimum, the following:

''(A) One or more criteria that specifically describe, in relation to that block, the types and quantities of threat missiles for which the system is being designed as a defense, including the types and quantities of the countermeasures assumed to be employed for the protection of the threat missiles.

''(B) One or more criteria that specifically describe, in relation to that block, the intended effectiveness of the system against the threat missiles and countermeasures identified for the purposes of subparagraph (A).

''(c) OPERATIONAL TEST PLANS.—The Director of Operational Test and Evaluation, in consultation with the Director of the Missile Defense Agency, shall establish and approve for each ballistic missile defense system program element appropriate plans and schedules for operational testing to determine whether the performance criteria prescribed for the program under subsection (b) have been met. The test plans shall include an estimate of when successful performance of the system in accordance with each performance criterion is to be verified by operational testing. The test plans for a program shall be updated as necessary while the program and any follow-on program remain in development.

''(d) ANNUAL TESTING PROGRESS REPORTS.—The Director of Operational Test and Evaluation shall perform an annual assessment of the progress being made toward verifying through operational testing the performance of the system under a missile defense system program as measured by the performance criteria prescribed for the program under subsection (b).

''(e) FUTURE-YEARS DEFENSE PROGRAM.—The future-years defense program submitted to Congress each year under section 221 of this title shall include an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.''.

(2) The table of contents at the beginning of such chapter 9 is amended by inserting after the item relating to section 223 the following new item:

''223a. Ballistic missile defense programs: procurement.''.

(b) EXCEPTION FOR FIRST ASSESSMENT.—For the first assessment required under subsection (d) of section 223a of title 10, United States Code (as added by subsection (a))—

(1) the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) need not include such assessment; and

(2) the Director of Operational Test and Evaluation shall submit the assessment to the Committees on Armed Services of the Senate and the House of Representatives not later than July 31, 2004.

SA 712. Mrs. HUTCHINSON submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. ___. AIR FARES FOR MEMBERS OF ARMED FORCES.

It is the sense of the Senate that each United States air carrier should—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions; and

(2) offer flexible terms that allow members of the armed forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, or penalties.

SA 713. Mrs. HUTCHINSON submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 15 and 16, insert the following:

SEC. 565. SUPPORT SERVICES FOR FAMILIES OF DEPLOYED MEMBERS OF THE ARMED FORCES.

(a) ACCESS TO SERVICES.—Chapter 88 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

''§ 1789. Support for families of deployed members

''(a) INTERSERVICE FAMILY SUPPORT NETWORK.—The Secretary of each military department, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall enter into a cooperative agreement to provide an interservice family support network in the United States.

''(b) ACCESS TO FAMILY SUPPORT SERVICES.—The interservice family support network shall be designed to ensure that—

''(1) the dependents of each member of the armed forces (including a member of a reserve component of the armed forces) deployed away from the member's permanent duty station (or, in the case of a member of a reserve component, deployed away from the commuting area of the member's residence) have access to family support services at the military installation that is nearest to the dependents' residence, without regard to whether the installation is an installation of the same armed force as the member; and

''(2) the appropriate family support services personnel of each such installation administer an ongoing outreach program to establish relationships between the sources of family support services at the installation and dependents of members of reserve components in the population potentially to be served under the circumstances described in paragraph (1).

''(c) RESERVE COMPONENT FAMILY SUPPORT COORDINATORS.—(1) The cooperative agreement entered into under subsection (a) shall provide for the designation of family support coordinators to assist dependents of members of reserve components throughout the United States with the resolution of issues involving access to family support services from the interservice family support network.

''(2) The duty to provide services to the dependents of members of the reserve components shall be distributed among the family support coordinators on a geographic basis commensurate with the geographic distribution of the population of such dependents.

''(d) EXECUTIVE AGENT FOR NETWORK.—The Secretaries of the military departments and the Secretary of Homeland Security shall designate the Chief of the National Guard Bureau to serve as executive agent for the administration of the interservice family support network established under the cooperative agreement entered into under subsection (a), including the system of reserve component family support coordinators required under subsection (c).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1789. Support for families of deployed members.''.

SA 712. Mr. NELSON of Florida submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following new section:

SEC. 1039. REWARD FOR INFORMATION LEADING TO THE RESOLUTION OF THE FATE OF AN AMERICAN POW/MIA OF THE FIRST GULF WAR.

(a) REWARD AUTHORIZED.—The Secretary of Defense is authorized to pay a gratuity or gratuities to an eligible individual or eligible individuals determined by the Secretary to have assisted in determining the whereabouts or status of an American POW/MIA of the First Persian Gulf War.

(b) AGGREGATE AMOUNT OF REWARDS.—The total amount of gratuities paid by the Secretary under subsection (a) may not exceed $250,000.

(c) DEFINITIONS.—In this section:

(1) AMERICAN POW/MIA OF THE FIRST PERSIAN GULF WAR.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''American POW/MIA of the First Persian Gulf War'' means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of Operation Desert Shield/Desert Storm; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of Operation Desert Shield/Desert Storm.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''eligible individual'' means an individual who is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Secretary in consultation with the Secretary of State).

(B) EXCEPTIONS.—An individual described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the

Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

(3) MISSING STATUS.—The term ''missing status'', with respect to Operation Desert Shield/Desert Storm means the status of an individual as a result of Operation Desert Shield/Desert Storm if immediately before that status began the individual—

(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

SA 715. Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. FEINGOLD, Mr. DAYTON, Ms. STABENOW, Mr. REED, Mr. DURBIN, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. BIDEN) proposed an amendment to the bill S. 1050, to authorize appropirations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 3131.

SA 716. Ms. LANDRIEU submitted an amendment to the bill S. 1050, to authorize appropirations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following new section:

SEC. 2825. PROPERTY CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) IDENTIFICATION OF COVERED PROPERTY.—This section applies specifically to the Louisiana Army Ammunition Plant (in this section referred to as the ''Plant'') in Doyline, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under license to the Military Department of the State of Louisiana and 1,284 acres are used by the Army Joint Munitions Command.

(b) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the ''State'') all right, title, and interest of the United States in and to the real property, including improvements thereon, that constitutes the Plant. The deed or other instrument of conveyance shall contain the conditions specified in subsections (d) and (e), specify that the United States and the State agree to such conditions, and specify that, if the State engages in a material breach of the conditions, title to the real property, including any improvements thereon, shall revert to the United States at the election of the Secretary.

(c) TRANSFER OF EQUIPMENT AND PERSONAL PROPERTY.—(1) As part of the conveyance under subsection (b), the Secretary may transfer, without consideration, to the State any Federal equipment and other items of Federal personal property that are in use or reserved for use at the Plant as of the date of the enactment of this Act. The transfer of equipment and personal property under the authority of this subsection is limited to equipment and personal property required for use by the Louisiana National Guard, as determined by the Secretary.

(2) In the case of Federal equipment and other items of Federal personal property that are in use or reserved for use at the Plant as of the date of the enactment of this Act and that are not transferred under paragraph (1), the Secretary may sell the equipment and personal property and retain the proceeds from such sales for environmental remediation of the Plant.

(d) CONDITIONS OF CONVEYANCE.—(1) The State shall use the real property conveyed under subsection (a), and any equipment or other property transferred under subsection (c)(1), for purposes of training and supporting the National Guard and military forces of the United States, for promoting and supporting reuse of infrastructure for industrial or other economic development, and for such other purposes as the Secretary may authorize.

(2) The Secretary and the State shall negotiate the terms of the conveyance such that the conveyance may become a model of a public-private partnership. As such, the terms of the conveyance may include any or all of the following:

(A) Sharing in revenues from tenants located at the Plant as a result of the Armament Retooling and Manufacturing Support program and from the divestment and sale of the equipment.

(B) The State shall honor and continue all real estate agreements made by the Army and the facility use contractor through the existing terms of those instruments after the conveyance, as determined by the Secretary.

(C) Subject to subsection (g), the State shall obtain sufficient revenue, including revenue derived from timber, water, and other natural reserves located on the real property and managed in accordance with sound conservation practices, to maintain and improve the conveyed property for purposes of training and supporting the National Guard and military forces of the United States and for promoting and supporting reuse of infrastructure for industrial or other economic development.

(3) For purposes of monitoring the extent to which the conveyed property is being used in accordance with the requirements of this section, the Secretary shall be given access to such documents as the Secretary determines to be necessary, and the Secretary may require the advance approval by the Secretary for such contracts, conveyances of real or personal property, or other transactions regarding the conveyed property as the Secretary determines to be necessary.

(4) The cost and responsibility for the monitoring of any agreed to land use controls shall be borne by the State.

(e) ACTIVITIES OF ARMY JOINT MUNITION COMMAND.—(1) The State shall permit the Army Joint Munitions Command (or its successor commands) to continue to utilize those portions of the Plant utilized by the Army Joint Munitions Command as of the date on which the conveyance under subsection (b) is made.

(2) The conveyance shall provide for the orderly transition of any operational permits which may be needed for the continued operation, either by the Army or any current tenants. The time limit for that transition shall be negotiated between the parties, but need not take place before the actual conveyance.

(3) The Army Joint Munitions Command and the State shall each comply with the duties and obligations imposed on them pursuant to the agreement entitled ''Memorandum Of Agreement Between The U.S. Army Industrial Operations Command And The Military Department, State of Louisiana, Through The Adjutant General For The Transfer Of Training Lands At The Louisiana Army Ammunition Plant'', dated April 26, 2000, until such time as Army Joint Munitions Command terminates operations at the Plant. Thereafter, the Army Joint Munitions Command shall continue to be responsible for and retain responsibility for existing environmental clean-up, remediation, and restoration of all known and unknown environmental contamination and liability for all parcels of land, associated ground waters, and surface waters within the conveyed property according to the terms of the agreement, as provided in the agreement and according to law.

(4) In the case of any waste products stored at the conveyed property by the Army Joint Munitions Command or its agents, contractors, or licensees, other than the State, as of the date of the conveyance under subsection (b), the United States shall retain title to, and responsibility for, the products.

(f) MAINTENANCE OF CEMETERIES.—Upon completion of the conveyance under subsection (b), the State shall assume responsibility for the nine cemeteries located on the conveyed property.

(g) MINERAL RIGHTS.—The United States shall retain all mineral rights associated with the Plant, and the Secretary may sell the minerals, on behalf of the United States, and retain and use the proceeds from such sales for environmental remediation of the Plant.

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

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

SA 717. Ms. LANDRIEU submitted an amendment to the bill S. 1050, to authorize appropirations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following:

SEC. 1039. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended—

(1) by striking paragraphs (1), (2), and (3);

(2) by redesignating paragraph (4) as paragraph (1);

(3) in paragraph (1), as so redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph (2);

''(2) for fiscal year 2004 (notwithstanding paragraph (1)), 65 percent of the costs of operating the State program during that year.''.

(b) AMOUNT FOR FEDERAL ASSISTANCE.—(1) The amount authorized to be appropriated under section 301(1) is hereby increased by $6,000,000.

(2) Of the total amount authorized to be appropriated under section 301(1), $71,200,000 shall be available for the National Guard

Challenge Program under section 509 of title 32, United States Code.

(3) The total amount authorized to be appropriated under section 3101(a)(1) is hereby reduced by $6,000,000, to be derived from the amount provided for the Robust Nuclear Earth Penetrator program.

SA 718. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following:

SEC. 1039. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended by striking paragraphs (1), (2), (3), and (4), and inserting the following:

''(1) for fiscal year 2004 and each fiscal year after fiscal year 2006, 65 percent of the costs of operating the State program during that year; and

''(2) for each of fiscal years 2005 and 2006, 70 percent of the costs of operating the State program during that year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SA 719. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following new section:

SEC. 1039. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision ''to celebrate the American Spirit''.

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the home front and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation with President Dwight D. Eisenhower in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries in New Orleans, as the ''man who won the war for us'' because the 12,000 landing craft designed by Higgins Industries made possible all of the amphibious invasions of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, 85 percent of whom have been Americans from across the country.

(5) American World War II veterans, called the ''greatest generation'' of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and heroic achievements of that generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's most decisive achievement in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress, recognizing the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1998, 2000, 2001, and 2002, to help expand the exhibits in the museum to include the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

(9) The Board of Trustees of The National D-Day Museum is national in scope and diverse in its makeup.

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression by would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of democracy and freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States citizen soldiers in all of the theatres of World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain one of the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged in a 250,000 square foot expansion to include the Center for the Study of the American Spirit, an advanced format theatre, and a new United States pavilion.

(16) The planned ''We're All in this Together'' exhibit will describe the role every State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement to borrow Smithsonian artifacts for future exhibitions.

(18) Le Memorial de Caen in Normandy, France has formally recognized The National D-Day Museum as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.

(19) The official Battle of the Bulge museums in Luxembourg and the American Battlefield Monuments Commission are already collaborating with The National D-Day Museum on World War II exhibitions.

(20) Congress made available $4,200,000 in fiscal year 2002 and $3,000,000 in fiscal year 2003 in Department of Defense appropriations Acts for the purpose of planning the expansion of The National D-Day Museum to tell the untold stories from the campaigns of World War II, and to design new exhibits on the war on land, at sea, and in the air, the China-Burma-India theatre, the Japanese invasion of Alaska's Aleutian Islands, the roles of women and African-Americans in World War II, and other relevant subjects.

(21) For all of these reasons, it is appropriate to designate The National D-Day Museum as ''America's National World War II Museum''.

(b) PURPOSES.—The purposes of this section are, through the designation of The National D-Day Museum as ''America's National World War II Museum'', to express the United States Government's support for—

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

(2) the education of the American people as to the American experience in combat and on the home front during the World War II years, including the conduct of educational outreach programs for teachers and students throughout the United States;

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) DESIGNATION OF ''AMERICA'S NATIONAL WORLD WAR II MUSEUM''.—The National D-Day Museum, New Orleans, Louisiana, is designated as ''America's National World War II Museum''.

SA 720. Mr. KENNEDY (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—Naturalization and Family Protection for Military Members

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Naturalization and Family Protection for Military Members Act of 2003''.

SEC. 662. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking ''three years'' and inserting ''2 years''.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (3)—

(i) by striking ''honorable. The'' and inserting ''honorable (the''; and

(ii) by striking ''discharge.'' and inserting ''discharge); and''; and

(B) by adding at the end the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''; and

(2) in section 329(b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''.

(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 663. NATURALIZATION BENEFITS FOR MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE.

Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting ''as a member of the Selected Reserve of the Ready Reserve or'' after ''has served honorably''.

SEC. 664. EXTENSION OF POSTHUMOUS BENEFITS TO SURVIVING SPOUSES, CHILDREN, AND PARENTS.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) PARENTS.—

(A) IN GENERAL.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen's death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(C) EXCEPTION.—Notwithstanding section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), for purposes of this paragraph, a citizen described in subparagraph (A) does not have to be 21 years of age for a parent to benefit under this paragraph.

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, CHILDREN, AND PARENTS.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), any alien who was the spouse, child, or parent of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(B), may have such application adjudicated as if such death had not occurred.

(2) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(c) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) TREATMENT AS IMMEDIATE RELATIVES.—

(A) IN GENERAL.—A spouse or child of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien, shall be considered (if the spouse or child has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). Such spouse or child shall be eligible for deferred action, advance parole, and work authorization.

(B) PETITIONS.—An alien spouse or child described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(2) SELF-PETITIONS.—Any spouse or child of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant may file a petition for such classification under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) with the Secretary of Homeland Security, but only if the spouse or child files a petition within 2 years after such date. Such spouse or child shall be eligible for deferred action, advance parole, and work authorization.

(3) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(d) PARENTS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) SELF-PETITIONS.—Any parent of an alien described in paragraph (2) may file a petition for classification under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), but only if the parent files a petition within 2 years after such date. For purposes of such Act, such petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)). Such parent shall

be eligible for deferred action, advance parole, and work authorization.

(2) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(e) ADJUSTMENT OF STATUS.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), an alien physically present in the United States who is the beneficiary of a petition under paragraph (1), (2)(B), or (3)(B) of subsection (a), paragraph (1)(B) or (2) of subsection (c), or subsection (d)(1) of this section, may apply to the Secretary of Homeland Security for adjustment of status to that of an alien lawfully admitted for permanent residence.

(f) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in paragraphs (4), (6), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(g) BENEFITS TO SURVIVORS; TECHNICAL AMENDMENT.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1) is amended—

(1) by striking subsection (e); and

(2) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—Section 319(d) of the Immigration and Nationality Act (8 U.S.C. 1430(d)) is amended—

(1) by inserting '', child, or parent'' after ''surviving spouse'';

(2) by inserting '', parent, or child'' after ''whose citizen spouse''; and

(3) by striking ''who was living'' and inserting ''who, in the case of a surviving spouse, was living''.

SEC. 665. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect as if enacted on September 11, 2001.

SA 721. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, between lines 5 and 6, insert the following new section:

SEC. 1025. REPORT ON THE NUMBER OF UNITED STATES TROOPS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit to Congress a report on the number of members of the United States Armed Forces in Iraq at such time.

(b) TERMINATION OF REQUIREMENT.—No report shall be required under subsection (a) after the month that begins on the date that is 2 years after the date of the enactment of this Act.

SA 722. Mr. LAUTENBERG (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, beginning on line 16, strike ''if the Secretary determines that'' and all that follows through page 48, line 20, and insert the following: ''if the Secretary of the Interior determines in writing that—

''(1) the management activities identified in the plan will effectively conserve the threatened species and endangered species within the lands or areas covered by the plan; and

''(2) the plan provides assurances that adequate funding will be provided for such management activities.

SA 723. Mr. LOTT (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, between lines 11 and 12, and insert the following:

SEC. 213. COMPOSITE SAIL TEST ARTICLES.

Of the total amount authorized to be appropriated under section 201(2) for Virginia-class submarine development, $2,000,000 shall be available for the development and fabrication of composite sail test articles for incorporation into designs for future submarines.

SA 724. Mr. COCHRAN (for himself, Mr. REED, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Ms. MIKULSKI, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 7 and 8, insert the following:

SEC. 235. COPRODUCTION OF ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the total amount authorized to be appropriated under section 201 for ballistic missile defense, $115,000,000 shall be available for coproduction of the Arrow ballistic missile defense system.

SA 725. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 833.

SA 726. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

3135: INCLUSION OF CONVENTIONAL EARTH PENETRATOR IN FEASIBILITY STUDY FOR ROBUST NUCLEAR EARTH PENETRATOR.

(a) REQUIREMENT.—The Secretary of Energy shall include in the feasibility study for the Robust Nuclear Earth Penetrator program a conventional earth penetrator option.

(b) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated by section 3101(a)(1) and available for the Robust Nuclear Earth Penetrator program shall be available to meet the requirement under subsection (a).

SA 727. Mr. BUNNING (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, after line 25, add the following:

(5) The Phalanx Close in Weapon System program, Block 1B.

SA 728. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 926. PROHIBITION ON USE OF FUNDS FOR ACTIVITIES RELATING TO CERTAIN REDUCTIONS IN NUMBER OF C–130 AIRCRAFT ASSIGNED TO UNITS OF THE AIR NATIONAL GUARD.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available for the Department of Defense by this Act may be used to plan or implement a reduction in the number of C–130 aircraft assigned to a unit of the Air National Guard of a State below the number of C–130 aircraft assigned to that unit as of October 1, 2002, if that unit is the only unit of the Air National Guard in such State.

SA 729. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $3,000,000.

(b) AVAILABILITY FOR INFORMATION OPERATIONS SUSTAINMENT.—(1) Of the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 shall be available for Information Operations (Account #19640) for Land Forces Readiness–Information Operations Sustainment.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Advanced Aluminum Aerostructures (PE 603211F).

SA 730. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 835. INCLUSION OF MATERIALS AND COMPONENTS OF CLOTHING UNDER "BERRY AMENDMENT".

Section 2533a(b)(1)(B) of title 10, United States Code, is amended by inserting before the semicolon the following: '', including the materials and components thereof''.

SA 731. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 624. SPECIAL PAY FOR SERVICE AS MEMBER OF WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 305a the following new section:

''§ 305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team

''(a) AVAILABILITY OF SPECIAL PAY.—The Secretary of a military department may pay special pay under this section to a member of the armed forces under the jurisdiction of that Secretary who is entitled to basic pay under section 204 and is assigned by orders to duty as a member of a Weapons of Mass Destruction Civil Support Team.

''(b) MONTHLY RATE.—Special pay payable under subsection (a) shall be paid at a rate equal to $150 a month.

''(c) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned and to the extent provided for in appropriation Acts, when a member of a reserve component of the armed forces who is entitled to compensation under section 206 of this title performs duty under orders as a member of a Weapons of Mass Destruction Civil Support Team, the member may be paid an increase in compensation equal to 1/30 of the monthly special pay specified in subsection (b) for each day on which the member performs such duty.

''(d) DEFINITION.—In this section, the term 'Weapons of Mass Destruction Civil Support Team' means a team of members of the reserve components of the armed forces that is established under section 12310(c) of title 10 in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 305a the following new item:

''305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.''.

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SA 732. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 3131, add at the end the following:

(c) REPORT.—Not later than March 1, 2004, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report assessing the effects on the proliferation goals, objectives, and activities of the United States of the repeal of section 3136 of the National Defense Authorization Act for Fiscal Year 1994, including the effects of the repeal of the prohibition on activities carried out under the Cooperative Threat Reduction program.

SA 733. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 3131, add at the end the following:

(c) REPORT.—Not later than March 31, 2004, the National Academy of Sciences shall submit to Congress a report containing the determination of the National Academy of Sciences whether or not the repeal of the prohibition on research and development of low-yield nuclear weapons in section 3136 of the National Defense Authorization Act for Fiscal Year 1994 constitutes a requirement for the testing of low-yield nuclear weapons.

SA 734. Mr. LAUTENBERG submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON USE OF SYMBOLS OF UNITED STATES ARMED FORCES ON FIREARMS.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(z) PROHIBITION ON USE OF SYMBOLS OF UNITED STATES ARMED FORCES ON FIREARMS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'armed forces of the United States' means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

''(B) the term 'civilian firearm' means any firearm that is available to the public, but does not include any firearm owned and controlled by the armed forces of the United States.

''(2) UNLAWFUL ACTS.—It shall be unlawful for any person to knowingly manufacture, sell, or transfer a civilian firearm that—

''(A) bears any symbol, seal, emblem, insignia, name, or likeness of the armed forces of the United States, or any subdivision thereof; or

''(B) can reasonably be mistaken for a firearm described under subparagraph (A).''.

SA 735. Mr. NELSON of Florida (for himself, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 565. MODIFICATION OF COMMENCEMENT AND TERMINATION OF TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) COMMENCEMENT.—Paragraph (1)(A) of section 1059(e) of title 10, United States Code, is amended by striking ''shall commence'' and all that follows and inserting ''shall commence—

''(i) as of the date the court-martial sentence is adjudged if the sentence, as adjudged, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; or

''(ii) if a pretrial agreement provides for a disapproval or suspension of the dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances, as of the date of the approval of the court-martial sentence by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice) if the sentence, as approved, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; and''.

(b) TERMINATION.—Paragraph (3)(A) of such section is amended by striking ''and each such punishment'' and all that follows through ''or mitigated'' and inserting ''and the conviction is disapproved by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice) or set aside, or each such punishment applicable to the member under the sentence is disapproved by the person so acting, remitted, set aside, suspended, or mitigated''.

SA 736. Mr. NELSON of Florida (for himself, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 565. REVIEWS OF FATALITIES ARISING FROM DOMESTIC VIOLENCE OR CHILD ABUSE INVOLVING MEMBERS OF THE ARMED FORCES.

(a) REVIEWS AUTHORIZED.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1789. Review of fatalities arising from domestic violence or child abuse involving members of the armed forces

''(a) REVIEWS AUTHORIZED.—The Secretary of the military department concerned may provide for the impartial review, on a multidisciplinary basis, of any fatality known or suspected to have resulted from domestic violence or child abuse involving any of the following:

''(1) A member of the armed forces.

''(2) A current or former dependent of a member of the armed forces.

''(3) A current or former intimate partner of a member of the armed forces who has a child in common with the member or has shared a common domicile with the member.

''(b) ADMINISTRATIVE MATTERS.—(1) Any review conducted under subsection (a) shall comply with the provisions of section 552a of title 5 (commonly referred to as the Privacy Act of 1974).

''(2) Documents prepared for the internal deliberations of a team conducting a review under subsection (a), and any records of such deliberations, shall not be made public under section 552 of title 5 (commonly referred to as the Freedom of Information Act).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1789. Review of fatalities arising from domestic violence or child abuse involving members of the armed forces.''.

SA 737. Mr. NELSON of Florida (for himself, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 565. CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO HAVE COMMITTED DEPENDENT ABUSE.

Section 406(h) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) If the Secretary concerned makes a determination described in subparagraph (B) with respect to the spouse or a dependent of a member described in that subparagraph and a request described in subparagraph (C) has been by the spouse or on behalf of such dependent, the Secretary may provide any benefit authorized for a member under paragraph (1) or (3) to the spouse or such dependent in lieu of providing such benefit to the member.

''(B) A determination described in this subparagraph is a determination by the commanding officer of a member that—

''(i) the member has committed a dependent-abuse offense against the spouse or a dependent of the member;

''(ii) a safety plan and counseling have been provided to the spouse or such dependent;

''(iii) the safety of the spouse or such dependent is at risk; and

''(iv) the relocation of the spouse or such dependent is advisable.

''(C) A request described in this subparagraph is a request by the spouse of a member, or by the parent of a dependent child in the case of a dependent child of a member, for relocation.

''(D) Transportation may be provided under this paragraph for household effects or a motor vehicle only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the effects or vehicle to the spouse or dependent of the member concerned.

''(E) In this paragraph, the term 'dependent-abuse offense' means an offense described in section 1059(c) of title 10.''.

SA 738. Mr. BENNETT submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1039. REPEAL OF MTOPS REQUIREMENT FOR COMPUTER EXPORT CONTROLS.

(a) REPEAL.—Subtitle B of title XII of, 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.—Before implementing any 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, 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.

SA 739. Mr. DOMENICI submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

SEC. ___. REIMBURSEMENT OF COVERED BENEFICIARIES FOR CERTAIN TRAVEL EXPENSES RELATING TO SPECIALIZED DENTAL CARE.

Section 1074i of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In any case''; and

(2) by adding at the end the following new subsection:

''(b) SPECIALTY CARE PROVIDERS.—For purposes of subsection (a), the term 'specialty care provider' includes a dental specialist (including an oral surgeon, orthodontist, prosthodontist, periodontist, endodontist, or pediatric dentist).''.

SA 740. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

SEC. ___. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''who is on active duty'' and inserting ''described in paragraph (2)''; and

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

''(2) Members of the uniformed services referred to in paragraph (1) are as follows:

''(A) A member of a uniformed service on active duty.

''(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

''(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

''(ii) the request for orders has been approved;

''(iii) the orders are to be issued but have not been issued; and

''(iv) the member does not have health care insurance and is not covered by any other health benefits plan.''.

SA 741. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2815. ENERGY SAVINGS AT MILITARY INSTALLATIONS.

(a) USE OF AMOUNTS REALIZED FROM ENERGY COST SAVINGS.—(1) Paragraph (2) of subsection (b) of section 2865 of title 10, United States Code, is amended by striking ''shall be used as follows:'' and all that follows and inserting ''shall be used at the military installation at which the amount concerned was realized for one or more purposes at the installation, as determined by the commander of the installation in a manner consistent with applicable law and regulations, as follows:

''(A) For the implementation of additional energy conservation measures, and for energy conservation activities at buildings or facilities, at the installation.

''(B) For improvements to existing military family housing units at the installation.

''(C) For unspecified minor construction projects at the installation that will enhance quality of life of personnel at the installation.

''(D) For support or improvement of any morale, welfare, or recreation facility or service at the installation.''.

(2) The amendment made by paragraph (1) shall take effect on October 1, 2003, and shall apply with respect to fiscal years that begin on or after that date.

(b) ENERGY SAVINGS PERFORMANCE CONTRACTS.—That section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) ENERGY SAVINGS PERFORMANCE CONTRACTS.—The Secretary of Defense shall require the use of energy savings performance contracts at each installation of the Department of Defense commencing not later than September 30, 2004.

''(2) The Secretary shall carry out the requirement under paragraph (1) at an installation through energy savings performance contracts indefinite delivery indefinite quantity contracts that are in force at the installation.

''(3) For purposes of carrying out the requirement under paragraph (1), the Secretary shall terminate any cap or ceiling on energy savings performance contracts indefinite delivery indefinite quantity contracts that are otherwise applicable to installations of the Department.

''(4) For purposes of carrying out the requirement under paragraph (1) with respect to installations of the Air Force, the Secretary of the Air Force shall—

''(A) permit the use of any indefinite delivery indefinite quantity contracts for energy savings performance contracts at such installations; and

''(B) terminate any limitation on the use of indefinite delivery indefinite quantity contracts for energy savings performance contracts that would otherwise impede the use of indefinite delivery indefinite quantity contracts for energy savings performance contracts at such installations.''.

SA 742. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. BORON ENERGY CELL TECHNOLOGY.

(a) INCREASE IN RDT&E, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for fiscal year 2004 is hereby increased by $5,000,000.

(b) AVAILABILITY FOR BORON ENERGY CELL TECHNOLOGY.—(1) of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for fiscal year 2004, as increased by subsection (a), $5,000,000 shall be available for research, development, test, and evaluation on boron energy cell technology.

(2) The amount available under paragraph (1) for fiscal year 2004 for the purpose specified in that paragraph is in addition to any other amounts available under law for fiscal year 2004 for that purpose.

(c) OFFSET FROM OTHER PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated by section 103(4), for other procurement for the Air Force for fiscal year 2004 is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to the Point of Maintenance Initiative.

SA 743. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 7 and 8, insert the following:

SEC. 235. AMOUNT FOR COLLABORATIVE INFORMATION WARFARE NETWORK.

Of the amount authorized to be appropriated by section 201(4), $263,738,000 shall be available for advanced concept technology demonstrations, of which $8,000,000 shall be available for the Collaborative Information Warfare Network at the Critical Infrastructure Protection Center of the Space and Naval Warfare Systems Command.

SA 744. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. EDUCATION-RELATED REFUNDS AND LEAVE OF ABSENCE FOR MILITARY SERVICE.

(a) LEAVE OF ABSENCE FOR MILITARY SERVICE.—Part G of title IV of the Higher Education Act of 1965 is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

''SEC. 484C. REFUNDS AND LEAVE OF ABSENCE FOR MILITARY SERVICE.

''(a) LEAVE OF ABSENCE REQUIRED.—Whenever a student who is an affected individual is unable to complete a period of instruction or to receive academic credit because he or she was called up for active duty or active service, the institution of higher education in which the student is enrolled shall—

''(1) grant the student a military leave of absence from the institution while such student is serving on active duty or active service, and for one year after the conclusion of such duty or service, in accordance with subsection (b); and

''(2) provide the student with a refund or credit in accordance with subsection (c).

''(b) CONSEQUENCES OF MILITARY LEAVE OF ABSENCE.—A student who is an affected individual and who is on a military leave of absence from an institution of higher education shall be entitled, upon release from serving on active duty or active service, to be restored to the educational status such student had attained prior to being ordered to such duty without loss of academic credits earned, scholarships or grants awarded by the institution, or, subject to subsection (c), tuition and other fees paid prior to the commencement of the active duty or active service.

''(c) REFUNDS.—An institution of higher education shall refund tuition or fees paid prior to the commencement of the active duty or active service of an affected individual. If a student taking a military leave of absence for active duty or active service requests a refund during a period of enrollment, the institution of higher education shall refund 100 percent of the tuition and fees paid for the period of enrollment.

''(d) LEAVE OF ABSENCE NOT TREATED AS WITHDRAWAL.—Notwithstanding the 180-day limitation in section 484B(a)(2), a student on a military leave of absence under this section shall not be treated as having withdrawn for purposes of section 484B unless the student fails to return at the end of the military leave of absence (as determined under subsection (a) of this section).

''(e) DEFINITIONS.—As used in this section:

''(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; or

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

''(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' means 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.''.

(b) OBLIGATION AS PART OF PROGRAM PARTICIPATION REQUIREMENTS.—Section 487(a)(22) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amended by inserting ''and with the policy on leave of absence for military service established pursuant to section 484C'' after ''section 484B''.

SA 745. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 235. DEPARTMENT OF DEFENSE STRATEGY FOR MANAGEMENT OF ELECTROMAGNETIC SPECTRUM.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) in accordance with subsection (c), develop a strategy for the Department of Defense for the management of the electromagnetic spectrum to improve bandwidth; and

(2) in accordance with subsection (d), coordinate with civilian departments and agencies of the Federal Government in the development of a national strategy for the management of the electromagnetic spectrum for high-bandwidth wireless communications.

(b) PURPOSE OF ACTIVITIES.—The purpose of activities required by subsection (a) is to assist in the coordinated development of a national strategy for the management of the electromagnetic spectrum for high-bandwidth wireless communications.

(c) DEPARTMENT OF DEFENSE STRATEGY FOR SPECTRUM MANAGEMENT.—(1) Not later than September 1, 2004, the Assistant Secretary shall develop a strategy for the Department of Defense for the management of the electromagnetic spectrum in order to ensure the development and use of spectrum-efficient technologies to facilitate the availability of adequate spectrum for both network-centric warfare and civilian needs. The strategy shall include specific timelines, metrics, plans for implementation, and proposals for program funding.

(2) In developing the strategy, the Assistant Secretary shall consider and take into account in the strategy the results of the research and development program carried out under section 234.

(3) The Assistant Secretary shall assist in updating the strategy developed under paragraph (1) on a yearly basis to address changes in circumstances.

(d) NATIONAL STRATEGY FOR SPECTRUM MANAGEMENT.—The Assistant Secretary shall coordinate with other departments and agencies of the Federal Government in the development of a national strategy described in subsection (a)(2) through an interagency policy coordinating committee which shall be composed of senior representatives of the military departments, the Federal Communication Commission, the National Telecommunication and Information Administration, the Department of Homeland Security, the Federal Aviation Administration, and other appropriate departments and agencies of the Federal Government.

(e) ASSISTANT SECRETARY DEFINED.—In this section, the term ''Assistant Secretary'' means the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

SA 746. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike line 11 and insert the following:

SEC. 111. CH–47 HELICOPTER PROGRAM.

(a) REQUIREMENT FOR STUDY.—The Secretary of the Army shall study the feasibility and the costs and benefits of providing for the participation of a second source in the production of gears for the helicopter transmissions incorporated into CH–47 helicopters being procured by the Army.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress.

SA 747. Mr. WYDEN (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. BYRD, Mr. LAUTENBERG, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 273, between lines 20 and 21, insert the following:

(d) REPORTING REQUIREMENT RELATING TO NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE OF IRAQ.—(1) 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 of Defense or the Office of Reconstruction and Humanitarian Assistance in the Office of the Secretary of Defense without full and open competition, the Secretary shall publish in the Federal Register or Commerce Business Daily and otherwise make available to the public, not later than 30 days after the date on which the contract is entered into, the following information:

(i) The amount of the contract.

(ii) A brief description of the scope of the contract.

(iii) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(iv) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(B) Subparagraph (A) does not apply to a contract entered into one year after the date of enactment of this act.

(2)(A) The head of an executive agency may—

(i) withhold from publication and disclosure under paragraph (1) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(ii) redact any part so classified that is in a document not so classified before publication and disclosure of the document under paragraph (1).

(B) In any case in which the head of an executive agency withholds information under subparagraph (A), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(i) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(ii) The Committees on Appropriations of the Senate and the House of Representatives.

(iii) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information relates.

(3) This subsection shall apply to contracts entered into on or after October 1, 2002, except that, in the case of a contract entered into before the date of the enactment of this Act, paragraph (1) shall be applied as if the contract had been entered into on the date of the enactment of this Act.

(4) Nothing in this subsection shall be construed as affecting obligations to disclose

United States Government information under any other provision of law.

(5) In this subsection, the terms ''executive agency'' and ''full and open competition'' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 748. Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1039. PROHIBITION ON TERMINATION OF BORDER AND SEAPORT INSPECTION COUNTER-DRUG DUTIES OF THE NATIONAL GUARD.

The Secretary of Defense may not terminate border inspection duties or seaport inspection duties as part of the drug interdiction and counter-drug mission of the National Guard, including support for the cargo inspection activities of the Department of Homeland Security pursuant to that mission.

SA 749. Mr. McCAIN submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 310, between lines 9 and 10, insert the following:

(D) A discussion of NATO decisionmaking on the implementation of the Prague Capabilities Commitment and the development of the NATO Response Force, including—

(i) an assessment whether the Prague Capabilities Commitment and the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the Military Committee;

(ii) a description of the circumstances which led to the defense, military, security, and nuclear decisions of NATO on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(iii) a description of the extent to which France contributes to each of the component committees of NATO, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description of the extent to which France participates in deliberations and decisions of NATO on resource policy, contribution ceilings, infrastructure, force structure, modernization, threat assessments, training, exercises, deployments, and other issues related to the Prague Capabilities Commitment or the NATO Response Force;

(v) a description of the extent to which France participates in meetings of the Defense Planning Committee as an observer, including the justification for such participation, if any, and an assessment whether such participation is in the interest of NATO in implementing the Prague Capabilities Commitment or developing the NATO Response Force;

(vi) a description and assessment of the impediments, if any, that would preclude or limit NATO from conducting deliberations and making decisions on matters such as the Prague Capabilities Commitment or the NATO Response Force solely in the Defense Planning Committee; and

(vii) the recommendations of the Secretary of Defense on streamlining defense, military, and security decisionmaking within NATO relating to the Prague Capabilities Commitment, and NATO Response Force, and other matters, including an assessment of the feasibility and advisability of the greater utilization of the Defense Planning Committee for such purposes.

SA 750. Mr. DORGAN submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3135. PROHIBITION ON USE OF FUNDS FOR NUCLEAR EARTH PENETRATOR WEAPON.

(a) IN GENERAL.—Effective as of the date of the enactment of this Act, no funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act or any other Act may be obligated or expended for development, testing, or engineering on a nuclear earth penetrator weapon.

(b) PROHIBITION ON USE OF FISCAL YEAR 2004 FUNDS FOR FEASIBILITY STUDY.—No funds authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2004 by this Act or any other Act may be obligated or expended for a feasibility study on a nuclear earth penetrator weapon.

SA 751. Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 3131 and insert the following new section:

SEC. 3131. MODIFICATION OF SCOPE OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) MODIFICATION.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended by striking ''research and development'' each place it appears and inserting ''development engineering''.

(b) CONFORMING AMENDMENTS.—(1) The caption for subsection (c) of that section is amended by striking ''RESEARCH AND DEVELOPMENT'' and inserting ''DEVELOPMENT ENGINEERING''.

(2) The heading for that section is amended by striking ''**RESEARCH AND DEVELOPMENT**'' and inserting ''**DEVELOPMENT ENGINEERING**''.

SA 752. Mr. WARNER proposed an amendment to amendment SA 751 proposed by Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3131. REPEAL OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) REPEAL.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is repealed.

(b) CONSTRUCTION.—Nothing in the repeal made by subsection (a) shall be construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon.

(c) LIMITATION.—The Secretary of Energy may not commence the engineering development phase, or any subsequent phase, of a low-yield nuclear weapon unless specifically authorized by Congress.

SA 753. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following new section:

SEC. 1039. REWARD FOR INFORMATION LEADING TO THE RESOLUTION OF THE FATE OF AN AMERICAN POW/MIA OF THE FIRST GULF WAR.

(a) REWARD AUTHORIZED.—The Secretary of Defense is authorized to pay a gratuity or gratuities to an individual or individuals determined by the Secretary to have assisted in determining the whereabouts or status of an American POW/MIA of the First Persian Gulf War.

(b) AGGREGATE AMOUNT OF REWARDS.—The total amount of gratuities paid by the Secretary under subsection (a) may not exceed $1,000,000.

(c) LIMITATION ON ELIGIBILITY.—The Secretary may not pay a gratuity under subsection (a) to a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)), or a person suspected of having mistreated or harmed an American POW/MIA of the First Persian Gulf War.

(d) DEFINITIONS.—In this section:

(1) AMERICAN POW/MIA OF THE FIRST PERSIAN GULF WAR.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''American POW/

MIA of the First Persian Gulf War'' means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of Operation Desert Shield/Desert Storm; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of Operation Desert Shield/Desert Storm.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) MISSING STATUS.—The term ''missing status'', with respect to Operation Desert Shield/Desert Storm means the status of an individual as a result of Operation Desert Shield/Desert Storm if immediately before that status began the individual—

(A) was performing service in Kuwait, Iraq, or another nation of the greater Middle East region; or

(B) was performing service in the greater Middle East region in direct support of military operations in Kuwait or Iraq.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated by section 301(c)(5) for operations and maintenance for Defense-wide activities, $1,000,000 may be made available to the Secretary to carry out this section.

SA 754. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle E of title I, add after the subtitle heading the following:

SEC. 141. CHEMICAL AGENT MONITORING SYSTEM AT BLUEGRASS ARMY DEPOT, KENTUCKY.

(a) IN GENERAL.—Of the amount authorized to be appropriated by section 106 for chemical agents and munitions destruction, Defense, $1,000,000 shall be available to the Secretary of the Army for the deployment of a chemical agent monitoring system at Bluegrass Army Depot, Kentucky, to supplement the current chemical agent monitoring and detection systems at the Depot for the chemical demilitarization program at the Deport.

(b) PURPOSE.—The purpose of the deployment of the chemical agent monitoring system referred to in subsection (a) is to achieve the broadest possible protection of the public and personnel involved in the chemical demilitarization program at Bluegrass Army Depot and of the environment in the vicinity of the Depot.

(c) SYSTEM ELEMENTS.—(1) The chemical agent monitoring system deployed under subsection (a) shall be the most efficient and advanced chemical agent monitoring system available, combining elements of the systems as follows:

(A) Open-Path Fourier Transform Infrared Spectrometer perimeter monitoring systems.

(B) Continuous Agent Stack Monitoring Systems.

(C) Multi-Metals Continuous Emissions Monitoring Systems

(2) The chemical agent monitoring system may employ elements of systems other than systems referred to in paragraph (1) if the Secretary determines that the employment of such elements provides monitoring and detection of chemical agents equivalent to the monitoring and detection of chemical agents provided by the systems referred to in that paragraph.

(d) DEADLINE FOR DEPLOYMENT.—(1) Except as provided in paragraph (2), the Secretary shall complete the deployment of the chemical agent monitoring system referred to in subsection (a) not later than 90 days after the date of the enactment of this Act.

(2) If the Secretary has not completed the deployment of the chemical agent monitoring system as of the date required by paragraph (1), the Secretary shall submit to Congress a report setting forth—

(A) an explanation why the chemical agent monitoring system has not been completely deployed as of that date;

(B) the actions proposed to be taken by the Secretary to complete the deployment of the chemical agent monitoring system; and

(C) a schedule for the actions referred to in subparagraph (B), including the anticipated date of the completion of the deployment of the chemical agent monitoring system.

SA 755. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NASA WORKFORCE AUTHORITIES AND PERSONNEL PROVISIONS.

(a) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by inserting after chapter 97, as added by section 841(a)(2) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2229), the following:

''CHAPTER 98—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

''SUBCHAPTER I—WORKFORCE AUTHORITIES

''SUBCHAPTER II—PERSONNEL PROVISIONS

''SUBCHAPTER I—WORKFORCE AUTHORITIES

''§ 9801. Definitions

''For purposes of this subchapter—

''(1) the term 'Administration' means the National Aeronautics and Space Administration;

''(2) the term 'Administrator' means the Administrator of the National Aeronautics and Space Administration;

''(3) the term 'critical need' means a specific and important requirement of the Administration's mission that the Administration is unable to fulfill because the Administration lacks the appropriate employees because—

''(A) of the inability to fill positions; or

''(B) employees do not possess the requisite skills;

''(4) the term 'employee' means an individual employed in or under the Administration;

''(5) the term 'workforce plan' means the plan required under section 9802(a);

''(6) the term 'appropriate committees of Congress' means—

''(A) the Committees on Government Reform, Science, and Appropriations of the House of Representatives; and

''(B) the Committees on Governmental Affairs, Commerce, Science, and Transportation, and Appropriations of the Senate; and

''(7) the term 'redesignation bonus' means a bonus under section 9804 paid to an individual described in subsection (a)(2) thereof.

''§ 9802. Planning, notification, and reporting requirements

''(a) Not later than 90 days before exercising any of the workforce authorities under this subchapter, the Administrator shall submit a written plan to the appropriate committees of Congress. A plan under this subchapter may not be implemented without the approval of the Office of Personnel Management.

''(b) A workforce plan shall include a description of—

''(1) each critical need of the Administration and the criteria used in the identification of that need;

''(2)(A) the functions, approximate number, and classes or other categories of positions or employees that—

''(i) address critical needs; and

''(ii) would be eligible for each authority proposed to be exercised under section 9803; and

''(B) how the exercise of those authorities with respect to the eligible positions or employees involved would address each critical need identified under paragraph (1);

''(3)(A) any critical need identified under paragraph (1) which would not be addressed by the authorities made available under this subchapter; and

''(B) the reasons why those needs would not be so addressed;

''(4) the specific criteria to be used in determining which individuals may receive the benefits described under sections 9804, 9805 (including the criteria for granting bonuses in the absence of a critical need), and 9810, and how the level of those benefits will be determined;

''(5) the safeguards or other measures that will be applied to ensure that this subchapter is carried out in a manner consistent with merit system principles;

''(6) the means by which employees will be afforded the notification required under subsections (c) and (d)(1)(B);

''(7) the methods that will be used to determine if the authorities exercised under this subchapter have successfully addressed each critical need identified under paragraph (1); and

''(8)(A) the recruitment methods used by the Administration before the enactment of this chapter to recruit highly qualified individuals; and

''(B) the changes the Administration will implement after the enactment of this chapter in order to improve its recruitment of highly qualified individuals, including how it intends to use—

''(i) nongovernmental recruitment or placement agencies; and

''(ii) Internet technologies.

''(c) Not later than 60 days before first exercising any of the workforce authorities made available under this subchapter, the Administrator shall provide to all employees the workforce plan and any additional information which the Administrator considers appropriate.

''(d)(1)(A) The Administrator may submit any modifications to the workforce plan to the Office of Personnel Management. Modifications to the workforce plan may not be implemented without the approval of the Office of Personnel Management.

''(B) Not later than 60 days before implementing any such modifications, the Administrator shall provide an appropriately modified plan to all employees of the Administration and to the appropriate committees of Congress.

''(2) Any reference in this subchapter or any other provision of law to the workforce plan shall be considered to include any modification made in accordance with this subsection.

''(e) Before submitting any written plan under subsection (a) (or modification under subsection (d)) to the Office of Personnel Management, the Administrator shall—

''(1) provide to each employee representative representing any employees who might be affected by such plan (or modification) a copy of the proposed plan (or modification);

''(2) give each representative 30 calendar days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposed plan (or modification); and

''(3) give any recommendations received from any such representatives under paragraph (2) full and fair consideration in deciding whether or how to proceed with respect to the proposed plan (or modification).

''(f) None of the workforce authorities made available under this subchapter may be exercised in a manner inconsistent with the workforce plan.

''(g) Whenever the Administration submits its performance plan under section 1115 of title 31 to the Office of Management and Budget for any year, the Administration shall at the same time submit a copy of such plan to the appropriate committees of Congress.

''(h) Not later than 6 years after date of enactment of this subchapter, the Administrator shall submit to the appropriate committees of Congress an evaluation and analysis of the actions taken by the Administration under this subchapter, including—

''(1) an evaluation, using the methods described in subsection (b)(7), of whether the authorities exercised under this subchapter successfully addressed each critical need identified under subsection (b)(1);

''(2) to the extent that they did not, an explanation of the reasons why any critical need (apart from the ones under subsection (b)(3)) was not successfully addressed; and

''(3) recommendations for how the Administration could address any remaining critical need and could prevent those that have been addressed from recurring.

''§ 9803. Workforce authorities

''(a) The workforce authorities under this subchapter are the following:

''(1) The authority to pay recruitment, redesignation, and relocation bonuses under section 9804.

''(2) The authority to pay retention bonuses under section 9805.

''(3) The authority to make term appointments and to take related personnel actions under section 9806.

''(4) The authority to fix rates of basic pay for critical positions under section 9807.

''(5) The authority to extend intergovernmental personnel act assignments under section 9808.

''(6) The authority to apply subchapter II of chapter 35 in accordance with section 9810.

''(b) No authority under this subchapter may be exercised with respect to any officer who is appointed by the President, by and with the advice and consent of the Senate.

''(c) Unless specifically stated otherwise, all authorities provided under this subchapter are subject to section 5307.

''§ 9804. Recruitment, redesignation, and relocation bonuses

''(a) Notwithstanding section 5753, the Administrator may pay a bonus to an individual, in accordance with the workforce plan and subject to the limitations in this section, if—

''(1) the Administrator determines that the Administration would be likely, in the absence of a bonus, to encounter difficulty in filling a position; and

''(2) the individual—

''(A) is newly appointed as an employee of the Federal Government;

''(B) is currently employed by the Federal Government and is newly appointed to another position in the same geographic area; or

''(C) is currently employed by the Federal Government and is required to relocate to a different geographic area to accept a position with the Administration.

''(b) If the position is described as addressing a critical need in the workforce plan under section 9802(b)(2)(A), the amount of a bonus may not exceed—

''(1) 50 percent of the employee's annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period multiplied by the service period specified under subsection (d)(1)(B)(i); or

''(2) 100 percent of the employee's annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period.

''(c) If the position is not described as addressing a critical need in the workforce plan under section 9802(b)(2)(A), the amount of a bonus may not exceed—

''(1) 25 percent of the employee's annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period multiplied by the service period specified under subsection (d)(1)(B)(i); or

''(2) 100 percent of the employee's annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period.

''(d)(1)(A) Payment of a bonus under this section shall be contingent upon the individual entering into a service agreement with the Administration.

''(B) At a minimum, the service agreement shall include—

''(i) the required service period;

''(ii) the method of payment, including a payment schedule, which may include a lump-sum payment, installment payments, or a combination thereof;

''(iii) the amount of the bonus and the basis for calculating that amount; and

''(iv) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

''(2) For purposes of determinations under subsections (b)(1) and (c)(1), the employee's service period shall be expressed as the number equal to the full years and twelfth parts thereof, rounding the fractional part of a month to the nearest twelfth part of a year. The service period may not be less than 6 months and may not exceed 4 years.

''(3) A bonus under this section may not be considered to be part of the basic pay of an employee.

''(e) Before paying a bonus under this section, the Administration shall establish a plan for paying recruitment, redesignation, and relocation bonuses, subject to approval by the Office of Personnel Management.

''§ 9805. Retention bonuses

''(a) Notwithstanding section 5754, the Administrator may pay a bonus to an employee, in accordance with the workforce plan and subject to the limitations in this section, if the Administrator determines that—

''(1) the unusually high or unique qualifications of the employee or a special need of the Administration for the employee's services makes it essential to retain the employee; and

''(2) the employee would be likely to leave in the absence of a retention bonus.

''(b) If the position is described as addressing a critical need in the workforce plan under section 9802(b)(2)(A), the amount of a bonus may not exceed 50 percent of the employee's annual rate of basic pay (including comparability payments under sections 5304 and 5304a).

''(c) If the position is not described as addressing a critical need in the workforce plan under section 9802(b)(2)(A), the amount of a bonus may not exceed 25 percent of the employee's annual rate of basic pay (including comparability payments under sections 5304 and 5304a).

''(d)(1)(A) Payment of a bonus under this section shall be contingent upon the employee entering into a service agreement with the Administration.

''(B) At a minimum, the service agreement shall include—

''(i) the required service period;

''(ii) the method of payment, including a payment schedule, which may include a lump-sum payment, installment payments, or a combination thereof;

''(iii) the amount of the bonus and the basis for calculating the amount; and

''(iv) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

''(2) The employee's service period shall be expressed as the number equal to the full years and twelfth parts thereof, rounding the fractional part of a month to the nearest twelfth part of a year. The service period may not be less than 6 months and may not exceed 4 years.

''(3) Notwithstanding paragraph (1), a service agreement is not required if the Administration pays a bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee, with no portion of the bonus deferred. In this case, the Administration shall inform the employee in writing of any decision to change the retention bonus payments. The employee shall continue to accrue entitlement to the retention bonus through the end of the pay period in which such written notice is provided.

''(e) A bonus under this section may not be considered to be part of the basic pay of an employee.

''(f) An employee is not entitled to a retention bonus under this section during a service period previously established for that

employee under section 5753 or under section 9804.

"§ 9806. Term appointments

''(a) The Administrator may authorize term appointments within the Administration under subchapter I of chapter 33, for a period of not less than 1 year and not more than 6 years.

''(b) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Administrator may convert an employee serving under a term appointment to a permanent appointment in the competitive service within the Administration without further competition if—

''(1) such individual was appointed under open, competitive examination under subchapter I of chapter 33 to the term position;

''(2) the announcement for the term appointment from which the conversion is made stated that there was potential for subsequent conversion to a career-conditional or career appointment;

''(3) the employee has completed at least 2 years of current continuous service under a term appointment in the competitive service;

''(4) the employee's performance under such term appointment was at least fully successful or equivalent; and

''(5) the position to which such employee is being converted under this section is in the same occupational series, is in the same geographic location, and provides no greater promotion potential than the term position for which the competitive examination was conducted.

''(c) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Administrator may convert an employee serving under a term appointment to a permanent appointment in the competitive service within the Administration through internal competitive promotion procedures if the conditions under paragraphs (1) through (4) of subsection (b) are met.

''(d) An employee converted under this section becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure.

''(e) An employee converted to career or career-conditional employment under this section acquires competitive status upon conversion.

"§ 9807. Pay authority for critical positions

''(a) In this section, the term 'position' means—

''(1) a position to which chapter 51 applies, including a position in the Senior Executive Service;

''(2) a position under the Executive Schedule under sections 5312 through 5317;

''(3) a position established under section 3104; or

''(4) a senior-level position to which section 5376(a)(1) applies.

''(b) Authority under this section—

''(1) may be exercised only with respect to a position that—

''(A) is described as addressing a critical need in the workforce plan under section 9802(b)(2)(A); and

''(B) requires expertise of an extremely high level in a scientific, technical, professional, or administrative field;

''(2) may be exercised only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position; and

''(3) may be exercised only in retaining employees of the Administration or in appointing individuals who were not employees of another Federal agency as defined under section 5102(a)(1).

''(c)(1) Notwithstanding section 5377, the Administrator may fix the rate of basic pay for a position in the Administration in accordance with this section. The Administrator may not delegate this authority.

''(2) The number of positions with pay fixed under this section may not exceed 10 at any time.

''(d)(1) The rate of basic pay fixed under this section may not be less than the rate of basic pay (including any comparability payments) which would otherwise be payable for the position involved if this section had never been enacted.

''(2) The annual rate of basic pay fixed under this section may not exceed the per annum rate of salary payable under section 104 of title 3.

''(3) Notwithstanding any provision of section 5307, in the case of an employee who, during any calendar year, is receiving pay at a rate fixed under this section, no allowance, differential, bonus, award, or similar cash payment may be paid to such employee if, or to the extent that, when added to basic pay paid or payable to such employee (for service performed in such calendar year as an employee in the executive branch or as an employee outside the executive branch to whom chapter 51 applies), such payment would cause the total to exceed the per annum rate of salary which, as of the end of such calendar year, is payable under section 104 of title 3.

"§ 9808. Assignments of intergovernmental personnel

''(a) For purposes of applying the third sentence of section 3372(a) (relating to the authority of the head of a Federal agency to extend the period of an employee's assignment to or from a State or local government, institution of higher education, or other organization), the Administrator may, with the concurrence of the employee and the government or organization concerned, take any action which would be allowable if such sentence had been amended by striking 'two' and inserting 'four'.

''(b) Any individual who is assigned to the Administration under section 3372 may not directly manage Federal employees.

"§ 9809. Enhanced demonstration project authority

''When conducting a demonstration project at the Administration, section 4703(d)(1)(A) may be applied by substituting 'such numbers of individuals as determined by the Administrator' for 'not more than 5,000 individuals'.

''SUBCHAPTER II—PERSONNEL PROVISIONS

"§ 9831. Definitions

''For purposes of this subchapter, the terms 'Administration' and 'Administrator' have the meanings set forth in section 9801.

"§ 9832. NASA-Industry exchange program

''(a) For purposes of this section, the term 'detail' means—

''(1) the assignment or loan of an employee of the Administration to a private sector organization without a change of position from the Administration, or

''(2) the assignment or loan of an employee of a private sector organization to the Administration without a change of position from the private sector organization that employs the individual,

whichever is appropriate in the context in which such term is used.

''(b)(1) On request from or with the agreement of a private sector organization, and with the consent of the employee concerned, the Administrator may arrange for the assignment of an employee of the Administration to a private sector organization or an employee of a private sector organization to the Administration. An employee of the Administration shall be eligible to participate in this program only if the employee is employed at the GS–11 level or above (or equivalent) and is serving under a career or career-conditional appointment or an appointment of equivalent tenure in the excepted service.

''(2) The Administrator shall provide for a written agreement between the Administration and the employee concerned regarding the terms and conditions of the employee's assignment. The agreement shall—

''(A) require the employee to serve in the Administration, upon completion of the assignment, for a period equal to the length of the assignment; and

''(B) provide that, in the event the employee fails to carry out the agreement (except for good and sufficient reason, as determined by the Administrator), the employee shall be liable to the United States for payment of all expenses of the assignment.

An amount under subparagraph (B) shall be treated as a debt due the United States.

''(3) Assignments may be terminated by the Administration or the private sector organization concerned for any reason at any time.

''(4) Assignments under this section shall be for a period of between 6 months and 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year, except that no assignment under this section may commence after the end of the 5-year period beginning on the date of the enactment of this section.

''(c)(1) An employee of the Administration who is assigned to a private sector organization under this section is deemed, during the period of the assignment, to be on detail to a regular work assignment in the Administration.

''(2) Notwithstanding any other provision of law, an employee of the Administration who is assigned to a private sector organization under this section is entitled to retain coverage, rights, and benefits under subchapter I of chapter 81, and employment during the assignment is deemed employment by the United States, except that, if the employee or the employee's dependents receive from the private sector organization any payment under an insurance policy for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same injury or death, then, the amount of such payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.

''(3) The assignment of an employee to a private sector organization under this section may be made with or without reimbursement by the private sector organization for the travel and transportation expenses to or from the place of assignment, subject to the same terms and conditions as apply with respect to an employee of a Federal agency or a State or local government under section 3375, and for the pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the Administration used for paying the travel and transportation expenses or pay.

''(4) The Federal Tort Claims Act (28 U.S.C. 2671 et seq.) and any other Federal tort liability statute apply to an employee of the Administration assigned to a private sector organization under this section. The supervision of the duties of an employee of the Administration who is so assigned to a private sector organization may be governed by an agreement between the Administration and the organization.

''(d)(1) An employee of a private sector organization assigned to the Administration under this section is deemed, during the period of the assignment, to be on detail to the Administration.

''(2) An employee of a private sector organization assigned to the Administration under this section—

''(A) may continue to receive pay and benefits from the private sector organization from which he is assigned;

''(B) is deemed, notwithstanding paragraph (1), to be an employee of the Administration for the purposes of—

''(i) chapter 73;

''(ii) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

''(iii) sections 1343, 1344, and 1349(b) of title 31;

''(iv) the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) and any other Federal tort liability statute;

''(v) the Ethics in Government Act of 1978 (5 U.S.C. 101 et seq.); and

''(vi) section 1043 of the Internal Revenue Code of 1986;

''(C) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which he is assigned; and

''(D) is subject to such regulations as the President may prescribe.

The supervision of an employee of a private sector organization assigned to the Administration under this section may be governed by agreement between the Administration and the private sector organization concerned. Such an assignment may be made with or without reimbursement by the Administration for the pay, or a part thereof, of the employee during the period of assignment, or for any contribution of the private sector organization to employee benefit systems.

''(3) An employee of a private sector organization assigned to the Administration under this section who suffers disability or dies as a result of personal injury sustained while performing duties during the assignment shall be treated, for the purpose of subchapter I of chapter 81, as an employee as defined by section 8101 who had sustained the injury in the performance of duty, except that, if the employee or the employee's dependents receive from the private sector organization any payment under an insurance policy for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same injury or death, then, the amount of such payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.

''(4) A private sector organization may not charge the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to the Administration under this section for the period of the assignment.

''(e)(1) The Administration shall, not later than February 28 of each year, prepare and submit to the appropriate committees of Congress a report summarizing the operation of this section during the preceding year.

''(2) Each report shall include, with respect to the period to which such report relates—

''(A) the total number of individuals assigned to, and the total number of individuals assigned from, the Administration during such period;

''(B) a brief description of each assignment included under subparagraph (A), including—

''(i) the name of the assigned individual, as well as the private sector organization, to or from which such individual was assigned;

''(ii) the respective positions to and from which the individual was assigned, including the duties and responsibilities and the pay grade or level associated with each; and

''(iii) the duration and objectives of the individual's assignment; and

''(C) such other information as the Administration considers appropriate.

''(3) A copy of each report submitted under paragraph (1)—

''(A) shall be published in the Federal Register; and

''(B) shall be made publicly available on the Internet.

''(f) The Administrator, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

''(g) Not later than 4 years after the date of the enactment of this section, the General Accounting Office shall prepare and submit to the appropriate committees of Congress a report on the operation of this section. Such report shall include—

''(1) an evaluation of the effectiveness of the program established by this section; and

''(2) a recommendation as to whether such program should be continued (with or without modification) or allowed to lapse.

''§ 9833. Science and technology scholarship program

''(a)(1) The Administrator shall establish a National Aeronautics and Space Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Administration.

''(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

''(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Administration, for the period described in subsection (f)(1), in positions needed by the Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

''(b) In order to be eligible to participate in the Program, an individual must—

''(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic field or discipline described in the list made available under subsection (d);

''(2) be a United States citizen; and

''(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105).

''(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

''(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

''(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

''(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

''(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

''(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

''(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

''(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

''(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

''(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

''(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

''(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

''(A) the total amount of scholarships received by such individual under this section; plus

''(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

''(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

''(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the

Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

''(i) For purposes of this section—

''(1) the term 'cost of attendance' has the meaning given that term in section 472 of the Higher Education Act of 1965;

''(2) the term 'institution of higher education' has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

''(3) the term 'Program' means the National Aeronautics and Space Administration Science and Technology Scholarship Program established under this section.

''(j)(1) There is authorized to be appropriated to the Administration for the Program $10,000,000 for each fiscal year.

''(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

''§ 9834. Distinguished scholar appointment authority

''(a) In this section—

''(1) the term 'professional position' means a position that is classified to an occupational series identified by the Office of Personnel Management as a position that—

''(A) requires education and training in the principles, concepts, and theories of the occupation that typically can be gained only through completion of a specified curriculum at a recognized college or university; and

''(B) is covered by the Group Coverage Qualification Standard for Professional and Scientific Positions; and

''(2) the term 'research position' means a position in a professional series that primarily involves scientific inquiry or investigation, or research-type exploratory development of a creative or scientific nature, where the knowledge required to perform the work successfully is acquired typically and primarily through graduate study.

''(b) The Administration may appoint, without regard to the provisions of sections 3304(b) and 3309 through 3318, candidates directly to General Schedule professional positions in the Administration for which public notice has been given, if—

''(1) with respect to a position at the GS–7 level, the individual—

''(A) received, from an accredited institution authorized to grant baccalaureate degrees, a baccalaureate degree in a field of study for which possession of that degree in conjunction with academic achievements meets the qualification standards as prescribed by the Office of Personnel Management for the position to which the individual is being appointed; and

''(B) achieved a cumulative grade point average of 3.0 or higher on a 4.0 scale and a grade point average of 3.5 or higher for courses in the field of study required to qualify for the position;

''(2) with respect to a position at the GS–9 level, the individual—

''(A) received, from an accredited institution authorized to grant graduate degrees, a graduate degree in a field of study for which possession of that degree meets the qualification standards at this grade level as prescribed by the Office of Personnel Management for the position to which the individual is being appointed; and

''(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position;

''(3) with respect to a position at the GS–11 level, the individual—

''(A) received, from an accredited institution authorized to grant graduate degrees, a graduate degree in a field of study for which possession of that degree meets the qualification standards at this grade level as prescribed by the Office of Personnel Management for the position to which the individual is being appointed; and

''(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position; or

''(4) with respect to a research position at the GS–12 level, the individual—

''(A) received, from an accredited institution authorized to grant graduate degrees, a graduate degree in a field of study for which possession of that degree meets the qualification standards at this grade level as prescribed by the Office of Personnel Management for the position to which the individual is being appointed; and

''(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position.

''(c) Veterans' preference procedures shall apply when selecting candidates under this section. Preference eligibles who meet the criteria for distinguished scholar appointments shall be considered ahead of non-preference eligibles.

''(d) An appointment made under this authority shall be a career-conditional appointment in the competitive civil service.

''§ 9835. Travel and transportation expenses of certain new appointees

''(a) In this section, the term 'new appointee' means—

''(1) a person newly appointed or reinstated to Federal service to the Administration to—

''(A) a career or career-conditional appointment;

''(B) a term appointment;

''(C) an excepted service appointment that provides for noncompetitive conversion to a career or career-conditional appointment;

''(D) a career or limited term Senior Executive Service appointment;

''(E) an appointment made under section 203(c)(2)(A) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(2)(A));

''(F) an appointment to a position established under section 3104; or

''(G) an appointment to a position established under section 5108; or

''(2) a student trainee who, upon completion of academic work, is converted to an appointment in the Administration that is identified in paragraph (1) in accordance with an appropriate authority.

''(b) The Administrator may pay the travel, transportation, and relocation expenses of a new appointee to the same extent, in the same manner, and subject to the same conditions as the payment of such expenses under sections 5724, 5724a, 5724b, and 5724c to an employee transferred in the interests of the United States Government.

''(c) The Administrator shall submit to the appropriate committees of Congress, not later than February 28 of each of the next 10 years beginning after the date of enactment of this subchapter—

''(1) the average payment for travel and transportation expenses of certain new appointees provided under this section during the preceding year; and

''(2) the highest payment for travel and transportation expenses to an individual appointee provided under this section during the preceding year.

''§ 9836. Annual leave enhancements

''(a)(1) In this section—

''(A) the term 'newly appointed employee' means an individual who is first appointed—

''(i) regardless of tenure, as an employee of the Federal Government; or

''(ii) as an employee of the Federal Government following a break in service of at least 90 days after that individual's last period of Federal employment, other than—

''(I) employment under the Student Educational Employment Program administered by the Office of Personnel Management;

''(II) employment as a law clerk trainee;

''(III) employment under a short-term temporary appointing authority while a student during periods of vacation from the educational institution at which the student is enrolled;

''(IV) employment under a provisional appointment if the new appointment is permanent and immediately follows the provisional appointment; or

''(V) employment under a temporary appointment that is neither full-time nor the principal employment of the individual;

''(B) the term 'period of qualified non-Federal service' means any period of service performed by an individual that—

''(i) was performed in a position the duties of which were directly related to the duties of the position in the Administration to which that individual will fill as a newly appointed employee; and

''(ii) except for this section, would not otherwise be service performed by an employee for purposes of section 6303; and

''(C) the term 'directly related to the duties of the position' means duties and responsibilities in the same line of work which require similar qualifications.

''(b)(1) For purposes of section 6303, the Administrator may deem a period of qualified non-Federal service performed by a newly appointed employee to be a period of service of equal length performed as an employee.

''(2) A period deemed by the Administrator under paragraph (1) shall continue to apply to the employee during—

''(A) the period of Federal service in which the deeming is made; and

''(B) any subsequent period of Federal service.

''(c)(1) Notwithstanding section 6303(a), the annual leave accrual rate for an employee of the Administration in a position paid under section 5376 or 5383, or for an employee in an equivalent category whose rate of basic pay is greater than the rate payable at GS–15, step 10, shall be 1 day for each full biweekly pay period.

''(2) The accrual rate established under this paragraph shall continue to apply to the employee during—

''(A) the period of Federal service in which such accrual rate first applies; and

''(B) any subsequent period of Federal service.

''§ 9837. Limited appointments to Senior Executive Service positions

''(a) In this section—

''(1) the term 'career reserved position' means a position in the Administration designated under section 3132(b) which may be filled only by—

''(A) a career appointee; or

''(B) a limited emergency appointee or a limited term appointee—

''(i) who, immediately before entering the career reserved position, was serving under a career or career-conditional appointment outside the Senior Executive Service; or

''(ii) whose limited emergency or limited term appointment is approved in advance by the Office of Personnel Management;

''(2) the term 'limited emergency appointee' has the meaning given under section 3132; and

''(3) the term 'limited term appointee' means an individual appointed to a Senior Executive Service position in the Administration to meet a bona fide temporary need, as determined by the Administrator.

''(b) The number of career reserved positions which are filled by an appointee as described under subsection (a)(1)(B) may not

exceed 10 percent of the total number of Senior Executive Service positions allocated to the Administration.

''(c) Notwithstanding sections 3132 and 3394(b)—

''(1) the Administrator may appoint an individual to any Senior Executive Service position in the Administration as a limited term appointee under this section for a period of—

''(A) 4 years or less to a position the duties of which will expire at the end of such term; or

''(B) 1 year or less to a position the duties of which are continuing; and

''(2) in rare circumstances, the Administrator may authorize an extension of a limited appointment under—

''(A) paragraph (1)(A) for a period not to exceed 2 years; and

''(B) paragraph (1)(B) for a period not to exceed 1 year.

''(d) A limited term appointee who has been appointed in the Administration from a career or career-conditional appointment outside the Senior Executive Service shall have reemployment rights in the agency from which appointed, or in another agency, under requirements and conditions established by the Office of Personnel Management. The Office shall have the authority to direct such placement in any agency.

''(e) Notwithstanding section 3394(b) and section 3395—

''(1) a limited term appointee serving under a term prescribed under this section may be reassigned to another Senior Executive Service position in the Administration, the duties of which will expire at the end of a term of 4 years or less; and

''(2) a limited term appointee serving under a term prescribed under this section may be reassigned to another continuing Senior Executive Service position in the Administration, except that the appointee may not serve in 1 or more positions in the Administration under such appointment in excess of 1 year, except that in rare circumstances, the Administrator may approve an extension up to an additional 1 year.

''(f) A limited term appointee may not serve more than 7 consecutive years under any combination of limited appointments.

''(g) Notwithstanding section 5384, the Administrator may authorize performance awards to limited term appointees in the Administration in the same amounts and in the same manner as career appointees.

''§ 9838. Superior qualifications pay

''(a) In this section the term 'employee' means an employee as defined under section 2105 who is employed by the Administration.

''(b) Notwithstanding section 5334, the Administrator may set the pay of an employee paid under the General Schedule at any step within the pay range for the grade of the position, based on the superior qualifications of the employee, or the special need of the Administration.

''(c) If an exercise of the authority under this section relates to a current employee selected for another position within the Administration, a determination shall be made that the employee's contribution in the new position will exceed that in the former position, before setting pay under this section.

''(d) Pay as set under this section is basic pay for such purposes as pay set under section 5334.

''(e) If the employee serves for at least 1 year in the position for which the pay determination under this section was made, or a successor position, the pay earned under such position may be used in succeeding actions to set pay under chapter 53.

''(f) The Administrator may waive the restrictions in subsection (e), based on criteria established in the plan required under subsection (g).

''(g) Before setting any employee's pay under this section, the Administrator shall submit a plan to the Office of Personnel Management, that includes—

''(1) criteria for approval of actions to set pay under this section;

''(2) the level of approval required to set pay under this section;

''(3) all types of actions and positions to be covered;

''(4) the relationship between the exercise of authority under this section and the use of other pay incentives; and

''(5) a process to evaluate the effectiveness of this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for subchapter I of part III of title 5, United States Code, is amended by adding after the item relating to chapter 97 the following:

''98. National Aeronautics and Space Administration ..... 9801''.

(2) COMPENSATION FOR CERTAIN EXCEPTED PERSONNEL.—Subparagraph (A) of section 203(c)(2) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(2)(A)) is amended by striking ''the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,'' and inserting ''the rate of basic pay payable for level III of the Executive Schedule,''.

(3) COMPENSATION CLARIFICATION.—Section 209 of title 18, United States Code, as amended by section 209(g)(2) of the E-Government Act of 2002 (Public Law 107–347; 116 Stat. 2932), is amended by adding at the end the following:

''(h) This section does not prohibit an employee of a private sector organization, while assigned to the National Aeronautics and Space Administration under section 9832 of title 5, from continuing to receive pay and benefits from that organization in accordance with section 9832 of that title.''.

(4) CONTINUED TSP ELIGIBILITY.—Section 125(c)(1) of Public Law 100–238 (5 U.S.C. 8432 note), as amended by section 209(g)(3) of the E-Government Act of 2002 (Public Law 107–347; 116 Stat. 2932), is amended—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(E) an individual assigned from the National Aeronautics and Space Administration to a private sector organization under section 9832 of title 5, United States Code; and''.

(5) ETHICS PROVISIONS.—

(A) ONE-YEAR RESTRICTION ON CERTAIN COMMUNICATIONS.—Section 207(c)(2)(A)(v) of title 18, United States Code, is amended by inserting ''or section 9832'' after ''chapter 37''.

(B) DISCLOSURE OF CONFIDENTIAL INFORMATION.—Section 1905 of title 18, United States Code, is amended by inserting ''or section 9832'' after ''chapter 37''.

(6) CONTRACT ADVICE.—Section 207(l) of title 18, United States Code, is amended by inserting ''or section 9832'' after ''chapter 37''.

(7) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(A) in section 3111(d), by inserting ''or section 9832'' after ''chapter 37''; and

(B) in section 7353(b)(4), by inserting ''or section 9832'' after ''chapter 37''.

SA 756. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. GUARDFIST II FIRE SUPPORT TRAINING SYSTEM.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $791,000 shall be available for Non-System Training Devices Combined Arms (PE 0604715F) for the GUARDFIST II fire support training system.

(2) The amount available under paragraph (1) for the purpose specified in that section is in addition to any other amounts available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, the amount available for Next Generation Training and Simulation Systems (PE 0603015A) for the Institute for Creative Technologies (ICT) is hereby reduced by $791,000.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 21, 2003 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Reorganization of the Bureau of Indian Affairs.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 22, 2003 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Status of Telecommunications in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 20, 2003, at 2:00 P.M. to conduct an oversight hearing on ''overview of the fair credit reporting act and issues presented by the re-authorization of the expiring preemption provisions.''

The committee will also vote on the nominations of Dr. Nicholas Gregory Mankiw, of Massachusetts, to be a member of the council of economic advisors, executive office of the president; Mr. Steven B. Nesmith, of Pennsylvania, to be assistant secretary for