

NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2005

---

R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ON

H.R. 4200

together with

ADDITIONAL VIEWS

[Including committee cost estimate]



MAY 14, 2004.—Committed to the Committee of the Whole House on the  
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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2005

\_\_\_\_\_

MAY 14, 2004.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

\_\_\_\_\_

Mr. HUNTER, from the Committee on Armed Services,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4200]

[Includes committee cost estimate]

The Committee on Armed Services, to whom was referred the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

The amendment strikes all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

The title of the bill is amended to reflect the amendment to the text of the bill.

EXPLANATION OF THE COMMITTEE AMENDMENTS

The committee adopted an amendment in the nature of a substitute during the consideration of H.R. 4200. The title of the bill is amended to reflect the amendment to the text of the bill. The remainder of the report discusses the bill, as amended.

PURPOSE

The bill would—(1) Authorize appropriations for fiscal year 2005 for procurement and for research, development, test and evaluation (RDT&E); (2) Authorize appropriations for fiscal year 2005 for operation and maintenance (O&M) and for working capital funds; (3)

Authorize for fiscal year 2005: (a) the personnel strength for each active duty component of the military departments; (b) the personnel strength for the Selected Reserve for each reserve component of the armed forces; (c) the military training student loads for each of the active and reserve components of the military departments; (4) Modify various elements of compensation for military personnel and impose certain requirements and limitations on personnel actions in the defense establishment; (5) Authorize appropriations for fiscal year 2005 for military construction and family housing; (6) Authorize emergency appropriations for increased costs due to Operation Iraqi Freedom and Operation Enduring Freedom; (7) Authorize appropriations for fiscal year 2005 for the Department of Energy national security programs; (8) Modify provisions related to the National Defense Stockpile; and (9) Authorize appropriations for fiscal year 2005 for the Maritime Administration.

#### RELATIONSHIP OF AUTHORIZATION TO APPROPRIATIONS

The bill does not generally provide budget authority. The bill authorizes appropriations. Subsequent appropriation acts provide budget authority. The bill addresses the following categories in the Department of Defense budget: procurement; research, development, test and evaluation; operation and maintenance; working capital funds, military personnel; and military construction and family housing. The bill also addresses Department of Energy National Security Programs and the Maritime Administration.

Active duty and reserve personnel strengths authorized in this bill and legislation affecting compensation for military personnel determine the remaining appropriation requirements of the Department of Defense. However, this bill does not provide authorization of specific dollar amounts for personnel.

#### SUMMARY OF AUTHORIZATION IN THE BILL

The President requested budget authority of \$423.1 billion for the national defense budget function for fiscal year 2005. Of this amount, the President requested \$402.6 billion for the Department of Defense, including \$9.5 billion for military construction and family housing. The defense budget request for fiscal year 2004 also included \$17.2 billion for Department of Energy national security programs and the Defense Nuclear Facilities Safety Board.

The committee recommends an overall level of \$422.1 billion in budget authority. This amount represents an increase of approximately \$21.7 billion from the amount authorized for appropriation by the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

In addition, the committee recommends \$25.0 billion in budget authority for the Department of Defense for fiscal year 2005, in addition to amounts otherwise authorized by this Act, to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

#### SUMMARY TABLE OF AUTHORIZATIONS

The following table provides a summary of the amounts requested and that would be authorized for appropriation in the bill (in the column labeled "Budget Authority Implication of Committee

Recommendation”) and the committee’s estimate of how the committee’s recommendations relate to the budget totals for the national defense function. For purposes of estimating the budget authority implications of committee action, the table reflects the numbers contained in the President’s budget for proposals not in the committee’s legislative jurisdiction.

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

| Account Title  | FY 2005<br>Authorization<br>Request | FY 2005<br>Budget Authority<br>Request | Committee<br>Authorization<br>Change | Committee<br>Budget Authority<br>Change | Committee<br>Authorization<br>Recommendation | BA Implication<br>of Committee<br>Recommendation |
|--|-------------------------------------|--|--------------------------------------|---|--|--|
| <b><u>PROCUREMENT</u></b>                                  |                                     |  |                                      |   |  |  |
| Aircraft Procurement, Army                                 | 2,658,241                           | 2,658,241                              | 147,700                              |   | 2,805,941                                    | 2,805,941  |
| Missile Procurement, Army                                  | 1,398,321                           | 1,398,321                              | 16,000                               |   | 1,414,321                                    | 1,414,321  |
| Procurement of Weapons and Tracked Combat Vehicles, Army   | 1,639,695                           | 1,639,695                              | 100,000                              |   | 1,739,695                                    | 1,739,695  |
| Procurement of Ammunition, Army                            | 1,556,902                           | 1,556,902                              | 172,500                              |   | 1,729,402                                    | 1,729,402  |
| Other Procurement, Army                                    | 4,240,896                           | 4,240,896                              | 72,744                               |   | 4,313,640                                    | 4,313,640  |
| Aircraft Procurement, Navy                                 | 8,767,867                           | 8,767,867                              | 144,800                              |   | 8,912,667                                    | 8,912,667  |
| Weapons Procurement, Navy                                  | 2,101,529                           | 2,101,529                              | 151,925                              |   | 2,253,454                                    | 2,253,454  |
| Procurement of Ammunition, Navy and Marine Corps           | 858,640                             | 858,640                                | 12,200                               |   | 870,840                                      | 870,840  |
| Shipbuilding and Conversion, Navy                          | 9,962,027                           | 9,962,027                              | 158,000                              |   | 10,120,027                                   | 10,120,027                                       |
| Other Procurement, Navy                                    | 4,834,278                           | 4,834,278                              | 42,447                               |   | 4,876,725                                    | 4,876,725  |
| Procurement, Marine Corps                                  | 1,190,103                           | 1,190,103                              | 125,000                              |   | 1,315,103                                    | 1,315,103  |
| Aircraft Procurement, Air Force                            | 13,163,174                          | 13,163,174                             | 486,000                              |   | 13,649,174                                   | 13,649,174                                       |
| Procurement of Ammunition, Air Force                       | 1,396,457                           | 1,396,457                              |                                      |   | 1,396,457                                    | 1,396,457  |
| Missile Procurement, Air Force                             | 4,718,313                           | 4,718,313                              | (80,000)                             |   | 4,638,313                                    | 4,638,313  |
| Other Procurement, Air Force                               | 13,283,557                          | 13,283,557                             | (54,300)                             |   | 13,229,257                                   | 13,229,257                                       |
| Procurement, Defense-wide                                  | 2,883,302                           | 2,883,302                              | 67,400                               |   | 2,950,702                                    | 2,950,702  |
| Defense Production Act Purchases                           |                                     | 9,015                                  |                                      |   |  | 9,015  |
| Chemical Agents and Munitions Destruction                  | 1,371,990                           | 1,371,990                              | (1,371,990)                          |   |  |  |
| <b>Total Procurement</b>                                   | <b>76,025,292</b>                   | <b>76,034,307</b>                      | <b>190,426</b>                       |   | <b>76,215,718</b>                            | <b>76,224,733</b>                                |
| <b><u>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</u></b> |                                     |  |                                      |   |  |  |
| Research, Development, Test & Evaluation, Army             | 9,266,258                           | 9,266,258                              | 211,906                              | 17,000                                  | 9,478,164                                    | 9,495,164  |
| Research, Development, Test & Evaluation, Navy             | 16,346,391                          | 16,346,391                             | (298,550)                            |   | 16,047,841                                   | 16,047,841                                       |
| Research, Development, Test & Evaluation, Air Force        | 21,114,667                          | 21,114,667                             | 413,300                              |   | 21,527,967                                   | 21,527,967                                       |
| Research, Development, Test & Evaluation, Defense-wide     | 20,739,837                          | 20,739,837                             | 29,417                               |   | 20,769,254                                   | 20,769,254                                       |
| Operational Test & Evaluation, Defense                     | 305,135                             | 305,135                                |                                      |   | 305,135                                      | 305,135  |
| <b>Total Research, Development, Test &amp; Evaluation</b>  | <b>67,772,288</b>                   | <b>67,772,288</b>                      | <b>356,073</b>                       | <b>17,000</b>                           | <b>68,128,361</b>                            | <b>68,145,361</b>                                |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

| Account Title  | FY 2005<br>Authorization<br>Request | FY 2005<br>Budget Authority<br>Request | Committee<br>Authorization<br>Change | Committee<br>Budget Authority<br>Change | Committee<br>Authorization<br>Recommendation | BA Implication<br>of Committee<br>Recommendation |
|--|-------------------------------------|--|--------------------------------------|---|--|--|
| <b><u>OPERATION AND MAINTENANCE &amp; OTHER PROGRAMS</u></b> |                                     |  |                                      |   |  |  |
| <b>Operation and Maintenance</b>                             |                                     |  |                                      |   |  |  |
| Operation and Maintenance, Army                              | 26,133,411                          | 26,133,411                             | (294,800)                            |   | 25,838,611                                   | 25,838,611                                       |
| Operation and Maintenance, Navy                              | 29,789,190                          | 29,789,190                             | (265,700)                            |   | 29,523,490                                   | 29,523,490                                       |
| Operation and Maintenance, Marine Corps                      | 3,632,115                           | 3,632,115                              | 5,500                                |   | 3,637,615                                    | 3,637,615  |
| Operation and Maintenance, Air Force                         | 28,471,260                          | 28,471,260                             | (1,327,694)                          |   | 27,143,566                                   | 27,143,566                                       |
| Operation and Maintenance, Defense-wide                      | 17,494,076                          | 17,494,076                             | (176,670)                            |   | 17,317,406                                   | 17,317,406                                       |
| Operation and Maintenance, Army Reserve                      | 2,008,128                           | 2,008,128                              | (4,400)                              |   | 2,003,728                                    | 2,003,728  |
| Operation and Maintenance, Navy Reserve                      | 1,240,038                           | 1,240,038                              |                                      |   | 1,240,038                                    | 1,240,038  |
| Operation and Maintenance, Marine Corps Reserve              | 188,696                             | 188,696                                |                                      |   | 188,696                                      | 188,696  |
| Operation and Maintenance, Air Force Reserve                 | 2,239,790                           | 2,239,790                              | (13,000)                             |   | 2,226,790                                    | 2,226,790  |
| Operation and Maintenance, Army National Guard               | 4,440,686                           | 4,440,686                              | (15,000)                             |   | 4,425,686                                    | 4,425,686  |
| Operation and Maintenance, Air National Guard                | 4,422,838                           | 4,422,838                              | 26,100                               |   | 4,448,938                                    | 4,448,938  |
| Transfer Accounts  | 1,305,336                           | 1,305,336                              |                                      |   | 1,305,336                                    | 1,305,336  |
| Miscellaneous Appropriations                                 | 509,025                             | 509,025                                | 25,000                               |   | 534,025                                      | 534,025  |
| <b>Subtotal Operation and Maintenance</b>                    | <b>121,874,589</b>                  | <b>121,874,589</b>                     | <b>(2,040,664)</b>                   |   | <b>119,833,925</b>                           | <b>119,833,925</b>                               |
| <b>Other Programs</b>  |                                     |  |                                      |   |  |  |
| Drug Interdiction and Counter-drug Activities, Defense       | 852,697                             | 852,697                                |                                      |   | 852,697                                      | 852,697  |
| Defense Health Program                                       | 17,640,411                          | 17,640,411                             | 171,175                              |   | 17,811,586                                   | 17,811,586                                       |
| Office of the Inspector General                              | 244,562                             | 244,562                                | (51,000)                             |   | 193,562                                      | 193,562  |
| Chemical Agents and Munitions Destruction, Defense           |                                     |  | 1,371,990                            |   | 1,371,990                                    | 1,371,990  |
| <b>Subtotal Other Programs</b>                               | <b>18,737,670</b>                   | <b>18,737,670</b>                      | <b>1,492,165</b>                     |   | <b>20,229,835</b>                            | <b>20,229,835</b>                                |
| <b>Total Operation and Maintenance &amp; Other Programs</b>  | <b>140,612,259</b>                  | <b>140,612,259</b>                     | <b>(548,499)</b>                     |   | <b>140,063,760</b>                           | <b>140,063,760</b>                               |

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**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

| Account Title   | FY 2005<br>Authorization<br>Request | FY 2005<br>Budget Authority<br>Request | Committee<br>Authorization<br>Change | Committee<br>Budget Authority<br>Change | Committee<br>Authorization<br>Recommendation | BA Implication<br>of Committee<br>Recommendation |
|---|-------------------------------------|--|--------------------------------------|---|--|--|
| <b><u>REVOLVING AND MANAGEMENT FUNDS</u></b>                |                                     |  |                                      |   |  |  |
| Defense Working Capital Funds - Services and Defense-wide   | 510,886                             | 510,886                                | (138,000)                            |   | 372,886                                      | 372,886  |
| Defense Working Capital Funds - DECA                        | 1,175,000                           | 1,175,000                              |                                      |   | 1,175,000                                    | 1,175,000  |
| National Defense Sealift Fund                               | 1,269,252                           | 1,269,252                              | (50,000)                             |   | 1,219,252                                    | 1,219,252  |
| National Defense Stockpile Transaction Fund                 |                                     |  |                                      |   |  |  |
| Armed Forces Retirement Home Fund                           | 61,195                              |  |                                      |   | 61,195                                       |  |
| <b>Total Revolving and Management Funds</b>                 | <b>3,016,333</b>                    | <b>2,955,138</b>                       | <b>(188,000)</b>                     |   | <b>2,828,333</b>                             | <b>2,767,138</b>                                 |
| <b><u>MILITARY PERSONNEL</u></b>                            |                                     |  |                                      |   |  |  |
| <b>Total Military Personnel</b>                             | <b>104,811,558</b>                  | <b>104,811,558</b>                     | <b>(164,000)</b>                     |   | <b>104,647,558</b>                           | <b>104,647,558</b>                               |
| <b><u>MILITARY CONSTRUCTION</u></b>                         |                                     |  |                                      |   |  |  |
| Military Construction, Army                                 | 1,771,285                           | 1,771,285                              | 94,924                               |   | 1,866,209                                    | 1,866,209  |
| Military Construction, Navy                                 | 1,060,455                           | 1,060,455                              | 17,407                               |   | 1,077,862                                    | 1,077,862  |
| Military Construction, Air Force                            | 663,964                             | 663,964                                | 128,090                              |   | 792,054                                      | 792,054  |
| Military Construction, Defense-wide                         | 699,437                             | 709,337                                | 9,500                                |   | 708,937                                      | 718,837  |
| Military Construction, Chemical Demil Construction, Defense | 81,886                              | 81,886                                 |                                      |   | 81,886                                       | 81,886   |
| NATO Security Investment Program                            | 165,800                             | 165,800                                |                                      |   | 165,800                                      | 165,800  |
| Base Realignment and Closure IV                             | 246,116                             | 246,116                                |                                      |   | 246,116                                      | 246,116  |
| Military Construction, Army National Guard                  | 295,657                             | 295,657                                | 97,568                               |   | 393,225                                      | 393,225  |
| Military Construction, Air National Guard                   | 127,368                             | 127,368                                | 57,252                               |   | 184,620                                      | 184,620  |
| Military Construction, Army Reserve                         | 87,070                              | 87,070                                 | 29,885                               |   | 116,955                                      | 116,955  |
| Military Construction, Naval Reserve                        | 25,285                              | 25,285                                 | 5,670                                |   | 30,955                                       | 30,955   |
| Military Construction, Air Force Reserve                    | 84,556                              | 84,556                                 | 29,534                               |   | 114,090                                      | 114,090  |
| Military Construction, Foreign Currency Fluctuations        |                                     |  |                                      | 63,000                                  |  | 63,000   |
| <b>Subtotal Military Construction</b>                       | <b>5,308,879</b>                    | <b>5,318,779</b>                       | <b>469,830</b>                       | <b>63,000</b>                           | <b>5,778,709</b>                             | <b>5,851,609</b>                                 |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

| <u>Account Title</u>                                  | <u>FY 2005<br/>Authorization<br/>Request</u> | <u>FY 2005<br/>Budget Authority<br/>Request</u> | <u>Committee<br/>Authorization<br/>Change</u> | <u>Committee<br/>Budget Authority<br/>Change</u> | <u>Committee<br/>Authorization<br/>Recommendation</u> | <u>BA Implication<br/>of Committee<br/>Recommendation</u> |
|---|--|---|---|--|---|---|
| <b><u>FAMILY HOUSING</u></b>                          |  |   |   |  |   |   |
| Family Housing Construction, Army                     | 636,099                                      | 636,099   |   |  | 636,099   | 636,099   |
| Family Housing Support, Army                          | 928,907                                      | 928,907   | (2,400)                                       |  | 926,507   | 926,507   |
| Family Housing Construction, Navy and Marine Corps    | 139,107                                      | 139,107   |   |  | 139,107   | 139,107   |
| Family Housing Support, Navy and Marine Corps         | 704,504                                      | 704,504   | (8,200)                                       |  | 696,304   | 696,304   |
| Family Housing Construction, Air Force                | 846,959                                      | 846,959   |   |  | 846,959   | 846,959   |
| Family Housing Support, Air Force                     | 863,896                                      | 863,896   | (9,230)                                       |  | 854,666   | 854,666   |
| Family Housing Construction, Defense-wide             | 49   | 49  |   |  | 49  | 49  |
| Family Housing Support, Defense-wide                  | 49,575                                       | 49,575  |   |  | 49,575  | 49,575  |
| DoD Family Housing Improvement Fund                   | 2,500  | 2,500   |   |  | 2,500   | 2,500   |
| <b>Subtotal Family Housing</b>                        | <b>4,171,596</b>                             | <b>4,171,596</b>                                | <b>(19,830)</b>                               |  | <b>4,151,766</b>                                      | <b>4,151,766</b>  |
| <b>Total Military Construction and Family Housing</b> | <b>9,480,475</b>                             | <b>9,490,375</b>                                | <b>450,000</b>                                | <b>63,000</b>                                    | <b>9,930,475</b>                                      | <b>10,003,375</b>   |
| <b><u>OTHER DoD MILITARY</u></b>                      |  |   |   |  |   |   |
| National Security Education Trust Fund                |  | 8,000   |   |  |   | 8,000   |
| National Science Center, Army                         |  | 5   |   |  |   | 5   |
| DoD Facility Recovery                                 |  | 1,300   |   |  |   | 1,300   |
| Allowances - Travel Cards                             |  |   |   | 44,000   |   | 44,000  |
| Disposal of DoD Real Property                         |  | 16,000  |   |  |   | 16,000  |
| Lease of DoD Real Property                            |  | 14,770  |   | (6,000)  |   | 8,770   |
| <b>Total Other DoD Military</b>                       |  | <b>40,075</b>                                   |   | <b>38,000</b>                                    |   | <b>78,075</b>   |
| <b>Subtotal Department of Defense - Discretionary</b> | <b>401,718,205</b>                           | <b>401,716,000</b>                              | <b>96,000</b>                                 | <b>118,000</b>                                   | <b>401,814,205</b>                                    | <b>401,930,000</b>  |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

| Account Title  | FY 2005<br>Authorization<br>Request | FY 2005<br>Budget Authority<br>Request | Committee<br>Authorization<br>Change | Committee<br>Budget Authority<br>Change | Committee<br>Authorization<br>Recommendation | BA Implication<br>of Committee<br>Recommendation |
|--|-------------------------------------|--|--------------------------------------|---|--|--|
| <b><u>DoD MANDATORY PROGRAMS</u></b>                                     |                                     |  |                                      |   |  |  |
| Sale of Certain Material in National Defense Stockpile                   |                                     | (115,000)                              | (15,000)                             | 15,000                                  | (15,000)                                     | (115,000)  |
| Concurrent Receipt Accrual Payment                                       |                                     | 1,534,200                              |                                      | (160,000)                               |  | 1,374,200  |
| Restoration of Rocky Mountain Arsenal                                    |                                     | 10,010                                 |                                      | (4,000)                                 |  | 6,010  |
| Allied Contributions and Cooperation Account                             |                                     | 600,000                                |                                      | (50,000)                                |  | 550,000  |
| Trust Funds, Revolving Funds and Other DoD Programs                      |                                     | 273,000                                |                                      | (147,000)                               |  | 126,000  |
| Offsetting Receipts  |                                     | (1,386,000)                            |                                      | 148,000                                 |  | (1,238,000)                                      |
| Sec 503 - Increase in retirement age limit for military officers         |                                     |  | 250                                  |   | 250  | 250  |
| Sec. 504 - Flexibility for voluntary retirement for military officers    |                                     |  | 250                                  |   | 250  | 250  |
| Sec. 512 - Mandatory retention of active duty to qualify for retired pay |                                     |  | 500                                  |   | 500  | 500  |
| Sec. 555 - Disabilities sustained during accession training              |                                     |  | 33                                   |   | 33   | 33   |
| Sec. 642 - Survivor Benefits Plan  |                                     |  | (1,000)                              |   | (1,000)                                      | (1,000)  |
| Sec. 1004 - Microclaim Waiver Authority                                  |                                     |  | 100                                  |   | 100  | 100  |
| <b>Subtotal Department of Defense - Mandatory</b>                        |                                     | <b>916,210</b>                         | <b>(14,867)</b>                      | <b>(198,000)</b>                        | <b>(14,867)</b>                              | <b>703,343</b>                                   |
| <b><u>TOTAL DEPARTMENT OF DEFENSE MILITARY (051)</u></b>                 | <b>401,718,205</b>                  | <b>402,632,210</b>                     | <b>81,133</b>                        | <b>(80,000)</b>                         | <b>401,799,338</b>                           | <b>402,633,343</b>                               |
| <b><u>ATOMIC ENERGY DEFENSE ACTIVITIES (053)</u></b>                     |                                     |  |                                      |   |  |  |
| <b>National Nuclear Security Administration</b>                          |                                     |  |                                      |   |  |  |
| Energy Supply  |                                     |  |                                      |   |  |  |
| Weapons Activities   | 6,568,453                           | 6,568,453                              | 9,500                                |   | 6,577,953                                    | 6,577,953  |
| Defense Nuclear Nonproliferation   | 1,348,647                           | 1,348,647                              | (10,500)                             |   | 1,338,147                                    | 1,338,147  |
| Naval Reactors   | 797,900                             | 797,900                                |                                      |   | 797,900                                      | 797,900  |
| Office of the Administrator  | 333,700                             | 333,700                                |                                      |   | 333,700                                      | 333,700  |
| <b>Subtotal National Nuclear Security Administration</b>                 | <b>9,048,700</b>                    | <b>9,048,700</b>                       | <b>(1,000)</b>                       |   | <b>9,047,700</b>                             | <b>9,047,700</b>                                 |
| <b>Environmental and Other Defense Activities</b>                        |                                     |  |                                      |   |  |  |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

| Account Title   | FY 2005<br>Authorization<br>Request | FY 2005<br>Budget Authority<br>Request | Committee<br>Authorization<br>Change | Committee<br>Budget Authority<br>Change | Committee<br>Authorization<br>Recommendation | BA Implication<br>of Committee<br>Recommendation |
|---|-------------------------------------|--|--------------------------------------|---|--|--|
| Defense Site Acceleration Completion                          | 5,970,837                           | 5,970,837                              | (94,000)                             |   | 5,876,837                                    | 5,876,837  |
| Defense Environmental Services                                | 982,470                             | 982,470                                | 4,000                                |   | 986,470                                      | 986,470  |
| Other Defense Activities                                      | 664,618                             | 664,618                                | (6,000)                              |   | 658,618                                      | 658,618  |
| Defense Nuclear Waste Disposal                                | 131,000                             | 131,000                                |                                      |   | 131,000                                      | 131,000  |
| <b>Subtotal Environmental and Other Defense Activities</b>    | <b>7,748,925</b>                    | <b>7,748,925</b>                       | <b>(96,000)</b>                      |   | <b>7,652,925</b>                             | <b>7,652,925</b>                                 |
| <b>Subtotal Atomic Energy Defense Activities</b>              | <b>16,797,625</b>                   | <b>16,797,625</b>                      | <b>(97,000)</b>                      |   | <b>16,700,625</b>                            | <b>16,700,625</b>                                |
| <b><u>OTHER ATOMIC ENERGY DEFENSE PROGRAMS</u></b>            |                                     |  |                                      |   |  |  |
| Formerly Utilized Sites Remedial Action - Corps of Engineers  |                                     | 140,000                                |                                      |   |  | 140,000  |
| Defense Nuclear Facilities Safety Board                       | 20,268                              | 20,268                                 | 1,000                                |   | 21,268                                       | 21,268   |
| <b>Subtotal Other Atomic Energy Defense Programs</b>          | <b>20,268</b>                       | <b>160,268</b>                         | <b>1,000</b>                         |   | <b>21,268</b>                                | <b>161,268</b>                                   |
| <b>Total Atomic Energy Defense Activities - Discretionary</b> | <b>16,817,893</b>                   | <b>16,957,893</b>                      | <b>(96,000)</b>                      |   | <b>16,721,893</b>                            | <b>16,861,893</b>                                |
| <b><u>ATOMIC ENERGY MANDATORY PROGRAMS</u></b>                |                                     |  |                                      |   |  |  |
| Energy Employees Illness Compensation Fund                    |                                     | 221,000                                |                                      | 79,000                                  |  | 300,000  |
| Energy Employees Compensation - Administration                |                                     | 41,000                                 |                                      |   |  | 41,000   |
| <b>Total Atomic Energy Defense Activities - Mandatory</b>     |                                     | <b>262,000</b>                         |                                      | <b>79,000</b>                           |  | <b>341,000</b>                                   |
| <b><u>TOTAL ATOMIC ENERGY DEFENSE ACTIVITIES (053)</u></b>    | <b>16,817,893</b>                   | <b>17,219,893</b>                      | <b>(96,000)</b>                      | <b>79,000</b>                           | <b>16,721,893</b>                            | <b>17,202,893</b>                                |
| <b><u>DEFENSE RELATED ACTIVITIES (054)</u></b>                |                                     |  |                                      |   |  |  |
| Department of Homeland Security                               |                                     | 1,929,000                              |                                      |   |  | 1,929,000  |
| Radiation Exposure Compensation Trust Fund                    |                                     | 72,000                                 |                                      |   |  | 72,000   |
| <b>Total Defense Related Activities - Discretionary</b>       |                                     | <b>2,001,000</b>                       |                                      |   |  | <b>2,001,000</b>                                 |

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**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**  
(Dollars in Thousands)

| Account Title   | FY 2005<br>Authorization<br>Request | FY 2005<br>Budget Authority<br>Request | Committee<br>Authorization<br>Change | Committee<br>Budget Authority<br>Change | Committee<br>Authorization<br>Recommendation | BA Implication<br>of Committee<br>Recommendation |
|---|-------------------------------------|--|--------------------------------------|---|--|--|
| <b><u>DEFENSE RELATED ACTIVITIES MANDATORY PROGRAMS</u></b> |                                     |  |                                      |   |  |  |
| CIA Retirement & Disability                                 |                                     | 239,000                                |                                      |   |  | 239,000  |
| Radiation Exposure Compensation Trust Fund                  |                                     | 65,000                                 |                                      |   |  | 65,000   |
| Proposed Legislation (outside DoD's Jurisdiction)           |                                     | 940,000                                |                                      | (940,000)                               |  |  |
| <b>Total Defense Related Activities - Mandatory</b>         |                                     | <b>1,244,000</b>                       |                                      | <b>(940,000)</b>                        |  | <b>304,000</b>                                   |
| <b><u>TOTAL DEFENSE-RELATED ACTIVITIES (054)</u></b>        |                                     | <b>3,245,000</b>                       |                                      | <b>(940,000)</b>                        |  | <b>2,305,000</b>                                 |
| Subtotal National Defense Function (050) - Discretionary    | 418,536,098                         | 420,674,893                            |                                      | 118,000                                 | 418,536,098                                  | 420,792,893                                      |
| Subtotal National Defense Function (050) - Mandatory        |                                     | 2,422,210                              | (14,867)                             | (1,059,000)                             | (14,867)                                     | 1,348,343  |
| <b><u>TOTAL NATIONAL DEFENSE FUNCTION (050)</u></b>         | <b>418,536,098</b>                  | <b>423,097,103</b>                     | <b>(14,867)</b>                      | <b>(941,000)</b>                        | <b>418,521,231</b>                           | <b>422,141,236</b>                               |
| <b>Title XV - EMERGENCY AUTHORIZATION</b>                   |                                     |  |                                      |   |  |  |
| <b><u>PROCUREMENT</u></b>                                   |                                     |  |                                      |   |  |  |
| Aircraft Procurement, Army                                  |                                     |  | 498,300                              |   | 498,300                                      | 498,300  |
| Missile Procurement, Army                                   |                                     |  | 42,800                               |   | 42,800                                       | 42,800   |
| Procurement of Weapons and Tracked Combat Vehicles, Army    |                                     |  | 201,900                              |   | 201,900                                      | 201,900  |
| Procurement of Ammunition, Army                             |                                     |  | 78,750                               |   | 78,750                                       | 78,750   |
| Other Procurement, Army                                     |                                     |  | 1,567,410                            |   | 1,567,410                                    | 1,567,410  |
| National Guard and Reserve Equipment, Army                  |                                     |  | 50,000                               |   | 50,000                                       | 50,000   |
| Procurement of Ammunition, Navy and Marine Corps            |                                     |  | 38,402                               |   | 38,402                                       | 38,402   |
| Procurement, Marine Corps                                   |                                     |  | 98,190                               |   | 98,190                                       | 98,190   |
| Aircraft Procurement, Air Force                             |                                     |  | 99,000                               |   | 99,000                                       | 99,000   |
| Procurement, Defense-wide                                   |                                     |  | 720,000                              |   | 720,000                                      | 720,000  |
| <b>Total Procurement</b>                                    |                                     |  | <b>3,394,752</b>                     |   | <b>3,394,752</b>                             | <b>3,394,752</b>                                 |

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005**

(Dollars in Thousands)

| Account Title  | FY 2005<br>Authorization<br>Request | FY 2005<br>Budget Authority<br>Request | Committee<br>Authorization<br>Change | Committee<br>Budget Authority<br>Change | Committee<br>Authorization<br>Recommendation | BA Implication<br>of Committee<br>Recommendation |
|--|-------------------------------------|--|--------------------------------------|---|--|--|
| <b><u>OPERATION AND MAINTENANCE &amp; OTHER PROGRAMS</u></b> |                                     |  |                                      |   |  |  |
| <b>Operation and Maintenance</b>                             |                                     |  |                                      |   |  |  |
| Operation and Maintenance, Army                              |                                     |  | 9,607,113                            |   | 9,607,113                                    | 9,607,113  |
| Operation and Maintenance, Navy                              |                                     |  | 256,500                              |   | 256,500                                      | 256,500  |
| Operation and Maintenance, Marine Corps                      |                                     |  | 2,398,735                            |   | 2,398,735                                    | 2,398,735  |
| Operation and Maintenance, Air Force                         |                                     |  | 1,635,000                            |   | 1,635,000                                    | 1,635,000  |
| Operation and Maintenance, Defense-wide                      |                                     |  | 2,327,900                            |   | 2,327,900                                    | 2,327,900  |
| <b>Total Operation and Maintenance</b>                       |                                     |  | <b>16,225,248</b>                    |   | <b>16,225,248</b>                            | <b>16,225,248</b>                                |
| <b>Other Programs</b>  |                                     |  |                                      |   |  |  |
| Defense Health Program                                       |                                     |  | 75,000                               |   | 75,000                                       | 75,000   |
| <b>Total Other Programs</b>                                  |                                     |  | <b>75,000</b>                        |   | <b>75,000</b>                                | <b>75,000</b>                                    |
| <b>Total Operation and Maintenance &amp; Other Programs</b>  |                                     |  | <b>16,300,248</b>                    |   | <b>16,300,248</b>                            | <b>16,300,248</b>                                |
| <b><u>MILITARY PERSONNEL</u></b>                             |                                     |  |                                      |   |  |  |
| <b>Total Military Personnel</b>                              |                                     |  | <b>5,305,000</b>                     |   | <b>5,305,000</b>                             | <b>5,305,000</b>                                 |
| <b><u>TOTAL EMERGENCY AUTHORIZATION</u></b>                  |                                     |  | <b>25,000,000</b>                    |   | <b>25,000,000</b>                            | <b>25,000,000</b>                                |

## RATIONALE FOR THE COMMITTEE BILL

H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, comes with our nation at war on multiple fronts. The ongoing Iraq mission, Operation Enduring Freedom in Afghanistan, and the broader Global War on Terrorism demand an appropriate level of resources and capabilities that Congress can and should provide. Additional security challenges elsewhere require planning and perseverance, including a continued commitment to the evolution of the U.S. armed forces. H.R. 4200 attempts to do all this given limited resources in the “Year of the Soldier”.

The largest mobilization in decades, Operation Iraqi Freedom will remain the focus of our armed forces for some time. The mission to rebuild and rehabilitate Iraq after decades of tyranny, though, is not static; the 2004 force rotation plan, completed earlier this year, represents the largest troop transfer undertaken by U.S. forces since World War II. In the Army alone, elements from eight of ten divisions were on the move during the first four months of 2004—a force of 250,000 soldiers, nearly half of them reservists.

The challenges associated with the 2004 Operation Iraqi Freedom rotation of forces has confirmed pervasive concerns over end-strength shortfalls that strain armed forces personnel and undermine their ability to perform critical missions. Sustaining troop levels for Operation Iraqi Freedom and the broader Global War on Terrorism has in fact already exceeded the Army’s immediate capabilities. As a result, the U.S. Marine Corps deployed 25,000 active and reserve component personnel to Iraq for two successive seven-month rotations, beginning in March 2004, while the Army was left extending the tours of more than 20,000 soldiers there. The Air Force and Navy, moreover, have deployed assets to Iraq to substitute for capabilities a stressed Army Total Force cannot provide.

Even these forces may not relieve the Army’s overall burden. Over the last year, the committee has examined a range of issues related to the armed forces’ inability to meet military commitments and, perhaps, potential emergencies worldwide. The committee, for instance, found that the Army cannot meet its stated goal of resetting the force within 120 days of returning from Iraq so that it is available for contingencies elsewhere. At the same time, it discovered that service force structure and manning decisions over the years have yielded insufficient numbers of high demand and low density assets, including special operations forces, intelligence and law enforcement units—elements critical to the Global War on Terrorism.

Recent operations reinforced similar conclusions on the adequacy of the reserve component end-strength. Since the end of the 1991 Gulf War, reliance on the overall reserve component for peacetime support has increased twelve-fold. In fact, for the last seven years the reserve component has provided annual peacetime support equaling roughly 33,000 active duty personnel, in course adopting missions previously the exclusive domain of full-time forces. War-time reliance on reserve component personnel has also increased. For example, average mobilization tours for reservists were substantially lengthened, from 156 days during Operations Desert Storm and Desert Shield to 319 for Operations Iraqi Freedom, En-

during Freedom and Noble Eagle, the continuing homeland security mission.

These trends suggest the committee cannot expect reserve component relief anytime soon; the Department of Defense itself assumes there will be no substantial reduction in the length of the average mobilization tour. By the end of January 2003—immediately prior to mobilizations in support of the war with Iraq and just fifteen months after the start of the Global War on Terrorism—more than 56,000 reserve component personnel remained on active duty worldwide. In comparison, at the peak of the Iraq mobilization, 225,000 reservists found themselves on active duty. Presently, the Department of Defense reports that sustaining troop levels in Iraq will require the mobilization of at least 100,000 to 150,000 reservists annually for the next several years. Reserve component personnel will ultimately comprise nearly 40 percent of all forces committed to Iraq and Kuwait during this rotation.

The demand for additional manpower to sustain mission requirements and fulfill required capabilities is finally reflected in the actual active component strengths each service needed during the past two fiscal years—all services executed actual end-strength levels well above the minimum authorized amount. In general, these additional active component personnel were funded as part of emergency supplemental appropriations. Finding this approach to managing what is clearly an end-strength shortfall self-defeating and ultimately unsustainable, the committee recommends the first significant increase in military end strength in decades.

Further, H.R. 4200 directly addresses the numerous and growing force protection requirements that have emerged from the threats and realities found on the Iraqi battlefield. This legislation provides critical force protection resources, including additional body armor, countermeasures for improvised explosive devices, armored “Humvees” and armor add-on kits for “thin-skinned” vehicles. These tangible improvements in force protection accompany equally important combat capability enhancements. H.R. 4200 will provide the American warfighter with much needed supplies and ammunition to continue a “hot” war against global terrorism and the anti-democratic insurgents in Iraq.

Today’s adversaries are adaptable; they sabotage Iraq’s developing infrastructure, ambush noncombatants and coalition forces alike and have found a powerfully simple capability to neutralize American conventional military might through the use of remote improvised explosive devices, or IEDs, to terrorize the country and inflict a steady number of casualties on coalition forces. U.S. servicemen and women must have every possible advantage to beat them soundly and safely. Believing that the armed forces cannot allow more unforeseen dangers—a new “IED problem”—to surprise our troops and threaten their missions, H.R. 4200 makes available funds for advanced research and development to counter emerging threats to the American Soldier.

While the American Soldier is at work in Iraq, Afghanistan, and terrorist locations worldwide, other potential threats to the United States loom. The committee believes that the standoffs on the Korean Peninsula and in the Taiwan Strait can be resolved peacefully if all parties act in good faith, but the U.S. must remain capable of responding to aggression alongside its regional partners when-

ever threats to peace and democracy surface. By supporting initiatives to strengthen our force posture and, thus, that of our allies and friends in the region, H.R. 4200 ensures that U.S. forces will not fight wars unnecessarily and from a disadvantaged starting point.

Over the long term, the committee understands that the outcome of future engagements, including terrorist attacks, may be decided during today's battles against proliferation. H.R. 4200 supports current programs designed to stop potential aggressors from obtaining advanced conventional weapons and weapons of mass destruction, including their long-range and stealth delivery systems. H.R. 4200 also takes additional steps to help the United States maintain its technological advantage by strengthening domestic and multilateral controls on arms as well as militarily-sensitive goods and technologies. Coupled with measures designed to strengthen the U.S. industrial base also contained in H.R. 4200, smarter export controls will help prevent a situation in which our troops and homeland are threatened with American-made or designed technology without sacrificing American economic productivity.

In summary, this legislation is designed to strike a proper balance. H.R. 4200 provides such balance between the exigencies of ensuring full and total support for the needs of our men and women presently engaged in the difficult fight against global terrorism, while also advancing the necessary mix of policy and investments to ensure America's defense capabilities remain overwhelmingly superior to any known and future adversary, adaptable to the fast changing nature of the threat, and able to decisively defend our national interests now and in the future.

## HEARINGS

Committee consideration of the National Defense Authorization Act for Fiscal Year 2005 results from hearings that began on February 4, 2004 and that were completed on April 1, 2004.

The full committee conducted seven sessions. In addition, a total of 29 sessions were conducted by 6 different subcommittees on various titles of the bill.

## **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATION**

### **TITLE I—PROCUREMENT**

#### OVERVIEW

The budget request for fiscal year 2005 contained \$76,034.3 million for procurement. This represents a \$1,830.8 million increase from the amount authorized for fiscal year 2004.

The committee recommends authorization of \$76,215.7 million, an increase of \$190.4 million from the fiscal year 2005 request after the transfer of \$1,372.0 million and \$9.0 million respectfully, for chemical agent and munitions destruction, Army, and the Defense Production Act, which have been transferred to other titles.

velopment. The SPIKE missile fills a critical need for a low-cost, light-weight fire and forget missile for ground troops to use against lightly armored and other material targets and has possible maritime application as well.

The committee recommends \$16.1 million in PE 116401BB, an increase of \$3.0 million for SPIKE missile development.

#### *Stimulated isomer energy release*

The budget request contained \$339.2 million in PE 62702E for tactical technology applied research, including \$4.0 million for stimulated isomer energy release.

The committee is aware that the Defense Advanced Research Project Agency (DARPA) is funding research to investigate the feasibility of stimulating the release of energy stored in nuclear isomers. The committee understands that the DARPA-sponsored research is investigating two of the most difficult technical challenges in this program and that the research is being conducted in the national laboratories, the Department of Energy, the military service laboratories, and other facilities. Given the significant policy issues associated with any eventual use of an isomer weapon and given the inability of distinguished scientists to replicate the reported successful triggering experiment of 1998, the committee believes that the Department of Defense should not be engaged in this research. The proper agency to investigate the feasibility of this technology is the National Nuclear Security Administration and its national laboratory complex. The committee questions the utility of this research in any circumstances and is particularly skeptical of research into nuclear isomer production before triggering is shown to be possible.

Accordingly, the committee directs the Secretary of Defense to terminate this program, and recommends no funding for the stimulated isomer energy release in PE 62702E, a reduction of \$4.0 million.

#### *Tasking, processing, exploitation, and dissemination of SYERS-2 data*

The budget request contained no funding in PE 35102BQ for defense imagery and mapping.

The committee is concerned that multi-spectral data from the SYERS-2 sensor is not being exploited by the National Geospatial Intelligence Agency (NGA).

The committee recommends \$3.0 million in PE 35102BQ, an increase of \$3.0 million to permit the NGA to fully process, exploit, and disseminate SYERS-2 data.

#### *Use of research and development funds to procure systems*

The committee has observed the increasing use of funds designated for research and development (R&D) purposes to acquire operational platforms. The fiscal 2005 budget proposal would take the practice to unprecedented levels, with three DD(X) and two LCS ships, three E-2C aircraft, and eleven VH-XX helicopters proposed for acquisition with R&D funds.

The use of R&D funds for prototypes and truly developmental items is both proper and prudent. This practice also makes sense when, following the completion of testing, a test asset still has use-

quire that the task force report findings and recommendations to the Secretary of Defense, and the secretaries of the military departments within 12 months of the initial meeting of the task force. Within 90 days of receiving the task force report, the Secretary of Defense would be required to provide the report, together with his evaluation of the report, to the Senate Committee on Armed Services and the House Committee on Armed Services. At the same time, the Secretary of Defense would also be required to provide to those committees an assessment of the effectiveness of the corrective actions being taken by the Department of Defense and military services as a result of various investigations and reviews into matters involving sexual assault.

#### Section 594—Renewal of Pilot Program for Treating GED and Home School Diploma Recipients as High School Graduates for Determinations of Eligibility for Enlistment

This section would reestablish the pilot program originally authorized by section 571 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261). The program would permit participants in a National Guard Youth Challenge Program who receive a general education development certificate and those who complete their high school requirements through a home schooling program to enlist in the armed forces as if they had received a high school diploma.

#### Section 595—Assistance to Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees

This section would provide \$50.0 million for assistance to local educational agencies. The committee makes this recommendation in connection with its continuing strong support of the need to help local school districts with significant concentrations of military students.

#### Section 596—Senior Reserve Officer Training Corps and Recruiter Access at Institutions of Higher Education

This section would require that military recruiters be given access to campuses and students at institutions of higher education that is at least equal in quality and scope to the access provided to any other employer. The section would also require the Secretary of Defense to obtain an annual verification from colleges and universities who already support the Reserve Officer Training Corps (ROTC) program that they will continue to do so in the upcoming academic year. The section would also add two additional defense-related funding sources, the Central Intelligence Agency and the National Nuclear Security Administration of the Department of Energy, and would restore the funds of the Department of Transportation to the list of covered funds that potentially could be terminated if an institution is determined to prevent recruiter access or maintains anti-ROTC policies.

cept that stored at the Blue Grass Army Depot and the Pueblo Chemical Army Depot; and the Project Manager (PM), ACWA, who reports directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics and has responsibility only for destruction of those parts of the stockpile stored at Blue Grass and Pueblo. In 2003 the Secretary of the Army, with the concurrence of the Under Secretary of Defense (Acquisition, Technology, and Logistics) (USD (AT&L)), established the Chemical Material Agency, which is responsible for management of the chemical weapons destruction program and operation of the chemical weapons destruction plant facilities and stockpile storage sites. With the concurrence of the USD (AT&L), the Secretary of the Army assigned the PM, ACWA, as the Director of the Chemical Materiel Agency. The committee believes that the establishment of the new management structure, which brings together all elements of the chemical weapons demilitarization program under a single activity, will eliminate many of the management complexities cited by the GAO, contribute to the elimination of duplicative management overhead and support, and ensure more efficient management of the total program, while at the same time addressing the equities and concerns of those sites using assembled chemical weapons alternatives for destruction of the stockpile

#### Section 904—Modification of Obligated Service Requirements under National Security Education Program

This section would modify the service requirements to ensure that recipients of scholarships and fellowships obtain employment in a federal national security position that utilizes the unique language and region expertise acquired by the recipient. This section would also set 12 months as the minimum length of federal service for all recipients. This section would also require the recipient to gain employment in an approved position within three years of completion of the scholarship, or within two years in the case of a recipient of a fellowship.

#### Section 905—Change of Membership of Certain Councils

This section would make the Undersecretary of Defense for Policy a statutory member of the Nuclear Weapons Council and implement the corresponding technical changes in law. Current law (10 U.S.C. 179) establishes the Nuclear Weapons Council to, among other things, coordinate programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and Department of Energy and to provide broad guidance on nuclear research and development priorities. By statute, the council comprises the Undersecretary of Defense for Acquisition, Technology, and Logistics; the Vice Chairman of the Joint Chiefs of Staff; and the Undersecretary of Energy for Nuclear Security. As a result of the congressionally-mandated Nuclear Posture Review, which set out a new course in strategic policy, the Undersecretary of Defense for Policy has come to play an increasing role in coordinating nuclear weapons policy and making recommendations to the President.

sia took proactive steps to improve chemical weapons destruction by concluding in March 2003 a legally binding agreement to destroy all nerve agents at a single site, which it reaffirmed in a September 2003 amendment to the agreement. Together, these steps mark significant progress in meeting the conditions upon which Congress made continued assistance for the Shchuch'ye facility dependent. They also validate the committee's approach to funding CTR programs, in which the United States commitment is carefully matched to significant, concrete, and concurrent demonstrations of commitment by the respective CTR partner.

Despite the improvements discussed above, some Russian behavior continues to suggest that the Russian government does not place as high a priority on the goals of the Cooperative Threat Reduction program as the United States. First, Russia continues to modernize its strategic nuclear forces, suggesting it views modernizing its strategic arsenal as more important than securing and dismantling excess weapons of mass destruction inherited from the Soviet Union. At the end of 2003, for example, it deployed several new Topol-M intercontinental ballistic missiles (ICBMs). In contrast, the United States has not deployed a new ICBM in almost two decades. Second, questions remain about the completeness and accuracy of Russia's declarations regarding the size of the chemical weapons stockpile in Russia. While U.S. and Russian negotiators continue to discuss the problem, Russian officials have consistently rejected U.S. proposals intended to increase visibility into Russian chemical weapons stockpiles. Third, Russia has not developed a comprehensive and credible plan for destroying its stockpile of nerve agents. Such a plan is necessary to ensure that the value of U.S. expenditures on the Shchuch'ye chemical weapons dismantlement facility is fully realized.

As a result of these last two factors, the President cannot certify that Russia is in compliance with the preconditions for continuing U.S. CTR assistance in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) as amended. Consequently, the President has again requested authority to waive those conditions.

## ITEM OF SPECIAL INTEREST

### Visa Requirements

The committee is aware of concerns that efforts to tighten visa requirements after September 11, 2001 may have had the unintended consequence of hampering the effectiveness of the Department of Defense and the Department of Energy nonproliferation programs by imposing delays in collaborative programs and complicating the international cooperation and coordination required. Therefore, the committee directs that the Secretary of Defense and the Secretary of Energy submit a report no later than six months after the enactment of this Act, identifying the causes of any new delays and assessing the costs and benefits of various means by which those delays might be remedied.

the Navy, which must then dispose of the property by competitive sale.

Section 2842—Land Conveyance, Navy Property, Former Fort Sheridan, Illinois

This section would authorize the Secretary of the Navy to convey, without consideration, a parcel of environmentally sensitive property to a nonprofit land conservation organization for the purpose of ensuring permanent protection of the lands.

Section 2843—Land Exchange, Naval Air Station, Patuxent River, Maryland

This section would authorize the Secretary of the Navy to convey approximately five acres of real property at Naval Air Station, Patuxent River, Maryland, to the state of Maryland. In exchange, the Navy shall receive approximately 1.5 acres of property of an equal value to the conveyance.

PART III—AIR FORCE CONVEYANCES

Section 2851—Land Exchange, Maxwell Air Force Base, Alabama

This section would authorize the Secretary of the Air Force to convey the Maxwell Heights Housing site at Maxwell Air Force Base, Alabama, to the city of Montgomery, Alabama. In exchange, the Air Force shall receive approximately 35 acres of land contiguous to Maxwell Air Force Base.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**OVERVIEW**

The budget request contained \$16,797.6 million for the national security activities of the Department of Energy for fiscal year 2005. Of this amount, \$9,048.7 million is for the programs of the National Nuclear Security Administration, and \$7,748.9 million is for environmental and other defense activities. The committee recommends \$16,700.6 million, a decrease of \$97.0 million.

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

| Account   | FY 2005<br>Request | Committee<br>Change | Committee<br>Increase | Committee<br>Decrease | Committee<br>Authorization |
|---|--------------------|---------------------|-----------------------|-----------------------|----------------------------|
| <b>Weapons Activities</b>   |                    |                     |                       |                       |                            |
| Directed stockpile work (DSW)   |                    | (39,000)            |                       | (39,000)              | (39,000)                   |
| B61 life extension program.....   | 117,927            |                     |                       |                       | 117,927                    |
| W76 life extension program.....   | 213,111            |                     |                       |                       | 213,111                    |
| W80 life extension program.....   | 146,400            |                     |                       |                       | 146,400                    |
| W87 life extension program.....   |                    |                     |                       |                       |                            |
| B61 stockpile systems.....  | 91,256             |                     |                       |                       | 91,256                     |
| W62 stockpile systems.....  | 18,401             |                     |                       |                       | 18,401                     |
| W76 stockpile systems.....  | 137,527            |                     |                       |                       | 137,527                    |
| W78 stockpile systems.....  | 44,313             |                     |                       |                       | 44,313                     |
| W80 stockpile systems.....  | 49,507             |                     |                       |                       | 49,507                     |
| B83 stockpile systems.....  | 44,995             |                     |                       |                       | 44,995                     |
| W84 stockpile systems.....  | 6,119              |                     |                       |                       | 6,119                      |
| W87 stockpile systems.....  | 94,884             |                     |                       |                       | 94,884                     |
| W88 stockpile systems.....  | 49,093             |                     |                       |                       | 49,093                     |
| Retired warheads stockpile systems.....                                 | 65,258             |                     |                       |                       | 65,258                     |
| Stockpile services research & development certification and safety..... | 157,986            |                     |                       |                       | 157,986                    |
| Stockpile services management, technology and production.....           | 133,101            |                     |                       |                       | 133,101                    |
| Stockpile services advanced concepts.....                               | 9,000              |                     |                       |                       | 9,000                      |
| Stockpile services robust nuclear earth penetrator.....                 | 27,557             |                     |                       |                       | 27,557                     |
| Total, Directed stockpile work.....                                     | 1,406,435          | (39,000)            |                       | (39,000)              | 1,367,435                  |
| <b>Campaigns</b>  |                    |                     |                       |                       |                            |
| Science campaigns   |                    | (19,500)            |                       | (19,500)              | (19,500)                   |
| Primary assessment technology.....                                      | 81,473             |                     |                       |                       | 81,473                     |
| Dynamic materials properties.....                                       | 91,521             |                     |                       |                       | 91,521                     |
| Advanced radiography.....   | 62,371             |                     |                       |                       | 62,371                     |
| Secondary assessment technologies.....                                  | 65,597             |                     |                       |                       | 65,597                     |
| Total, Science campaigns.....   | 300,962            | (19,500)            |                       | (19,500)              | 215,865                    |
| Engineering campaign  |                    |                     |                       |                       |                            |
| Enhanced surety.....  | 38,121             |                     |                       |                       | 38,121                     |
| Weapons system engineering assessment technology.....                   | 27,270             |                     |                       |                       | 27,270                     |
| Nuclear survivability.....  | 24,460             |                     |                       |                       | 24,460                     |
| Enhanced surveillance.....  | 99,879             |                     |                       |                       | 99,879                     |

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

| Account   | FY 2005 Request | Committee Change | Committee Increase | Committee Decrease | Committee Authorization |
|---|-----------------|------------------|--------------------|--------------------|-------------------------|
| Microsystems and engineering sciences (MESA) other project costs (OPC).....     | 4,600           |                  |                    |                    | 4,600                   |
| Microsystems and engineering sciences.....                                      |                 |                  |                    |                    |                         |
| Application (MESA) construction.....  | 48,654          | 20,000           | 20,000             |                    | 68,654                  |
| <b>Total, Engineering campaign.....</b>   | <b>242,984</b>  | <b>20,000</b>    | <b>20,000</b>      |                    | <b>262,984</b>          |
| <b>Inertial confinement fusion ignition and high yield campaign</b>             |                 |                  |                    |                    |                         |
| Ignition.....   | 76,437          |                  |                    |                    | 76,437                  |
| Support of stockpile program.....   | 38,987          |                  |                    |                    | 38,987                  |
| NIF diagnostics, cryogenics and experiment support.....                         | 44,023          |                  |                    |                    | 44,023                  |
| Pulsed power inertial confinement fusion.....                                   | 10,080          |                  |                    |                    | 10,080                  |
| University grants/other support.....  | 7,776           |                  |                    |                    | 7,776                   |
| Facility operations and target production.....                                  | 63,056          |                  |                    |                    | 63,056                  |
| Inertial fusion technology.....   |                 |                  |                    |                    |                         |
| NIF demonstration program.....  | 113,700         |                  |                    |                    | 113,700                 |
| High-energy petawatt laser development.....                                     | 7,975           |                  |                    |                    | 7,975                   |
| NIF other project costs (OPC).....  |                 |                  |                    |                    |                         |
| NIF construction.....   | 130,000         |                  |                    |                    | 130,000                 |
| <b>Total, Inertial confinement fusion ignition and high yield campaign.....</b> | <b>492,034</b>  |                  |                    |                    | <b>492,034</b>          |
| <b>Advanced simulation and computing campaign</b>                               |                 |                  |                    |                    |                         |
| Advanced application development.....   | 150,793         | (20,000)         |                    | (20,000)           | (20,000)                |
| Verification and validation.....  | 49,780          |                  |                    |                    | 150,793                 |
| Materials and physics modeling.....   | 72,062          |                  |                    |                    | 49,780                  |
| Problem solving environment (PSE).....  | 45,072          |                  |                    |                    | 72,062                  |
| Distance computing (DisCom).....  | 17,068          |                  |                    |                    | 45,072                  |
| Pathforward.....  | 18,000          |                  |                    |                    | 17,068                  |
| Visual interactive environment for weapons simulation (VIEWS).....              | 61,635          |                  |                    |                    | 18,000                  |
| Physical infrastructure & platforms.....  | 140,000         |                  |                    |                    | 61,635                  |
| Computational systems.....  | 64,081          |                  |                    |                    | 140,000                 |
| Simulation support.....   | 59,413          |                  |                    |                    | 64,081                  |
| Advanced architecture.....  | 3,000           |                  |                    |                    | 59,413                  |
| University partnerships.....  | 47,980          |                  |                    |                    | 3,000                   |
| ASCI integration.....   | 9,148           |                  |                    |                    | 47,980                  |
| Construction projects.....  | 3,228           |                  |                    |                    | 9,148                   |
| <b>Total, Advanced simulation and computing campaign.....</b>                   | <b>741,260</b>  | <b>(20,000)</b>  |                    | <b>(20,000)</b>    | <b>721,260</b>          |

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

| Account  | FY 2005 Request | Committee Change | Committee Increase | Committee Decrease | Committee Authorization |
|--|-----------------|------------------|--------------------|--------------------|-------------------------|
| Pit manufacturing and certification campaign.....  | 336,473         |                  |                    |                    | 336,473                 |
| <b>Readiness Campaign</b>  |                 |                  |                    |                    |                         |
| Stockpile readiness.....   | 45,812          |                  |                    |                    | 45,812                  |
| High explosives and weapon operations.....   | 34,220          |                  |                    |                    | 34,220                  |
| Non-nuclear readiness.....   | 35,457          |                  |                    |                    | 35,457                  |
| Tritium readiness.....   | 58,850          |                  |                    |                    | 58,850                  |
| Tritium readiness construction.....  | 21,000          |                  |                    |                    | 21,000                  |
| Advanced design & production technologies.....   | 84,788          |                  |                    |                    | 84,788                  |
| Construction:  |                 |                  |                    |                    |                         |
| Total, Readiness campaign.....   | 280,127         |                  |                    |                    | 280,127                 |
| <b>Readiness in technical base and facilities (RTBF)</b>                                       |                 |                  |                    |                    |                         |
| <b>Operations of facilities</b>  |                 |                  |                    |                    |                         |
| Kansas City Plant.....   | 101,775         | 5,000            | 5,000              |                    | 106,775                 |
| LLNL.....  | 54,765          | 8,000            | 8,000              |                    | 62,765                  |
| LANL.....  | 318,913         |                  |                    |                    | 318,913                 |
| Nevada Test Site.....  | 70,180          |                  |                    |                    | 70,180                  |
| Pantex Plant.....  | 97,741          | 19,000           | 19,000             |                    | 116,741                 |
| Sandia National Laboratories.....  | 150,710         | 18,000           | 18,000             |                    | 168,710                 |
| Savannah River Site.....   | 95,173          |                  |                    |                    | 95,173                  |
| Y-12 National Security Complex.....  | 98,194          | 18,000           | 18,000             |                    | 116,194                 |
| Institutional site support.....  | 30,106          |                  |                    |                    | 30,106                  |
| Program readiness.....   | 106,204         |                  |                    |                    | 106,204                 |
| Special projects.....  | 20,534          |                  |                    |                    | 20,534                  |
| Material recycle and recovery.....   | 86,965          |                  |                    |                    | 86,965                  |
| Containers.....  | 17,910          |                  |                    |                    | 17,910                  |
| Storage.....   | 18,982          |                  |                    |                    | 18,982                  |
| Subtotal, operations & maintenance.....  | 1,268,152       | 68,000           | 68,000             |                    | 1,336,152               |
| <b>Construction</b>  |                 |                  |                    |                    |                         |
| 05-D-140 Project engineering design various locations.....                                     | 11,600          |                  |                    |                    | 11,600                  |
| 05-D-401 Building 12-64 production bays upgrades Pantex Plant, Amarillo, TX.....               | 25,100          |                  |                    |                    | 25,100                  |
| 05-D-402 Beryllium capability (BEC) project, Y-12 National Security Complex, Oakridge, TN..... | 3,627           |                  |                    |                    | 3,627                   |
| 04-D-103 Project engineering and design, (PED) various locations.....                          | 1,500           |                  |                    |                    | 1,500                   |

**Title XXXI - DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(Dollars in Thousands)

| Account   | FY 2005<br>Request | Committee<br>Change | Committee<br>Increase | Committee<br>Decrease | Committee<br>Authorization |
|---|--------------------|---------------------|-----------------------|-----------------------|----------------------------|
| 04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM..... | 24,000             |                     |                       |                       | 24,000                     |
| 04-D-126 Building 12-44 production cellsupgrade, Pantex plant, Amarillo, TX.....                                    | 2,600              |                     |                       |                       | 2,600                      |
| 03-D-102 LANL Administration Building (LANL).....   | 37,348             |                     |                       |                       | 37,348                     |
| 03-D-103 Project engineering and design (PED) various locations.....  | 15,275             |                     |                       |                       | 15,275                     |
| 03-D-123 Special nuclear materials component requalification facility, Pantex plant, Amarillo, TX.....              | 4,602              |                     |                       |                       | 4,602                      |
| 02-D-103 Project engineering and design, various locations.....   | 5,250              |                     |                       |                       | 5,250                      |
| 02-D-105 Engineering technology complex upgrade (ETCU), LLNL, Livermore, CA.....                                    | 5,400              |                     |                       |                       | 5,400                      |
| 01-D-103 Project engineering and design (PED) various locations.....  | 6,000              |                     |                       |                       | 6,000                      |
| 01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN.....   | 64,000             |                     |                       |                       | 64,000                     |
| Total, Construction.....  | 206,302            |                     |                       |                       | 206,302                    |
| Total, Readiness in technical base and facilities.....  | 1,474,454          | 68,000              | 68,000                |                       | 1,542,454                  |
| <b>Secure transportation asset</b>  |                    |                     |                       |                       |                            |
| Operations and equipment.....   | 143,873            |                     |                       |                       | 143,873                    |
| Program direction.....  | 57,427             |                     |                       |                       | 57,427                     |
| Subtotal, Secure transportation asset.....  | 201,300            |                     |                       |                       | 201,300                    |
| Total, Secure transportation asset.....   | 201,300            |                     |                       |                       | 201,300                    |
| <b>Nuclear weapons incident response</b>  |                    |                     |                       |                       |                            |
| Emergency response.....   | 93,119             |                     |                       |                       | 93,119                     |
| Emergency management.....   | 6,090              |                     |                       |                       | 6,090                      |
| Total, nuclear weapons incident response.....   | 99,209             |                     |                       |                       | 99,209                     |
| <b>Facilities and infrastructure recapitalization program</b>   |                    |                     |                       |                       |                            |
| Operation and maintenance.....  | 291,543            |                     |                       |                       | 291,543                    |
| Construction  |                    |                     |                       |                       |                            |
| 05-D-160 Facilities and infrastructure recapitalization program (FIRP), project engineering and design (PED).....   | 8,700              |                     |                       |                       | 8,700                      |
| 05-D-601 Compressed air upgrades project (CAUP), Y-12, National security complex, Oakridge, TN.....                 | 4,400              |                     |                       |                       | 4,400                      |
| 05-D-602 Power grid infrastructure upgrade (PGIU), Los Alamos National Laboratory, Los Alamos, NM.....              | 10,000             |                     |                       |                       | 10,000                     |
| 05-D-603 New master substation (NMSU) SNL.....  | 600                |                     |                       |                       | 600                        |
| 04-D-203 Facilities and infrastructure recapitalization program (FIRP), project engineering design (PED).....       | 981                |                     |                       |                       | 981                        |
| Total, Construction.....  | 24,681             |                     |                       |                       | 24,681                     |
| Total, Facilities and infrastructure recapitalization program.....  | 316,224            |                     |                       |                       | 316,224                    |
| <b>Safeguards and security</b>  |                    |                     |                       |                       |                            |

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|---|--------------------|---------------------|-----------------------|-----------------------|----------------------------|
| Physical security.....  | 589,491            |                     |                       |                       | 589,491                    |
| Cyber Security.....   | 80,500             |                     |                       |                       | 80,500                     |
| <b>Subtotal, operations and maintenance.....</b>  | <b>669,991</b>     |                     |                       |                       | <b>669,991</b>             |
| Construction:   |                    |                     |                       |                       |                            |
| 05-D-170 Project engineering and design, various locations.....                           | 17,000             |                     |                       |                       | 17,000                     |
| 05-D-701 Security perimeter project, Los Alamos, National Laboratory, Los Alamos, NM..... | 20,000             |                     |                       |                       | 20,000                     |
| <b>Subtotal, construction.....</b>  | <b>37,000</b>      |                     |                       |                       | <b>37,000</b>              |
| <b>Total, Safeguards and security.....</b>  | <b>706,991</b>     |                     |                       |                       | <b>706,991</b>             |
| <b>Subtotal, Weapons Activities.....</b>  | <b>6,598,453</b>   | <b>9,500</b>        | <b>88,000</b>         | <b>(78,500)</b>       | <b>6,607,953</b>           |
| Adjustments   |                    |                     |                       |                       |                            |
| Use of prior year balances.....   |                    |                     |                       |                       |                            |
| Less security charge for reimbursable work.....   | (30,000)           |                     |                       |                       | (30,000)                   |
| <b>Total, Adjustments.....</b>  | <b>(30,000)</b>    |                     |                       |                       | <b>(30,000)</b>            |
| <b>Total, Weapons Activities.....</b>   | <b>6,568,453</b>   | <b>9,500</b>        | <b>88,000</b>         | <b>(78,500)</b>       | <b>6,547,953</b>           |
| <b>Defense Nuclear Nonproliferation</b>   |                    |                     |                       |                       |                            |
| <b>Nonproliferation and verification R&amp;D</b>  |                    |                     |                       |                       |                            |
| Operation and maintenance.....  | 220,000            |                     |                       |                       | 220,000                    |
| <b>Nonproliferation and international security</b>  | 124,000            |                     |                       |                       | 124,000                    |
| IAEA Safeguards and Nonproliferation Policy.....  |                    |                     |                       |                       |                            |
| Nuclear Noncompliance Verification.....   |                    |                     |                       |                       |                            |
| <b>Nonproliferation programs with Russia</b>  |                    |                     |                       |                       |                            |
| International nuclear materials protection and cooperation.....                           | 238,000            | (10,500)            |                       | (10,500)              | 227,500                    |
| Russian transition initiatives.....   | 41,000             |                     |                       |                       | 41,000                     |
| HEU transparency implementation.....  | 20,950             |                     |                       |                       | 20,950                     |
| International nuclear safety and cooperation.....   |                    |                     |                       |                       |                            |
| Elimination of weapons-grade plutonium production program.....                            | 50,097             |                     |                       |                       | 50,097                     |
| <b>Fissile materials disposition</b>  |                    |                     |                       |                       |                            |
| U S surplus materials disposition.....  | 184,700            |                     |                       |                       | 184,700                    |
| Russian surplus materials disposition.....  | 64,000             |                     |                       |                       | 64,000                     |
| <b>Total, Fissile materials disposition.....</b>  | <b>248,700</b>     |                     |                       |                       | <b>248,700</b>             |
| Construction:   |                    |                     |                       |                       |                            |

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|---|--------------------|---------------------|-----------------------|-----------------------|----------------------------|
| 99-D-141 Pit disassembly and conversion facility, Savannah River, SC.....         | 32,300             |                     |                       |                       | 32,300                     |
| 99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC.....           | 368,000            |                     |                       |                       | 368,000                    |
| <b>Total, Construction.....</b>   | <b>400,300</b>     |                     |                       |                       | <b>400,300</b>             |
| Total, Fissile materials disposition.....   | 649,000            |                     |                       |                       | 649,000                    |
| <b>Total, Nonproliferation programs with Russia.....</b>                          | <b>999,047</b>     | (10,500)            |                       | (10,500)              | <b>988,547</b>             |
| Offsight source recovery project  | 5,600              |                     |                       |                       | 5,600                      |
| <b>Subtotal, Defense Nuclear Nonproliferation.....</b>                            | <b>1,348,647</b>   | <b>(10,500)</b>     |                       | <b>(10,500)</b>       | <b>1,338,147</b>           |
| Adjustments:  |                    |                     |                       |                       |                            |
| Use of prior year balances.....   |                    |                     |                       |                       |                            |
| <b>Total, Adjustments.....</b>  |                    |                     |                       |                       |                            |
| <b>Total, Defense Nuclear Nonproliferation.....</b>                               | <b>1,348,647</b>   | <b>(10,500)</b>     |                       | <b>(10,500)</b>       | <b>1,338,147</b>           |
| <b>Naval Reactors</b>   |                    |                     |                       |                       |                            |
| Naval reactors development  |                    |                     |                       |                       |                            |
| Operation and maintenance.....  |                    |                     |                       |                       | 761,211                    |
| Construction:   | 761,211            |                     |                       |                       |                            |
| 05-N-900 Materials development facility building, Schenectady, NY                 | 6,200              |                     |                       |                       | 6,200                      |
| 90-N-102 Expanded core facility dry cell project, Naval Reactors Facility, ID     | 989                |                     |                       |                       | 989                        |
| <b>Total, Construction.....</b>   | <b>7,189</b>       |                     |                       |                       | <b>7,189</b>               |
| <b>Total, Naval reactors development.....</b>                                     | <b>768,400</b>     |                     |                       |                       | <b>768,400</b>             |
| Program direction.....  | 29,500             |                     |                       |                       | 29,500                     |
| <b>Subtotal, Naval Reactors.....</b>  | <b>797,900</b>     |                     |                       |                       | <b>797,900</b>             |
| <b>Total, Naval Reactors</b>  | <b>797,900</b>     |                     |                       |                       | <b>797,900</b>             |
| <b>Office Of The Administrator</b>  |                    |                     |                       |                       |                            |
| Office of the Administrator.....  | 333,700            |                     |                       |                       | 333,700                    |
| <b>Total, Office of the Administrator.....</b>                                    | <b>333,700</b>     |                     |                       |                       | <b>333,700</b>             |
| <b>Defense Site Acceleration Completion (Defense Facilities Closure Projects)</b> |                    |                     |                       |                       |                            |
| 2006 Accelerated completions  |                    |                     |                       |                       |                            |
| Operation and maintenance.....  | 1,251,799          |                     |                       |                       | 1,251,799                  |

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|---|--------------------|---------------------|-----------------------|-----------------------|----------------------------|
| <b>2012 Accelerated Completions</b>   |                    |                     |                       |                       |                            |
| Operation and maintenance.....  | 1,437,001          |                     |                       |                       | 1,437,001                  |
| Construction:   |                    |                     |                       |                       |                            |
| 04-D-414 Project engineering and design, various locations.....               | 3,000              |                     |                       |                       | 3,000                      |
| 04-D-423 3013 container surveillance capability in 235-F, SR.....             | 20,640             |                     |                       |                       | 20,640                     |
| 01-D-416 Waste treatment and immobilization plant, RL.....                    | 690,000            |                     |                       |                       | 690,000                    |
| Total, Construction.....  | 713,640            |                     |                       |                       | 713,640                    |
| <b>Total, 2012 Accelerated Completions.....</b>                               | <b>2,150,641</b>   |                     |                       |                       | <b>2,150,641</b>           |
| <b>2035 Accelerated Completions</b>   |                    |                     |                       |                       |                            |
| Operation and maintenance.....  | 1,849,512          |                     |                       |                       | 1,849,512                  |
| Construction:   |                    |                     |                       |                       |                            |
| 04-D-408 Glass waste storage building #2, SR.....                             | 43,827             |                     |                       |                       | 43,827                     |
| Total, Construction.....  | 43,827             |                     |                       |                       | 43,827                     |
| <b>Total, 2035 Accelerated Completions.....</b>                               | <b>1,893,339</b>   |                     |                       |                       | <b>1,893,339</b>           |
| <b>Safeguards and security.....</b>   | <b>265,059</b>     |                     |                       |                       | <b>265,059</b>             |
| <b>High level waste legislative proposal</b>                                  |                    |                     |                       |                       |                            |
| Operation and maintenance.....  | 249,442            | (100,000)           |                       | (100,000)             | (100,000)                  |
| Construction:   |                    |                     |                       |                       |                            |
| 05-D-401 Salt waste processing facility, Savannah River.....                  | 52,000             |                     |                       |                       | 52,000                     |
| 04-D-414 04-02 PED: Sodium bearing waste treatment, Idaho.....                | 24,900             |                     |                       |                       | 24,900                     |
| 03-D-414 PED: salt waste processing facility alternative, Savannah River..... | 23,658             |                     |                       |                       | 23,658                     |
| Total, Construction.....  | 100,558            |                     |                       |                       | 100,558                    |
| Total, High level waste legislative proposal.....                             | 350,000            | (100,000)           |                       | (100,000)             | 250,000                    |
| Technology development and deployment.....                                    | 60,142             | 6,000               |                       |                       | 66,142                     |
| Hammer.....   |                    |                     | 6,000                 |                       |                            |
| <b>Subtotal, Defense Site Acceleration Completion.....</b>                    | <b>5,970,980</b>   | <b>(94,000)</b>     |                       | <b>(100,000)</b>      | <b>5,876,980</b>           |
| Use of prior year balances.....   |                    |                     |                       |                       |                            |
| Less security charge for reimbursable work.....                               | (143)              |                     |                       |                       | (143)                      |
| <b>Total, Defense Site Acceleration Completion.....</b>                       | <b>5,970,837</b>   | <b>(94,000)</b>     | <b>6,000</b>          | <b>(100,000)</b>      | <b>5,876,837</b>           |

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|--|--------------------|---------------------|-----------------------|-----------------------|----------------------------|
| <b>Defense Environmental Services</b>                |                    |                     |                       |                       |                            |
| Community and regulatory support.....                | 60,547             |                     |                       |                       | 60,547                     |
| Federal contribution to the uranium enrichment.....  | 463,000            | 4,000               |                       |                       | 467,000                    |
| Non-closure environmental activities.....            |                    |                     | 4,000                 |                       |                            |
| Operation and maintenance.....                       | 187,864            |                     |                       |                       | 187,864                    |
| Program direction.....                               | 271,059            |                     |                       |                       | 271,059                    |
| Subtotal, Defense Environmental Services.....        | 982,470            | 4,000               | 4,000                 |                       | 986,470                    |
| Use of prior year balances.....                      |                    |                     |                       |                       |                            |
| <b>Total, Defense Environmental Services.....</b>    | <b>982,470</b>     | <b>4,000</b>        | <b>4,000</b>          |                       | <b>986,470</b>             |
| <b>Other Defense Activities</b>                      |                    |                     |                       |                       |                            |
| Energy security and assurance                        |                    |                     |                       |                       |                            |
| Energy security.....                                 | 6,100              |                     |                       |                       | 6,100                      |
| Program direction.....                               | 4,500              |                     |                       |                       | 4,500                      |
| Total, Energy security and assurance.....            | 10,600             |                     |                       |                       | 10,600                     |
| Office of Security                                   |                    |                     |                       |                       |                            |
| Nuclear safeguards and security.....                 | 143,197            |                     |                       |                       | 143,197                    |
| Security investigations.....                         | 53,554             |                     |                       |                       | 53,554                     |
| Program direction.....                               | 58,350             |                     |                       |                       | 58,350                     |
| Total, Office of Security.....                       | 255,101            |                     |                       |                       | 255,101                    |
| Independent oversight and performance assurance..... | 24,669             |                     |                       |                       | 24,669                     |
| Civilian radioactive waste management                |                    |                     |                       |                       |                            |
| Spent nuclear fuel management.....                   | 21,190             |                     |                       |                       | 21,190                     |
| Program direction.....                               | 1,060              |                     |                       |                       | 1,060                      |
| Total, Civilian radioactive waste management.....    | 22,250             |                     |                       |                       | 22,250                     |
| Environment, safety & health                         |                    |                     |                       |                       |                            |
| Environment, safety and health (defense).....        | 99,105             |                     |                       |                       | 99,105                     |
| Program direction.....                               | 20,414             |                     |                       |                       | 20,414                     |
| Total, Environment, safety and health.....           | 119,519            |                     |                       |                       | 119,519                    |

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|--|--------------------|---------------------|-----------------------|-----------------------|----------------------------|
| <b>Office of Legacy Management</b>                   |                    |                     |                       |                       |                            |
| Legacy management.....                               | 19,194             |                     |                       |                       | 19,194                     |
| Worker and community transition.....                 | 2,500              | (2,500)             |                       | (2,500)               |                            |
| Program direction.....                               | 13,201             |                     |                       |                       | 13,201                     |
| <b>Total, Office of Legacy Management.....</b>       | <b>34,895</b>      | <b>(2,500)</b>      |                       | <b>(2,500)</b>        | <b>32,395</b>              |
| <b>Nuclear energy</b>                                |                    |                     |                       |                       |                            |
| <b>Infrastructure</b>                                |                    |                     |                       |                       |                            |
| Idaho facilities management                          |                    |                     |                       |                       |                            |
| INEEL infrastructure O&M.....                        | 20,886             | 1,500               | 1,500                 |                       | 22,386                     |
| Idaho sitewide safeguards and security.....          | 58,103             |                     |                       |                       | 58,103                     |
| <b>Total, Infrastructure.....</b>                    | <b>78,989</b>      | <b>1,500</b>        | <b>1,500</b>          |                       | <b>80,489</b>              |
| Program direction.....                               | 33,858             |                     |                       |                       | 33,858                     |
| <b>Total, Nuclear energy.....</b>                    | <b>112,847</b>     | <b>1,500</b>        | <b>1,500</b>          |                       | <b>114,347</b>             |
| <b>Defense related administrative support.....</b>   | <b>92,440</b>      |                     |                       |                       | <b>92,440</b>              |
| <b>Office of hearings and appeals.....</b>           | <b>4,318</b>       |                     |                       |                       | <b>4,318</b>               |
| <b>Office of Future Liabilities</b>                  |                    |                     |                       |                       |                            |
| Future Liabilities.....                              | 5,000              | (5,000)             |                       | (5,000)               |                            |
| <b>Subtotal, Other defense activities.....</b>       | <b>681,639</b>     | <b>(6,000)</b>      | <b>1,500</b>          | <b>(7,500)</b>        | <b>675,639</b>             |
| <b>Adjustments:</b>                                  |                    |                     |                       |                       |                            |
| Use of prior year balances.....                      | (15,000)           |                     |                       |                       | (15,000)                   |
| Less security charge for reimbursable work (SO)..... |                    |                     |                       |                       |                            |
| Less security charge for reimbursable work (NE)..... | (2,021)            |                     |                       |                       | (2,021)                    |
| <b>Total, Adjustments.....</b>                       | <b>(17,021)</b>    |                     |                       |                       | <b>(17,021)</b>            |
| <b>Total, Other Defense Activities.....</b>          | <b>664,618</b>     | <b>(6,000)</b>      | <b>1,500</b>          | <b>(7,500)</b>        | <b>658,618</b>             |
| <b>Defense Nuclear Waste Disposal</b>                |                    |                     |                       |                       |                            |
| Defense nuclear waste disposal.....                  | 131,000            |                     |                       |                       | 131,000                    |

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| <b>Atomic Energy Defense Activities</b>                              |                    |                     |                       |                       |                            |
| National Nuclear Security Administration:                            |                    |                     |                       |                       |                            |
| Weapons activities.....  | 6,568,453          | 9,500               | 88,000                | (78,500)              | 6,577,953                  |
| Defense nuclear nonproliferation.....                                | 1,348,647          | (10,500)            |                       | (10,500)              | 1,338,147                  |
| Naval reactors.....  | 797,900            |                     |                       |                       | 797,900                    |
| Office of the administrator.....                                     | 333,700            |                     |                       |                       | 333,700                    |
| <b>Total, National Nuclear Security Administration.....</b>          | <b>9,048,700</b>   | <b>(1,000)</b>      | <b>88,000</b>         | <b>(89,000)</b>       | <b>9,047,700</b>           |
| Environmental and other defense activities:                          |                    |                     |                       |                       |                            |
| Defense site acceleration completion.....                            | 5,970,837          | (94,000)            | 6,000                 | (100,000)             | 5,876,837                  |
| Defense environmental services.....                                  | 982,470            | 4,000               | 4,000                 |                       | 986,470                    |
| Other defense activities.....  | 664,618            | (6,000)             | 1,500                 | (7,500)               | 658,618                    |
| Defense nuclear waste disposal.....                                  | 131,000            |                     |                       |                       | 131,000                    |
| <b>Total, Environmental &amp; other defense activities.....</b>      | <b>7,748,925</b>   | <b>(96,000)</b>     | <b>11,500</b>         | <b>(107,500)</b>      | <b>7,652,925</b>           |
| <b>Total, Atomic Energy Defense Activities.....</b>                  | <b>16,797,625</b>  | <b>(97,000)</b>     | <b>99,500</b>         | <b>(196,500)</b>      | <b>16,700,625</b>          |
| Defense Nuclear Facilities Safety Board                              | 20,268             | 1,000               | 1,000                 |                       | 21,268                     |
| Formerly Utilized Sites Remedial Action Program - Corps of Engineers | [140,000]          |                     |                       |                       |                            |
| <b>Total, Department of Energy (053)</b>                             | <b>16,817,893</b>  | <b>(96,000)</b>     | <b>100,500</b>        | <b>(196,500)</b>      | <b>16,721,893</b>          |

## ITEMS OF SPECIAL INTEREST

## NATIONAL NUCLEAR SECURITY ADMINISTRATION

## Overview

The budget request contained \$9,048.7 million for the National Nuclear Security Administration for fiscal year 2005. The committee recommends \$9,047.7 million, a decrease of \$1.0 million.

## Adjustments to the Budget Request

*Reductions**Directed stockpile work*

The budget request contained \$1,406.4 million for directed stockpile work.

The committee notes that the nuclear weapon stockpile requirements that guide the stockpile life extension programs are under review by the Department of Defense as part of a periodic assessment of the Nuclear Posture Review. The committee also notes that it is difficult for the committee to support increases in funding for individual warhead life extension programs until this assessment is completed and forwarded to the congressional defense committees.

The committee recommends \$1,367.4 million, a decrease of \$39.0 million.

*Campaigns*

The budget request contained \$301.0 million for the science campaign.

The committee notes with concern that the National Nuclear Security Administration (NNSA) reported mixed results in meeting the fiscal year 2003 science campaign performance targets contained in the NNSA Future-Year Nuclear Security Program.

The committee recommends \$281.5 million, a decrease of \$19.5 million. This funding level represents an increase of \$18.0 million over the fiscal year 2004 appropriation.

The budget request contained \$741.3 million for the Advanced Simulation and Computing (ASC) campaign. The committee notes that the ASC campaign has experienced cost growth and schedule slippage. The committee also notes that the campaign is apparently procuring a considerably larger set of computers than originally envisioned.

The committee recommends \$721.3 million, a decrease of \$20.0 million. This funding represents funding at the fiscal year 2004 level.

*International nuclear materials protection and cooperation*

The budget request contained \$43.0 million within the International Nuclear Materials Protection and Cooperation program for security enhancements at the MinAtom Weapons complex.

The committee understands that the National Nuclear Security Administration (NNSA) has had limited success in completing security upgrades at these sites due to MinAtom not granting access. While the committee supports the goals of this program, it does not

support authorizing funds for projects where NNSA does not have the access required to accomplish program objectives.

The committee recommends \$32.5 million, a decrease of \$10.5 million. The recommended funding is equivalent to the amount appropriated in fiscal year 2004. The committee directs the Administrator of the NNSA to submit a report with the fiscal year 2006 budget request on the status of NNSA access, as of the end of fiscal year 2004, to those MinAtom sites where Congress has authorized and appropriated funds for security upgrades.

### *Increases*

#### *Engineering campaign*

The budget request contained \$48.7 million in the engineering campaign for construction of the Microsystems and Engineering Sciences Application (MESA) complex at Sandia National Laboratories (project 01-D-108).

The committee notes that when complete, MESA will be a significant facility for modernizing the electrical, optical, and mechanical components of the nuclear stockpile using computationally enabled micro-technologies. Accelerated construction of the MESA complex will ensure timely availability of critical tools for stockpile stewardship.

The committee recommends \$68.7 million, an increase of \$20.0 million for further acceleration of MESA construction. The NNSA Administrator is directed to submit a revised MESA construction baseline with the fiscal year 2006 budget request that reflects congressional funding increases through the end of fiscal year 2005.

#### *Readiness in technical base and facilities*

The budget request contained \$1,474.5 million for Readiness in Technical Base and Facilities.

The committee has been encouraged by the progress made in the reduction of deferred maintenance backlogs in the defense nuclear complex.

The committee recommends an increase of \$50.0 million for replacement of aging equipment, correction of deferred maintenance, and disposition of legacy materials consistent with the National Nuclear Security Administration approved 10 year comprehensive site plan as follows: \$5.0 million at the Kansas City Plant, \$8.0 million at Lawrence Livermore National Laboratory, \$19.0 million at Pantex and \$18.0 million at the Y-12 plant.

The committee is aware that accelerated construction and delivery of the Z Petawatt laser will add significant radiographic diagnostic capabilities to the stockpile stewardship campaign. The committee recommends an increase of \$13.0 million for the Z Petawatt laser.

The committee is aware that adding a second operations shift to the Z facility will meet the increased demand for experiments conducted on the Z machine. The committee recommends an increase of \$5.0 million to fund a second shift operation at the Z facility.

#### *Advanced Concepts and Robust Nuclear Earth Penetrator*

The committee supports the budget request of \$9.0 million for Advanced Concepts and \$27.6 million for completion of the 6.2/2A

Air Force-led study on the Robust Nuclear Earth Penetrator (RNEP). The committee strongly reaffirms the importance of these two initiatives and authorizes the full amount of the request.

The committee notes that the Administrator of the National Nuclear Security Administration (NNSA) has stated in testimony before the committee that the RNEP study was being conducted at the request of the Department of Defense. The committee also takes note that a recent Defense Science Board Task Force study on Future Strategic Strike Forces specifically recommended that research be initiated on nuclear weapons that produce much lower collateral damage than those weapons in the existing nuclear stockpile. The committee also reminds the NNSA that any efforts beyond a study could only be pursued if the President approves and funds are authorized and appropriated by Congress.

#### Advanced Technology Research and Development

The committee notes that the budget requests funds for advanced technology research and development in several activities within the National Nuclear Security Administration. The committee encourages the Administrator to review individual advanced technology research and development programs to ensure they are coordinated with, and do not duplicate, other similar research and development efforts.

#### Los Alamos Public Schools

The committee report on H.R. 1588 (H. Rept. 108–106) stated the concern that little progress has been made in developing an exit strategy for the Department of Energy to discontinue funding for the Los Alamos Public Schools system. The fiscal year 2005 budget request contained no funding for the Los Alamos Public Schools, ending a practice whereby for many years this school district was the only one receiving assistance from the Department.

The Department, in its February 2004 report, "Support for Public Education in the Vicinity of Los Alamos National Laboratory, New Mexico," concluded that the Los Alamos Public School District must receive stable financial support if the Los Alamos Public School District is to maintain the standard of educational excellence that the Los Alamos National Laboratory staff demands. According to the report, this support to the public schools is required in order for the laboratory to attract and retain the talented and highly educated individuals required to execute its national security mission. One option the report recommended for supplementing the resources of the Los Alamos Public Schools was to allow the management and operating contractor for Los Alamos National Laboratory to support the Los Alamos Public Schools within the confines of the existing operating contract.

The committee understands the need to attract and retain highly talented personnel for the national laboratory complex. Therefore, the committee directs the Department, from within those funds authorized for Department activities at Los Alamos National Laboratory, to provide \$8.0 million per year out of site contractor overhead, to support the Los Alamos Public School District.

## Mixed Oxide Fuel Fabrication Facility

The committee notes the National Nuclear Security Administration's (NNSA) recent announcement of a delay until the summer of 2005 for starting construction of the Mixed Oxide Fuel Fabrication Facility (MOX) in the Russian Federation due to delays in resolving a government-to-government liability agreement. Recent discussions with the NNSA indicate that the 2005 commencement date may also be in jeopardy. The committee notes that the projected start of construction has slipped four years since the project began in fiscal year 2000.

While the committee fully supports the MOX program objective of conversion of weapons grade plutonium into fuel for commercial reactors, it is concerned with these delays and does not want to further add to the existing uncommitted balances in the NNSA nonproliferation accounts. The committee directs the Administrator of the NNSA to notify the congressional defense committees within 30 days of any decision that construction of the MOX facility will not begin by the end of fiscal year 2005.

## ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

### Overview

The budget request contained \$7,748.9 million for environmental and other defense activities. The committee recommends \$7,652.9 million, a decrease of \$96.0 million.

### Adjustments to the Budget Request

#### *Reductions*

##### *Waste incidental to reprocessing*

The budget request contained \$350.0 million for a High Level Waste Proposal program within the Defense Site Acceleration Completion account to address a contingency for "Waste Incidental to Reprocessing." The budget materials state that these funds will only be requested to the extent that legal uncertainty concerning certain reprocessing wastes is satisfactorily resolved through pending litigation or by new legislation. This uncertainty was raised by a 2003 federal district court ruling that the Department of Energy's reclassification of waste streams generated by reprocessing of spent nuclear fuel violated the Nuclear Waste Policy Act (*Natural Resources Defense Council v. Spencer Abraham*, District Court of Idaho, 2003).

The committee understands that this request concerns matters that are both pending the outcome of litigation and the subject of negotiations with individual states. The committee has not received formal transmittal of a legislative proposal. However, the committee notes that the Department is actively working with the states to achieve consensus on a legislative proposal that would clarify the law and allow cleanup activities to proceed. The committee also notes it does not appear that the federal court decision requires a cessation of all current waste cleanup activities and that the budget request contains \$3,368.0 million for Defense Site Acceleration Completion for sites in Idaho, South Carolina, and Washington.

The committee notes that some of the activities proposed to be funded in the High Level Waste Proposal may either be precluded by or imprudent to conduct under the federal district court ruling. The committee urges the Department to proceed with those clean-up activities that are not prevented by the federal district court ruling or are not otherwise deemed inappropriate due to the legal uncertainty resulting from the court ruling. The committee directs the Secretary of Energy to submit a report to the congressional defense committees by January 1, 2005 stating which of those activities listed under the High Level Waste Proposal can proceed consistent with the current legal determination and those that cannot, clearly stating the rationale for each such determination. The committee also urges the Department to submit a legislative proposal at the earliest opportunity to clarify the law on Waste Incidental to Reprocessing in order to facilitate long-term cleanup plans across all defense sites.

The committee recognizes the significant costs and schedule impacts for future defense site acceleration cleanup plans in the event the district court ruling stands and the Nuclear Waste Policy Act is not amended. The committee includes a legislative provision calling for a National Academy of Sciences study of the Department's plans to manage and treat prior to final disposal the high-level radioactive waste at the Savannah River Site, South Carolina, the Idaho National Engineering Laboratory, Idaho and the Hanford Reservation, Washington.

The committee recommends \$250.0 million, a decrease of \$100.0 million. Should funds in excess of the amount authorized be required for site cleanup activities under the High Level Waste Proposal in fiscal year 2005, the Department of Energy is directed to submit a request for reprogramming of funds to the congressional defense committees.

#### *Worker and community transition*

The budget request contained \$2.5 million for worker and community transition within the Office of Legacy Management.

The committee notes that the budget request states that the need for worker transition assistance has considerably diminished in recent years and that there is no estimated need for community transition assistance during fiscal year 2005.

The committee recommends no funds for worker and community transition and recommends the Department of Energy terminate the program.

#### *Office of future liabilities*

The budget contained \$5.0 million for the Office of Future Liabilities. The committee notes that the Office of Future Liabilities was just recently established by the Department of Energy to fund and manage environmental liabilities not assigned to the Office of Environmental Management or other organizations within the Department. The committee also notes that the Department had previously established a new Office of Legacy Management in 2003.

While the committee is encouraged that the Office of Environmental Management is taking a long term view of future management issues, it appears premature to establish an Office of Future

Liabilities when the current Defense Site Acceleration Completion activities are scheduled to continue through fiscal year 2035.

The committee recommends no funds for the Office of Future Liabilities and encourages the Department to perform those functions within the Office of Environmental Management or Office of Legacy Management.

### *Increases*

#### *2035 defense site accelerated completions*

The budget request contains no funds for the Hazardous Materials Management and Emergency Response Training and Education (HAMMER) center.

The committee is aware that the HAMMER center provides valuable training for emergency response personnel. The committee is also aware that the Department of Energy is reviewing whether the HAMMER center should be operated by the Office of Environmental Management or by the Office of Energy Security and Assurance.

The committee recommends an increase of \$6.0 million for operation of the HAMMER center. The committee also urges the Secretary to make a determination as to what office within the Department should have long-term responsibility for operation of the HAMMER center.

#### *Non-closure environmental activities*

The budget request contained \$187.9 million for non-closure environmental activities.

The committee is aware of a need to fund newly generated waste requirements and ground water cleanup activities at Lawrence Livermore National Laboratory.

The committee recommends \$191.9 million, an increase of \$4.0 million for newly generated waste requirements and ground water cleanup activities at Lawrence Livermore National Laboratory (Project HQ-SW-0013Y).

#### *Idaho facilities management-other defense activities*

The budget request contained \$20.9 million for Idaho Facilities Management-Other Defense Activities.

The committee is aware that spent nuclear fuel, a portion of which is the responsibility of the Department of Energy through contracts by the Department and its predecessor federal agencies, is in long-term storage in aluminum canisters at the Lynchburg Technology Center operated by BWX Technologies in Lynchburg, Virginia. The committee also notes that both the Department and BWX Technologies have indicated that inspections, and possibly repackaging, of the stored spent nuclear fuel are required to ensure proper long-term storage.

The committee recommends \$22.4 million, an increase of \$1.5 million, for the Office of Nuclear Energy, Science and Technology to inspect and repackage, as appropriate, its spent nuclear fuel stored in outside storage wells at the Lynchburg Technology Center in Lynchburg, Virginia. After the spent nuclear fuel is inspected and appropriate repackaging is completed, it is to be replaced in refurbished storage wells. The specific spent nuclear fuel covered by

this requirement is that spent nuclear fuel described in the storage contract (DE-AC02-02NE23429) between the Department, as administered by the Office of Nuclear Energy, Science, and Technology, and BWX Technologies. The committee intends for this work to start in fiscal year 2005 and conclude no later than the end of fiscal year 2007.

### Technology Deployment and Development

The committee notes that several high-level waste separation technologies under development could potentially reduce costs and shorten schedules for high-level waste remediation. The committee encourages the Department, within funds authorized under Defense Site Acceleration Completion for technology deployment and development, to fund technology demonstrations that provide alternative solutions for high-level waste separation.

### Energy Employees Occupational Illness Compensation Program

The committee is concerned with the lack of progress the Department of Energy has made in processing the backlog of defense nuclear worker claims under Subtitle D of the Energy Employees Occupational Illness Compensation Act. The committee notes that recent Department statistics reflect that 2,257 cases have been completed out of the 23,996 applications received for health-related claims under the Act. However, the committee also notes that only a handful of workers determined to have valid health-related claims have actually received any compensation. The committee also understands that a recent GAO report notes that the lack of a “willing payer” of workers’ compensation benefits for some workers means that some workers with valid defense nuclear complex health claims may receive no compensation.

While the Department has made some progress in processing the claims, the committee notes that further improvements to processing are required to ensure that claims can be processed with proper physician advice in a manner that is both speedy and medically sound. The committee notes that the Department has requested increased funding and has requested legislative remedies that may improve the efficiency of the physician review panels.

The committee remains concerned that these and possibly other improvements are needed to achieve timely physician review panel determinations and urges the Department to work with the committee to identify any additional actions required to expedite processing and payment of claims. The committee also urges the Department to continue to work with federal agencies and other organizations to propose solutions for the “willing payer” problems.

## LEGISLATIVE PROVISIONS

### SUBTITLE A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

#### Section 3101—National Nuclear Security Administration

This section would authorize funds for the National Nuclear Security Administration for fiscal year 2005, including funds for weapons activities, defense nuclear nonproliferation programs, naval reactor programs, and the Office of the Administrator.

### Section 3102—Defense Environmental Management

This section would authorize funds for defense environmental management activities for fiscal year 2005, including funds for defense site acceleration completion and defense environmental services.

### Section 3103—Other Defense Activities

This section would authorize funds for other defense activities for fiscal year 2005.

### Section 3104—Defense Nuclear Waste Disposal

This section would authorize funds for defense nuclear waste disposal for fiscal year 2005.

## SUBTITLE B—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

### Section 3111—Extension of Authority for Appointment of Certain Scientific, Engineering and Technical Personnel

This section would amend section 4601 of the Atomic Energy Defense Act (50 USC 2701) to extend authority for appointment of certain scientific, engineering, and technical personnel.

### Section 3112—Requirements for Baseline of Projects under Facilities and Infrastructure Recapitalization Program

This section would amend section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to give the NNSA Administrator greater flexibility in adding projects or updating priorities to projects within the Facilities and Infrastructure Recapitalization Program.

## SUBTITLE C—OTHER MATTERS

### Section 3131—Transfers and reprogrammings of National Nuclear Security Administration funds

Title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (50 USC 2401), otherwise known as the “NNSA Act” established the National Nuclear Security Administration (NNSA). In passing the Act, Congress created the NNSA as a semi-autonomous agency within the Department of Energy. The mission of the NNSA is to enhance national security through the military application of nuclear energy, reduce global danger from weapons of mass destruction, and promote international nuclear safety. The cornerstone of this Act is a significant level of autonomy for the NNSA.

Among the various functions assigned in the Act, the NNSA Administrator has authority over, and is responsible for, all programs and activities of the NNSA including budget formulation, guidance and execution, and other financial matters (50 USC 2402). The NNSA Act also provides for separate treatment of the NNSA budget request within the President’s budget request (50 USC 2451) and for the Administrator to establish procedures for planning, programming, budgeting, and financial activities (50 USC 2452).

The committee is concerned that execution of the NNSA budget process may not reflect the degree of autonomy intended in the NNSA Act. In order to carry out the above budget functions as intended by Congress, this provision directs the Administrator for Nuclear Security specifically to submit notifications and requests for reprogramming directly to the congressional defense committees, with the only role of the Department of Energy being for the Chief Financial Officer to certify whether funds covered by the notice or request are available. This provision is necessary to ensure responsive oversight and to safeguard the autonomy of the Administration.

The committee remains concerned that there may be additional areas of the budget process in which the autonomy intended by Congress is not being exercised. The committee encourages the Administrator to review the budget and programming process to ensure NNSA is in complete compliance with the letter and spirit of the NNSA Act.

#### Section 3132—National Academy of Sciences study on management by Department of Energy of high-level radioactive waste

This section would require the Secretary of Energy to enter into an agreement with the National Academy of Sciences to complete a study of the Department's "residual" waste streams management plans. These streams are from the Department's high-level waste tanks, which are not planned for disposal into a high-level waste repository.

This study should provide an explicit assessment of the waste streams that are planned for disposal in place in the tanks or that result from the processing of retrieved tank wastes at the Hanford Reservation in Washington, the Idaho National Engineering and Environmental Laboratory in Idaho, and the Savannah River Site in South Carolina. The examination should address the full range of "residual wastes" including, among others, the high-level waste tank remainders that the Department considers incidental to reprocessing, the streams from tank waste processing, such as saltstone at the Savannah River Site, and tank waste the Department plans to immobilize and ship for disposal to the Waste Isolation Pilot Plant.

The National Academy of Sciences should deliver an interim report on the waste planned for disposal in place in the tanks to the committee and the Secretary six months after entering into the agreement to undertake this study. A final report addressing the remainder of the task objectives should be issued twelve months after funding is received. Within funds allocated for defense environmental management the Department authorizes up to \$1,500,000 for the study.

#### Section 3133—Contract to Review Waste Isolation Pilot Plant, New Mexico

The current five-year Congressional authorization for Independent Waste Isolation Pilot Plant Oversight expires at the end of fiscal year 2004. This section would direct the Secretary of Energy to enter into a new contract for independent reviews of the de-

sign, construction and operations of the Waste Isolation Pilot Plant in New Mexico.

## TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### LEGISLATIVE PROVISIONS

#### Section 3201—Authorization

This section would authorize \$21.3 million for the Defense Nuclear Facilities Safety Board for fiscal year 2005, an increase of \$1.0 million to fund cost-of-living pay increases for permanent staff and to hire outside consultants as needed for technical oversight of new Department of Energy projects.

## TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

### LEGISLATIVE PROVISIONS

#### Section 3301—Authorized Uses of National Defense Stockpile Funds

This section would authorize \$59.7 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2005. The provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after Congress receives notification.

#### Section 3302—Revision of Limitations on Required Disposals of Certain Materials in National Defense Stockpile

This section would amend section 3306 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) by authorizing the Secretary of Defense to dispose of 100,000 short tons of high carbon manganese ferro of the highest grade during fiscal year 2005, rather than 50,000 short tons as currently authorized.

#### Section 3303—Authority to Dispose of Certain Materials in National Defense Stockpile

This section would amend section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) to authorize the Secretary of Defense to dispose of materials in the National Defense Stockpile so as to result in \$785.0 million in receipts by the end of fiscal year 2005, and \$870.0 million in receipts by the end of fiscal year 2009.

## TITLE XXXIV—NAVAL PETROLEUM RESERVES

### LEGISLATIVE PROVISION

#### Section 3401—Authorization of Appropriations

This section would authorize \$20.0 million for fiscal year 2005 for the operation and maintenance of the Naval Petroleum and Oil Shale Reserves.

## TITLE XXXV—MARITIME ADMINISTRATION

### LEGISLATIVE PROVISIONS

#### Section 3501—Authorization of Appropriations for Maritime Administration for Fiscal Year 2005

This section would authorize a total of \$149.1 million for fiscal year 2005, an increase of \$13.4 million above the budget request for the Maritime Administration. Of the funds authorized, \$109.3 would be for operations and training programs, \$4.8 million would be for administrative expenses related to providing loan guarantees authorized by title XI of the Merchant Marine Act, 1936, as amended, (46 App. United States Code 1271 et seq.), and \$35 million would be for the disposal of obsolete ships in the National Defense Reserve Fleet. Within the funds provided for the disposal of obsolete vessels, the committee includes \$2 million to begin the decommissioning, removal, and disposal of the nuclear reactor and hazardous materials aboard the Nuclear Ship Savannah, which is located at the James River facility in Virginia.

#### Section 3502—Extension of Authority to Provide War Risk Insurance for Merchant Marine Vessels

This section would extend for five years the authority of the Secretary of Transportation to provide war risk insurance and reinsurance relating to merchant marine vessels. This section would also modify the existing provision to reflect the current Department of the Treasury practice of investing in public debt securities of the United States, with maturities and interest rates suitable to the needs of the fund.

## DEPARTMENTAL DATA

The Department of Defense requested legislation, in accordance with the program of the President, as illustrated by the correspondence set out below:

## DEPARTMENT OF DEFENSE AUTHORIZATION REQUEST

DEPARTMENT OF DEFENSE,  
OFFICE OF GENERAL COUNSEL,  
*Washington, DC, March 11, 2004.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: The Department of Defense requests that the Congress enact the enclosed National Defense Authorization Bill for Fiscal Year 2005.

The purpose of each proposal is stated in the accompanying section-by-section analysis.

In the coming weeks, the Department will propose a few additional legislative initiatives for inclusion in the same Bill.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presenting of these legislative proposals for your consideration and the consideration of the Congress.

Sincerely,

WILLIAM J. HAYNES II,  
*General Counsel.*

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 COMMITTEE POSITION

On May 12, 2004 the Committee on Armed Services, a quorum being present, approved H.R. 4200, as amended, by a vote of 60-0.

## COMMUNICATIONS FROM OTHER COMMITTEES

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EDUCATION AND THE WORKFORCE,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,*  
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN HUNTER: Thank you for working with me in your development of H.R. 4200, the "National Defense Authorization Act for Fiscal Year 2005," specifically:

(1) Section 590. Continuation of impact aid assistance on behalf of dependents of certain members despite change in state of member.

(2) Section 595. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

(3) Section 596. Senior Reserve Officer Training Corps and recruiter access at institutions of higher education.

(4) Section 904. Modification of obligated service requirements under National Security Education Program.

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 4200, the Committee does hold an

interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 4200 and look forward to working with you on these issues in the future.

Sincerely,

JOHN BOEHNER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. JOHN BOEHNER,  
*Chairman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Education and the Workforce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Education and the Workforce is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN HUNTER: On May 12, 2004, the Committee on Armed Services ordered reported H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. As ordered reported by the Committee on Armed Services, this legislation contains a number of provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

These provisions include the following:

Section 596. Reserve Senior Officer Training Corps and recruiter access at institutions of higher education.

Section 601. Increase in basic pay for fiscal year 2005.

Section 3111. Extension of authority for appointment of certain scientific, engineering, and technical personnel.

Section 3112. Requirements for baseline of projects under Facilities and Infrastructure Recapitalization Program.

Section 3131. Transfers and reprogrammings of National Nuclear Security Administration funds.

Section 3132. National Academy of Sciences study on management by Department of Energy of high-level radioactive waste.

Section 3133. Contract to review Waste Isolation Pilot Plant, New Mexico.

Section 3201. Defense Nuclear Facilities Safety Board authorization.

Recognizing your interest in bringing this legislation before the House expeditiously, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee on Energy and Commerce does not waive its jurisdiction over these provisions or any other provisions of the bill that may fall within its jurisdiction. In addition, the Committee on Energy and Commerce reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference, and asks for your support in being accorded such conferees.

I request that you include this letter as part of the report on H.R. 4200 and as part of the Congressional Record during consideration of this bill by the House.

Sincerely,

JOE BARTON, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. JOE BARTON,  
*Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN: On May 12, 2004, the Committee on Armed Services ordered reported H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. As you know, the H.R. 4200, as

reported, contains a number of provisions within the jurisdiction of the Committee on Government Reform under Rule X of the Rules of the House of Representatives. These provisions implicate the committee's jurisdiction on a number of subject including: the disposition of Federal property, the Freedom of Information Act, the Federal civil service, and procurement.

Because of your willingness to consult with this Committee, and because of your desire to move this legislation expeditiously, I will waive consideration of the bill by the Committee on Government Reform. By agreeing to waive its consideration of the bill, the Committee does not waive its jurisdiction over H.R. 4200. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request for conferees by the Committee on H.R. 4200 or similar legislation.

I request that you include this letter and your response in the Committee Report and in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. TOM DAVIS,  
*Chairman, Committee on Government Reform,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Government Reform has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Government Reform is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC, May 11, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I write with respect to the export control provisions of this year's proposed National Defense Authorization Act (NDAA), H.R. 4200, which your Committee is preparing to mark up and report in the near future. I request that you include

in H.R. 4200 those provisions in Title XIV, Subtitle A, relating to export controls. These provisions would strengthen military export controls in areas in which the Department of Defense plays a major role, often alongside U.S. private firms regulated under section 38 of the Arms Export Control Act. Other provisions would reinforce the role and responsibility of Congress to provide appropriate oversight in these areas.

These provisions complement and reinforce the policy that the Committee on International Relations has long followed in these areas and are fully consistent with provisions in H.R. 1950 (the State Department Authorization Act), which the House passed last year during the first session of the 108th Congress. In particular, I am very sympathetic to purposes which the NDAA export control provisions would advance concerning: (1) the need to strengthen (not relax) military export controls in the context of the global war on terror, and (2) to set high (not reduced) standards internationally for other governments to follow multilaterally, as well as in the administration of their national systems, regarding the control of weapons technology and military systems and equipment. Similarly, at a time when our European allies are seeking increasingly greater access to the United States defense procurement market and to our weapons technology in order to help meet their defense commitments to NATO, while simultaneously pursuing a process to expand weapons technology transfers to the People's Republic of China, it behooves our Government to ensure that fundamental principles of U.S. law and policy are upheld. This includes, above all, the right of the United States to consent to the re-export or re-transfer of U.S. weapons technology by a foreign government or person to any third party or person, including the government of another country, before such a re-export or retransfer may take place.

For the foregoing reasons, I strongly support adoption by your Committee of these provisions in the proposed NDAA.

With best wishes, I am  
Sincerely,

HENRY J. HYDE, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I understand that on Wednesday, May 12, 2004, the Committee on Armed Services ordered favorably reported H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. The bill includes a number of provisions that fall within the legislative jurisdiction of the Committee on International Relations pursuant to Rule X(k) of the House of Representatives.

With respect to Section 1202, Assistance to Military or Security Forces of Iraq and Afghanistan, I will request from the Speaker a referral of H.R. 4200, should this provision not be removed from the bill before it is filed.

Additional provisions within our Committee's jurisdiction are: (1) Section 811, Defense Trade Reciprocity; (2) Section 1013, Authority to Transfer Specified Former Naval Vessels to Certain Foreign Countries; (3) Section 1027, Encouragement of Agreements with Foreign Countries; (4) Section 1031, Continuation of Authority to Use Department of Defense Funds for Unified Counter-Drug and Counter-Terrorism Campaign in Colombia; (5) Section 1204, Status of Iraqi Security Forces; (6) Section 1211, Assignment of Allied Naval Personnel to Submarine Safety Programs; (7) Section 1212, Expansion of Entities of the People's Republic of China Subject to Certain Presidential Authorities When Operating in the United States; (8) Section 1213, Report by the President on Global Peace Operations Initiative; (9) Section 1214, Procurement Sanctions Against Foreign Persons that Transfer Certain Defense Articles and Services to the People's Republic of China; (10) Title XIII, Co-operative Threat Reduction with the States of the Former Soviet Union; and (11) Title XIV, Export Controls and Counter-Proliferation Matters.

Pursuant to Chairman Dreier's announcement that the Committee on Rules will move expeditiously to consider a rule for H.R. 4200 and your desire to have the bill considered on the House floor next week, the Committee on International Relations will not seek a sequential referral of the bill as a result of including these provisions, without waiving or ceding now or in the future this Committee's jurisdiction over the provisions in question. I will seek to have conferees appointed for these provisions during any House-Senate conference committee.

In that regard, I am particularly concerned about certain provisions in Title XIV, Subtitle B and C, regarding counter-proliferation matters and initiatives related to the former Soviet Union. I look forward to working with you regarding my concerns about these provisions as H.R. 4200 moves forward in the legislative process.

I would appreciate your including this letter as a part of the report on H.R. 4200 and as part of the record during consideration of the bill by the House of Representatives.

With best wishes,  
Sincerely,

HENRY J. HYDE, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC, May 13, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN HUNTER: In recognition of the desire to expedite floor consideration of H.R. 4200, the Department of Defense authorization bill, the Committee on the Judiciary hereby waives consideration of the bill. This waiver is made with the understanding that proposed sections that have been reviewed by the Committee on the Judiciary relating to the bankruptcy treatment of certain military bonuses and pay incentives, compensating employees who were exposed to radiation in certain government programs, and the

title to sunken military ships (to the extent such provision contained matter within the jurisdiction of the Committee on the Judiciary) will not be included in the bill. These sections contain matters within the Committee on the Judiciary's Rule X jurisdiction.

I further understand that proposed sections that have been reviewed by the Committee on the Judiciary relating to the misuse of civilian medals, Federal Tort Claims Act coverage for volunteers performing volunteer duties at sea and for committee members of the Employee Support for the Guard and Reserve, waivers of DOJ prison reviews for several land conveyances, state tax preemption for the Non-Appropriated Fund Health Benefits Programs, trademark licensing of military slogans and the like, military legal assistance, a public-private employee exchange program, and allowing assignment of contract claims to sureties will be included in the bill. If these sections are added to the bill, I will not seek a sequential referral based on inclusion.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your Committee's report on H.R. 4200 and the Congressional Record during consideration of the legislation on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,  
*Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. F. JAMES SENSENBRENNER, Jr.,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.  
Sincerely,

DUNCAN HUNTER, *Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC, May 14, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

Our Committee recognizes the importance of H.R. 4200 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over a number of provisions of the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, that every effort will be made to include any agreements worked out by staff of our two Committees in amendments as the bill is taken to the House Floor, and that a copy of this letter and of your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON VETERANS' AFFAIRS,  
*Washington, DC, May 11, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
 House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I wish to inform the Committee on Armed Services that the Committee on Veterans' Affairs hereby waives any jurisdiction it has over the provisions of section 2831 of H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, regarding "Transfer of Administrative Jurisdiction, Defense Supply Center, Columbus, Ohio." Our Committee does not desire referral of these provisions, a copy of which is enclosed.

Sincerely,

CHRISTOPHER H. SMITH, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. CHRISTOPHER H. SMITH,  
*Chairman, Committee on Veterans' Affairs,  
 House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Committee on Veterans' Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Veterans' Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
 SELECT COMMITTEE ON INTELLIGENCE,  
*Washington, DC, May XX, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
 House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to consideration of H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. Certain provisions of this important legislation are within the jurisdiction of the House Permanent Select Committee on Intelligence (HPSCI). I support the legislation and share your desire to have it considered expeditiously by the House; hence, I do not intend to seek referral of this legislation to the HPSCI.

However, I do so only with the understanding that this procedural route should not be construed to prejudice this Committee's

valid jurisdictional interests and prerogatives on these provisions or any other similar legislation. Likewise, this should not be considered as precedent for consideration of matters of jurisdictional interest to the HPSCI in the future. Furthermore, should these provisions or similar provisions be included in any Senate amendments and considered in a conference with the Senate, I would request that the Speaker appoint Members of the HPSCI as conferees on those provisions. Finally, I would ask that you include a copy of our exchange of letters on this matter in your report to accompany the bill. I thank you for your consideration.

Sincerely,

PORTER GOSS, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. PORTER GOSS,  
*Chairman, Permanent Select Committee on Intelligence,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Permanent Select Committee on Intelligence has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Permanent Select Committee on Intelligence is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC, May 11, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: It has come to my attention that a new section has been added to the Defense Authorization Act for Fiscal Year 2005, incorporating the text of H.R. 3966, the "ROTC and Military Recruiter Equal Access to Campus Act of 2004." As noted in my previous letter dated, March 19, 2004, provisions of H.R. 3966 directly impact the programs and operations of the Department of Homeland Security by limiting its ability to distribute funds to institutions of higher education by grant or contract. Although I believe that these provisions fall within the jurisdiction of the Select Committee under H. Res. 5, I will not seek a sequential referral given the importance of expediting passage of this bill, which I co-sponsored and strongly support.

The Select Committee on Homeland Security takes this action with the understanding that its jurisdiction over the provision as

included in the Defense Authorization Act for Fiscal Year 2005 is in no way diminished or altered. I would appreciate your including this letter in the Committee Report on the bill. Thank you for your consideration.

Sincerely,

CHRISTOPHER COX, *Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, May 14, 2004.*

Hon. CHRISTOPHER COX,  
*Chairman, Select Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

I agree that the Select Committee on Homeland Security has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Select Committee on Homeland Security is not waiving its jurisdiction. Further, this exchange of letters will be included in the Committee report on the bill.

With best wishes.

Sincerely,

DUNCAN HUNTER, *Chairman.*

## FISCAL DATA

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 2005 and each of the following five fiscal years. The results of such efforts are reflected in the committee cost estimate, which is included in this report pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives.

### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Under clause 3(c)(3) of rule XIII of the House of Representatives and 402 of the Congressional Budget Act of 1974, the committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

### COMMITTEE COST ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the committee of the costs which would be incurred in carrying out this bill.

H.R. 4200 would authorize appropriations of \$418.5 billion for fiscal year 2005 for the activities of the Department of Defense (DOD) and the national security programs of the Department of Energy (DOE). The budget authority implication of the authorization of appropriations in H.R. 4200 is \$422.1 billion. It would also

authorize an additional \$25 billion emergency appropriation for fiscal year 2005 to support Operations Iraqi Freedom and Enduring Freedom.

The committee estimates that enacting H.R. 4200 would not increase mandatory budget authority for fiscal year 2004 or the following five years. In terms of discretionary and mandatory budget authority, H.R. 4200 is within the allocation provided by H. Con. Res. 393, as passed by the House on March 25, 2004, which establishes the Congressional budget for the United States Government for fiscal year 2005 and sets forth appropriate budgetary levels for fiscal years 2004 and 2005 through 2009.

The committee has been in close and constant consultation with the Congressional Budget Office and has provided copies of H.R. 4200 as ordered reported on May 12, 2004, to develop an estimate and comparison as required under section 402 of the Congressional Budget Act of 1974. The committee expects to receive this letter prior to the consideration of H.R. 4200 by the House of Representatives.

### OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X and are reflected in the body of this report.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The bill does, however, authorize appropriations. Other fiscal features of this legislation are addressed in the estimate prepared by the committee under clause 3(d)(2) of rule XIII of the Rules of the House of Representatives.

### GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, this legislation would address several general and outcome-related performance goals and objectives. The general goal and objective of this legislation is to improve the quality of life for military personnel and their families, military readiness, the modernization and eventual transformation of the armed forces, to enhance the development of ballistic missile defenses, and to improve the condition of military housing and facilities.

With respect to the outcome-related goal of improving the quality of life for military personnel and their families, the objective of this legislation is to:

- (1) Add 10,000 Army personnel and 3,000 Marine Corps personnel each year in fiscal years 2005, 2006, and 2007, enabling the military services to begin meeting long-standing manpower shortages, as well as new manning requirements;
- (2) Provide every military service member an across-the-board pay raise of 3.5 percent effective January 1, 2005; and

(3) Eliminate out-of-pocket housing costs for military personnel.

With respect to the outcome-related goal of improving force protection for our troops, the objective of this legislation is to:

(1) Provide over \$2.0 billion for force protection initiatives, including armor for vehicles, new munitions and surveillance programs; and

(2) Establish a streamlined acquisition process in order to respond in a timely manner to urgent requests for combat equipment by commanders in the battlefield.

With respect to the outcome-related goal of successfully prosecuting continuing operations in Iraq and Afghanistan, the objective of this legislation is to:

(1) Provide an additional \$25.0 billion in emergency contingency operations supplemental funding to be appropriated for fiscal year 2005 to support the war on terrorism's operational costs, personnel expenses and the procurement of new equipment; and

(2) Support the Army's efforts to transform the structure of its divisions into smaller organizations and create additional combat relevant units. This reorganization known as "modularity" will contribute to the reduction of stress on our troops due to the high operational tempo of operations in Southwest Asia.

With respect to the outcome-related goal of improving military housing and facilities, the objective of this legislation is to:

(1) Provide \$9.9 billion for military construction and military family housing programs; and

(2) Eliminate the statutory ceiling for the military housing privatization program, allowing the Department of Defense to leverage private sector investments and business interests to build and revitalize family housing at domestic military bases.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XIII, clause 3(d)(1) of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, Section 8 of the United States Constitution.

#### STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104-4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no federal intergovernmental mandates.

#### RECORD VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, record and voice votes were taken with respect to the committee's consideration of H.R. 4200. The record of these votes is attached to this report.

The committee ordered H.R. 4200 reported to the House with a favorable recommendation by a vote of 60-0, a quorum being present.

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

Motion to Close

Date: 05/12/04

Voice Vote           Ayes           Nays

| Rep.             | Aye | Nay | Present | Rep.            | Aye | Nay | Present |
|------------------|-----|-----|---------|-----------------|-----|-----|---------|
| Mr. Hunter       | X   |     |         | Mr. Skelton     | X   |     |         |
| Mr. Weldon       | X   |     |         | Mr. Spratt      | X   |     |         |
| Mr. Hefley       | X   |     |         | Mr. Ortiz       | X   |     |         |
| Mr. Saxton       | X   |     |         | Mr. Evans       | X   |     |         |
| Mr. McHugh       | X   |     |         | Mr. Taylor      | X   |     |         |
| Mr. Everett      | X   |     |         | Mr. Abercrombie | X   |     |         |
| Mr. Bartlett     | X   |     |         | Mr. Meehan      |     |     |         |
| Mr. McKeon       |     |     |         | Mr. Reyes       |     |     |         |
| Mr. Thornberry   | X   |     |         | Mr. Snyder      | X   |     |         |
| Mr. Hostettler   | X   |     |         | Mr. Turner (TX) |     |     |         |
| Mr. Jones        | X   |     |         | Mr. Smith       | X   |     |         |
| Mr. Ryan (KS)    | X   |     |         | Ms. Sanchez     | X   |     |         |
| Mr. Gibbons      | X   |     |         | Mr. McIntyre    | X   |     |         |
| Mr. Hayes        | X   |     |         | Mr. Rodriguez   | X   |     |         |
| Mrs. Wilson (NM) | X   |     |         | Ms. Tauscher    | X   |     |         |
| Mr. Calvert      | X   |     |         | Mr. Brady       | X   |     |         |
| Mr. Simmons      | X   |     |         | Mr. Hill        | X   |     |         |
| Mrs. Davis (VA)  | X   |     |         | Mr. Larson (CT) | X   |     |         |
| Mr. Schrock      | X   |     |         | Ms. Davis (CA)  | X   |     |         |
| Mr. Akin         | X   |     |         | Mr. Langevin    | X   |     |         |
| Mr. Forbes       | X   |     |         | Mr. Israel      | X   |     |         |
| Mr. Miller (FL)  | X   |     |         | Mr. Larsen (WA) | X   |     |         |
| Mr. Wilson (SC)  | X   |     |         | Mr. Cooper      | X   |     |         |
| Mr. LoBiondo     | X   |     |         | Mr. Marshall    | X   |     |         |
| Mr. Cole         | X   |     |         | Mr. Meek        | X   |     |         |
| Mr. Bradley      | X   |     |         | Ms. Bordallo    | X   |     |         |
| Mr. Bishop       | X   |     |         | Mr. Alexander   | X   |     |         |
| Mr. Turner (OH)  | X   |     |         | Mr. Ryan (OH)   | X   |     |         |
| Mr. Kline        | X   |     |         |                 |     |     |         |
| Mrs. Miller (MI) |     |     |         |                 |     |     |         |
| Mr. Gingrey      | X   |     |         |                 |     |     |         |
| Mr. Rodgers      | X   |     |         |                 |     |     |         |
| Mr. Franks       | X   |     |         |                 |     |     |         |

Roll Call Vote Total:

56 Aye    0 Nay               Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Amendment Number: 83****Date: 05/12/04****Description: Hefley substitute  
to Langevin****Offered by: Hefley**

Voice Vote         Ayes         Nays

| Rep.             | Aye | Nay | Present | Rep.            | Aye | Nay | Present |
|------------------|-----|-----|---------|-----------------|-----|-----|---------|
| Mr. Hunter       | X   |     |         | Mr. Skelton     |     | X   |         |
| Mr. Weldon       | X   |     |         | Mr. Spratt      |     | X   |         |
| Mr. Hefley       | X   |     |         | Mr. Ortiz       |     | X   |         |
| Mr. Saxton       | X   |     |         | Mr. Evans       |     | X   |         |
| Mr. McHugh       |     | X   |         | Mr. Taylor      |     | X   |         |
| Mr. Everett      | X   |     |         | Mr. Abercrombie |     | X   |         |
| Mr. Bartlett     | X   |     |         | Mr. Meehan      |     | X   |         |
| Mr. McKeon       | X   |     |         | Mr. Reyes       |     |     |         |
| Mr. Thornberry   | X   |     |         | Mr. Snyder      |     | X   |         |
| Mr. Hostettler   | X   |     |         | Mr. Turner (TX) |     | X   |         |
| Mr. Jones        | X   |     |         | Mr. Smith       |     | X   |         |
| Mr. Ryan (KS)    | X   |     |         | Ms. Sanchez     |     | X   |         |
| Mr. Gibbons      | X   |     |         | Mr. McIntyre    |     | X   |         |
| Mr. Hayes        | X   |     |         | Mr. Rodriguez   |     | X   |         |
| Mrs. Wilson (NM) | X   |     |         | Ms. Tauscher    |     | X   |         |
| Mr. Calvert      | X   |     |         | Mr. Brady       |     | X   |         |
| Mr. Simmons      |     | X   |         | Mr. Hill        |     | X   |         |
| Mrs. Davis (VA)  | X   |     |         | Mr. Larson (CT) |     | X   |         |
| Mr. Schrock      | X   |     |         | Ms. Davis (CA)  |     | X   |         |
| Mr. Akin         | X   |     |         | Mr. Langevin    |     | X   |         |
| Mr. Forbes       | X   |     |         | Mr. Israel      |     | X   |         |
| Mr. Miller (FL)  | X   |     |         | Mr. Larsen (WA) |     | X   |         |
| Mr. Wilson (SC)  | X   |     |         | Mr. Cooper      |     | X   |         |
| Mr. LoBiondo     |     | X   |         | Mr. Marshall    |     | X   |         |
| Mr. Cole         |     | X   |         | Mr. Meek        |     | X   |         |
| Mr. Bradley      | X   |     |         | Ms. Bordallo    |     | X   |         |
| Mr. Bishop       | X   |     |         | Mr. Alexander   |     |     |         |
| Mr. Turner (OH)  | X   |     |         | Mr. Ryan (OH)   |     | X   |         |
| Mr. Kline        | X   |     |         |                 |     |     |         |
| Mrs. Miller (MI) | X   |     |         |                 |     |     |         |
| Mr. Gingrey      | X   |     |         |                 |     |     |         |
| Mr. Rodgers      |     |     |         |                 |     |     |         |
| Mr. Franks       | X   |     |         |                 |     |     |         |

**Roll Call Vote Total:**

28 Aye    30 Nay    Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Amendment Number: 36****Date: 05/12/04****Description: Transfer BMD funds  
to Patriot Missile****Offered by: Spratt**

Voice Vote           Ayes           Nays

| Rep.             | Aye | Nay | Present | Rep.            | Aye | Nay | Present |
|------------------|-----|-----|---------|-----------------|-----|-----|---------|
| Mr. Hunter       |     | X   |         | Mr. Skelton     | X   |     |         |
| Mr. Weldon       |     | X   |         | Mr. Spratt      | X   |     |         |
| Mr. Hefley       |     | X   |         | Mr. Ortiz       | X   |     |         |
| Mr. Saxton       |     | X   |         | Mr. Evans       | X   |     |         |
| Mr. McHugh       |     | X   |         | Mr. Taylor      |     |     |         |
| Mr. Everett      |     | X   |         | Mr. Abercrombie | X   |     |         |
| Mr. Bartlett     |     | X   |         | Mr. Meehan      | X   |     |         |
| Mr. McKeon       |     | X   |         | Mr. Reyes       |     |     |         |
| Mr. Thornberry   |     | X   |         | Mr. Snyder      | X   |     |         |
| Mr. Hostettler   |     | X   |         | Mr. Turner (TX) | X   |     |         |
| Mr. Jones        |     | X   |         | Mr. Smith       | X   |     |         |
| Mr. Ryun (KS)    |     | X   |         | Ms. Sanchez     | X   |     |         |
| Mr. Gibbons      |     |     |         | Mr. McIntyre    | X   |     |         |
| Mr. Hayes        |     | X   |         | Mr. Rodriguez   | X   |     |         |
| Mrs. Wilson (NM) |     | X   |         | Ms. Tauscher    | X   |     |         |
| Mr. Calvert      |     | X   |         | Mr. Brady       | X   |     |         |
| Mr. Simmons      |     | X   |         | Mr. Hill        | X   |     |         |
| Mrs. Davis (VA)  |     | X   |         | Mr. Larson (CT) | X   |     |         |
| Mr. Schrock      |     | X   |         | Ms. Davis (CA)  | X   |     |         |
| Mr. Akin         |     | X   |         | Mr. Langevin    | X   |     |         |
| Mr. Forbes       |     | X   |         | Mr. Israel      | X   |     |         |
| Mr. Miller (FL)  |     | X   |         | Mr. Larsen (WA) | X   |     |         |
| Mr. Wilson (SC)  |     | X   |         | Mr. Cooper      | X   |     |         |
| Mr. LoBiondo     |     | X   |         | Mr. Marshall    | X   |     |         |
| Mr. Cole         |     | X   |         | Mr. Meek        | X   |     |         |
| Mr. Bradley      |     | X   |         | Ms. Bordallo    | X   |     |         |
| Mr. Bishop       |     | X   |         | Mr. Alexander   | X   |     |         |
| Mr. Turner (OH)  |     | X   |         | Mr. Ryan (OH)   | X   |     |         |
| Mr. Kline        |     | X   |         |                 |     |     |         |
| Mrs. Miller (MI) |     |     |         |                 |     |     |         |
| Mr. Gingrey      |     | X   |         |                 |     |     |         |
| Mr. Rodgers      |     | X   |         |                 |     |     |         |
| Mr. Franks       |     | X   |         |                 |     |     |         |

**Roll Call Vote Total:**

     26 Aye         31 Nay           Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Amendment Number: 54****Date: 05/12/04****Description: Prohibit space-based  
BMD program****Offered by: Sanchez**Voice Vote           Ayes           Nays

| Rep.             | Aye | Nay | Present | Rep.            | Aye | Nay | Present |
|------------------|-----|-----|---------|-----------------|-----|-----|---------|
| Mr. Hunter       |     | X   |         | Mr. Skelton     | X   |     |         |
| Mr. Weldon       |     | X   |         | Mr. Spratt      | X   |     |         |
| Mr. Hefley       |     | X   |         | Mr. Ortiz       | X   |     |         |
| Mr. Saxton       |     | X   |         | Mr. Evans       | X   |     |         |
| Mr. McHugh       |     | X   |         | Mr. Taylor      | X   |     |         |
| Mr. Everett      |     | X   |         | Mr. Abercrombie | X   |     |         |
| Mr. Bartlett     |     | X   |         | Mr. Meehan      | X   |     |         |
| Mr. McKeon       |     | X   |         | Mr. Reyes       |     |     |         |
| Mr. Thornberry   |     | X   |         | Mr. Snyder      | X   |     |         |
| Mr. Hostetter    |     | X   |         | Mr. Turner (TX) | X   |     |         |
| Mr. Jones        |     | X   |         | Mr. Smith       | X   |     |         |
| Mr. Ryun (KS)    |     | X   |         | Ms. Sanchez     | X   |     |         |
| Mr. Gibbons      |     | X   |         | Mr. McIntyre    | X   |     |         |
| Mr. Hayes        |     | X   |         | Mr. Rodriguez   | X   |     |         |
| Mrs. Wilson (NM) |     | X   |         | Ms. Tauscher    | X   |     |         |
| Mr. Calvert      |     | X   |         | Mr. Brady       | X   |     |         |
| Mr. Simmons      |     | X   |         | Mr. Hill        | X   |     |         |
| Mrs. Davis (VA)  |     | X   |         | Mr. Larson (CT) | X   |     |         |
| Mr. Schrock      |     | X   |         | Ms. Davis (CA)  | X   |     |         |
| Mr. Akin         |     | X   |         | Mr. Langevin    | X   |     |         |
| Mr. Forbes       |     | X   |         | Mr. Israel      | X   |     |         |
| Mr. Miller (FL)  |     | X   |         | Mr. Larsen (WA) | X   |     |         |
| Mr. Wilson (SC)  |     | X   |         | Mr. Cooper      | X   |     |         |
| Mr. LoBiondo     |     | X   |         | Mr. Marshall    |     | X   |         |
| Mr. Cole         |     | X   |         | Mr. Meek        | X   |     |         |
| Mr. Bradley      |     | X   |         | Ms. Bordallo    | X   |     |         |
| Mr. Bishop       |     | X   |         | Mr. Alexander   | X   |     |         |
| Mr. Turner (OH)  |     | X   |         | Mr. Ryan (OH)   | X   |     |         |
| Mr. Kline        |     | X   |         |                 |     |     |         |
| Mrs. Miller (MI) |     | X   |         |                 |     |     |         |
| Mr. Gingrey      |     | X   |         |                 |     |     |         |
| Mr. Rodgers      |     | X   |         |                 |     |     |         |
| Mr. Franks       |     | X   |         |                 |     |     |         |

**Roll Call Vote Total:**

     **26 Aye**         **34 Nay**           **Present**

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

Amendment Number: 34

Date: 05/12/04

Description: Report on Near Field  
Infrared Experiment

Offered by: Sanchez

Voice Vote      Ayes      Nays

| Rep.             | Aye | Nay | Present | Rep.            | Aye | Nay | Present |
|------------------|-----|-----|---------|-----------------|-----|-----|---------|
| Mr. Hunter       |     | X   |         | Mr. Skelton     | X   |     |         |
| Mr. Weldon       |     | X   |         | Mr. Spratt      | X   |     |         |
| Mr. Hefley       |     | X   |         | Mr. Ortiz       | X   |     |         |
| Mr. Saxton       |     | X   |         | Mr. Evans       | X   |     |         |
| Mr. McHugh       |     | X   |         | Mr. Taylor      | X   |     |         |
| Mr. Everett      |     | X   |         | Mr. Abercrombie | X   |     |         |
| Mr. Bartlett     |     | X   |         | Mr. Meehan      | X   |     |         |
| Mr. McKeon       |     | X   |         | Mr. Reyes       |     |     |         |
| Mr. Thornberry   |     | X   |         | Mr. Snyder      | X   |     |         |
| Mr. Hostettler   |     | X   |         | Mr. Turner (TX) | X   |     |         |
| Mr. Jones        |     | X   |         | Mr. Smith       | X   |     |         |
| Mr. Ryan (KS)    |     | X   |         | Ms. Sanchez     | X   |     |         |
| Mr. Gibbons      |     | X   |         | Mr. McIntyre    | X   |     |         |
| Mr. Hayes        |     | X   |         | Mr. Rodriguez   | X   |     |         |
| Mrs. Wilson (NM) |     | X   |         | Ms. Tauscher    | X   |     |         |
| Mr. Calvert      |     | X   |         | Mr. Brady       | X   |     |         |
| Mr. Simmons      |     | X   |         | Mr. Hill        | X   |     |         |
| Mrs. Davis (VA)  |     | X   |         | Mr. Larson (CT) | X   |     |         |
| Mr. Schrock      |     | X   |         | Ms. Davis (CA)  | X   |     |         |
| Mr. Akin         |     | X   |         | Mr. Langevin    | X   |     |         |
| Mr. Forbes       |     | X   |         | Mr. Israel      | X   |     |         |
| Mr. Miller (FL)  |     | X   |         | Mr. Larsen (WA) | X   |     |         |
| Mr. Wilson (SC)  |     | X   |         | Mr. Cooper      | X   |     |         |
| Mr. LoBiondo     |     | X   |         | Mr. Marshall    |     | X   |         |
| Mr. Cole         |     | X   |         | Mr. Meek        | X   |     |         |
| Mr. Bradley      |     | X   |         | Ms. Bordallo    | X   |     |         |
| Mr. Bishop       |     | X   |         | Mr. Alexander   | X   |     |         |
| Mr. Turner (OH)  |     | X   |         | Mr. Ryan (OH)   | X   |     |         |
| Mr. Kiene        |     | X   |         |                 |     |     |         |
| Mrs. Miller (MI) |     | X   |         |                 |     |     |         |
| Mr. Gingrey      |     | X   |         |                 |     |     |         |
| Mr. Rodgers      |     | X   |         |                 |     |     |         |
| Mr. Franks       |     | X   |         |                 |     |     |         |

Roll Call Vote Total:

26 Aye    34 Nay            Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

Amendment Number: 41

Date: 05/12/04

Description: \$67 billion in supplemental appropriations  
 Offered by: Cooper

Voice Vote         Ayes         Nays

| Rep.             | Aye | Nay | Present | Rep.            | Aye | Nay | Present |
|------------------|-----|-----|---------|-----------------|-----|-----|---------|
| Mr. Hunter       |     | X   |         | Mr. Skelton     | X   |     |         |
| Mr. Weldon       |     | X   |         | Mr. Spratt      | X   |     |         |
| Mr. Hefley       |     | X   |         | Mr. Ortiz       | X   |     |         |
| Mr. Saxton       |     | X   |         | Mr. Evans       | X   |     |         |
| Mr. McHugh       |     | X   |         | Mr. Taylor      | X   |     |         |
| Mr. Everett      |     | X   |         | Mr. Abercrombie |     | X   |         |
| Mr. Bartlett     |     | X   |         | Mr. Meehan      | X   |     |         |
| Mr. McKeon       |     | X   |         | Mr. Reyes       |     |     |         |
| Mr. Thornberry   |     | X   |         | Mr. Snyder      | X   |     |         |
| Mr. Hostetter    |     |     |         | Mr. Turner (TX) | X   |     |         |
| Mr. Jones        |     | X   |         | Mr. Smith       | X   |     |         |
| Mr. Ryun (KS)    |     | X   |         | Ms. Sanchez     | X   |     |         |
| Mr. Gibbons      |     | X   |         | Mr. McIntyre    | X   |     |         |
| Mr. Hayes        |     | X   |         | Mr. Rodriguez   | X   |     |         |
| Mrs. Wilson (NM) |     | X   |         | Ms. Tauscher    | X   |     |         |
| Mr. Calvert      |     | X   |         | Mr. Brady       | X   |     |         |
| Mr. Simmons      |     | X   |         | Mr. Hill        |     | X   |         |
| Mrs. Davis (VA)  |     | X   |         | Mr. Larson (CT) | X   |     |         |
| Mr. Schrock      |     | X   |         | Ms. Davis (CA)  | X   |     |         |
| Mr. Akin         |     | X   |         | Mr. Langevin    | X   |     |         |
| Mr. Forbes       |     | X   |         | Mr. Israel      | X   |     |         |
| Mr. Miller (FL)  |     | X   |         | Mr. Larsen (WA) | X   |     |         |
| Mr. Wilson (SC)  |     | X   |         | Mr. Cooper      | X   |     |         |
| Mr. LoBiondo     |     | X   |         | Mr. Marshall    | X   |     |         |
| Mr. Cole         |     | X   |         | Mr. Meek        | X   |     |         |
| Mr. Bradley      |     | X   |         | Ms. Bordallo    | X   |     |         |
| Mr. Bishop       |     | X   |         | Mr. Alexander   |     | X   |         |
| Mr. Turner (OH)  |     | X   |         | Mr. Ryan (OH)   | X   |     |         |
| Mr. Kline        |     | X   |         |                 |     |     |         |
| Mrs. Miller (MI) |     | X   |         |                 |     |     |         |
| Mr. Gingrey      |     | X   |         |                 |     |     |         |
| Mr. Rodgers      |     | X   |         |                 |     |     |         |
| Mr. Franks       |     | X   |         |                 |     |     |         |

Roll Call Vote Total:

     24 Aye    35 Nay         Present

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Amendment Number: 44****Date: 05/12/04****Description: Revision of military  
sex offense laws****Offered by: Sanchez**

Voice Vote         **Ayes**         **Nays**

| <b>Rep.</b>      | <b>Aye</b> | <b>Nay</b> | <b>Present</b> | <b>Rep.</b>     | <b>Aye</b> | <b>Nay</b> | <b>Present</b> |
|------------------|------------|------------|----------------|-----------------|------------|------------|----------------|
| Mr. Hunter       |            | X          |                | Mr. Skelton     | X          |            |                |
| Mr. Weldon       |            | X          |                | Mr. Spratt      | X          |            |                |
| Mr. Hefley       |            | X          |                | Mr. Ortiz       | X          |            |                |
| Mr. Saxton       |            | X          |                | Mr. Evans       | X          |            |                |
| Mr. McHugh       |            | X          |                | Mr. Taylor      | X          |            |                |
| Mr. Everett      |            | X          |                | Mr. Abercrombie | X          |            |                |
| Mr. Bartlett     |            | X          |                | Mr. Meehan      | X          |            |                |
| Mr. McKeon       |            | X          |                | Mr. Reyes       |            |            |                |
| Mr. Thornberry   |            | X          |                | Mr. Snyder      | X          |            |                |
| Mr. Hostettler   |            | X          |                | Mr. Turner (TX) | X          |            |                |
| Mr. Jones        |            | X          |                | Mr. Smith       | X          |            |                |
| Mr. Ryun (KS)    |            | X          |                | Ms. Sanchez     | X          |            |                |
| Mr. Gibbons      |            | X          |                | Mr. McIntyre    | X          |            |                |
| Mr. Hayes        |            | X          |                | Mr. Rodriguez   | X          |            |                |
| Mrs. Wilson (NM) |            | X          |                | Ms. Tauscher    | X          |            |                |
| Mr. Calvert      |            | X          |                | Mr. Brady       | X          |            |                |
| Mr. Simmons      |            | X          |                | Mr. Hill        | X          |            |                |
| Mrs. Davis (VA)  |            | X          |                | Mr. Larson (CT) | X          |            |                |
| Mr. Schrock      |            | X          |                | Ms. Davis (CA)  | X          |            |                |
| Mr. Akin         |            | X          |                | Mr. Langevin    | X          |            |                |
| Mr. Forbes       |            | X          |                | Mr. Israel      | X          |            |                |
| Mr. Miller (FL)  |            | X          |                | Mr. Larsen (WA) | X          |            |                |
| Mr. Wilson (SC)  |            | X          |                | Mr. Cooper      | X          |            |                |
| Mr. LoBiondo     |            | X          |                | Mr. Marshall    | X          |            |                |
| Mr. Cole         |            | X          |                | Mr. Meek        | X          |            |                |
| Mr. Bradley      |            | X          |                | Ms. Bordallo    | X          |            |                |
| Mr. Bishop       |            | X          |                | Mr. Alexander   | X          |            |                |
| Mr. Turner (OH)  |            | X          |                | Mr. Ryan (OH)   | X          |            |                |
| Mr. Kline        |            | X          |                |                 |            |            |                |
| Mrs. Miller (MI) |            | X          |                |                 |            |            |                |
| Mr. Gingrey      |            | X          |                |                 |            |            |                |
| Mr. Rodgers      |            | X          |                |                 |            |            |                |
| Mr. Franks       |            | X          |                |                 |            |            |                |

**Roll Call Vote Total:**

     **27 Aye**         **33 Nay**         **Present**

**COMMITTEE ON ARMED SERVICES**  
**108TH CONGRESS**  
**ROLL CALL**

**Final Passage of H.R. 4200**  
**as Amended**

**Date: 05/12/04**

Voice Vote         Ayes         Nays

| Rep.             | Aye | Nay | Present | Rep.            | Aye | Nay | Present |
|------------------|-----|-----|---------|-----------------|-----|-----|---------|
| Mr. Hunter       | X   |     |         | Mr. Skelton     |     |     |         |
| Mr. Weldon       | X   |     |         | Mr. Spratt      | X   |     |         |
| Mr. Hefley       | X   |     |         | Mr. Ortiz       | X   |     |         |
| Mr. Saxton       | X   |     |         | Mr. Evans       | X   |     |         |
| Mr. McHugh       | X   |     |         | Mr. Taylor      | X   |     |         |
| Mr. Everett      | X   |     |         | Mr. Abercrombie | X   |     |         |
| Mr. Bartlett     | X   |     |         | Mr. Meehan      | X   |     |         |
| Mr. McKeon       | X   |     |         | Mr. Reyes       | X   |     |         |
| Mr. Thornberry   | X   |     |         | Mr. Snyder      | X   |     |         |
| Mr. Hostettler   | X   |     |         | Mr. Turner (TX) | X   |     |         |
| Mr. Jones        | X   |     |         | Mr. Smith       | X   |     |         |
| Mr. Ryan (KS)    | X   |     |         | Ms. Sanchez     | X   |     |         |
| Mr. Gibbons      | X   |     |         | Mr. McIntyre    | X   |     |         |
| Mr. Hayes        | X   |     |         | Mr. Rodriguez   | X   |     |         |
| Mrs. Wilson (NM) | X   |     |         | Ms. Tauscher    | X   |     |         |
| Mr. Calvert      | X   |     |         | Mr. Brady       | X   |     |         |
| Mr. Simmons      | X   |     |         | Mr. Hill        | X   |     |         |
| Mrs. Davis (VA)  | X   |     |         | Mr. Larson (CT) | X   |     |         |
| Mr. Schrock      | X   |     |         | Ms. Davis (CA)  | X   |     |         |
| Mr. Akin         | X   |     |         | Mr. Langevin    | X   |     |         |
| Mr. Forbes       | X   |     |         | Mr. Israel      | X   |     |         |
| Mr. Miller (FL)  | X   |     |         | Mr. Larsen (WA) | X   |     |         |
| Mr. Wilson (SC)  | X   |     |         | Mr. Cooper      | X   |     |         |
| Mr. LoBiondo     | X   |     |         | Mr. Marshall    | X   |     |         |
| Mr. Cole         | X   |     |         | Mr. Meek        | X   |     |         |
| Mr. Bradley      | X   |     |         | Ms. Bordallo    | X   |     |         |
| Mr. Bishop       | X   |     |         | Mr. Alexander   | X   |     |         |
| Mr. Turner (OH)  | X   |     |         | Mr. Ryan (OH)   | X   |     |         |
| Mr. Kline        | X   |     |         |                 |     |     |         |
| Mrs. Miller (MI) | X   |     |         |                 |     |     |         |
| Mr. Gingrey      | X   |     |         |                 |     |     |         |
| Mr. Rodgers      | X   |     |         |                 |     |     |         |
| Mr. Franks       | X   |     |         |                 |     |     |         |

**Roll Call Vote Total:**

**60 Aye    0 Nay         Present**

CHANGES IN EXISTING LAW MADE BY THE BILL, AS  
REPORTED

The committee intends to take steps to make available the analysis of changes in existing law made by the bill, as required by clause 3(e) of rule XIII of the Rules of the House of Representatives.

## ADDITIONAL VIEWS OF IKE SKELTON

The 2005 defense authorization is a good bill that makes advances on a variety of issues. I am pleased that the committee worked largely in accordance with its nonpartisan traditions, and that important initiatives from each side were considered seriously and often adopted. A few of the bill's provisions are worthy of special mention.

When the surviving spouse of a military retiree, usually a widow, becomes eligible for Social Security at the age of 62, her spousal survivor benefits drop from 55 percent of her spouse's retired pay to 35 percent. Democrats have consistently called for legislation to eliminate this "Widow's Tax" in the Survivors Benefit Program (SBP), and urged the committee to address this issue. I therefore applaud the inclusion of legislation in this bill to eliminate the SBP offset over a five-year period, beginning on October 1, 2005. I will continue to work to ensure that this legislative victory is preserved in conference with the Senate.

I remain concerned by events in Iraq. June 30 is quickly approaching, and much remains unsettled about the transition of sovereignty to the Iraqis and the role of U.S. Armed Forces after the transition. The recent revelations of prisoner abuse at Abu Ghraib compound these difficulties, and point to a clear need for better congressional oversight over both the goals and conduct of U.S.-Iraqi policies.

Several amendments to strengthen congressional oversight were adopted, including two that I offered. One is a progress report on Iraqi Security Forces, and the other is to require the Department of Defense to respond more expeditiously to congressional requests. Rep. Abercrombie successfully offered an amendment to better account for and manage civilian contractors in Iraq. The unsettling news of the alleged involvement of contractors in the prison abuses and the grisly beheading of an American businessman highlight the need for a better awareness of the number and role of contractors in Iraq. We need to ensure that their roles are appropriate and that their safety can be reasonably secured.

Despite the adoption of these and other related amendments, I am not satisfied that Congress has the access to information to conduct proper oversight, nor am I confident that the civilian and military leadership at the Pentagon has access to all the information they need to make critical policy decisions. Rep. Meek introduced and withdrew an amendment regarding how critical information is relayed in the military chain of command. I look forward to working with him and others during consideration of the bill on the floor to ensure that both the Legislative and Executive branches of our government are fully informed of important events in Iraq and can provide more vigorous oversight and leadership.

While Democrats also support the inclusion of a \$25 billion authorization of an emergency supplemental for ongoing military operations in Iraq and Afghanistan, I am disappointed that the committee did not accept an amendment offered by Reps. Jim Cooper and Tim Ryan to authorize \$67 billion. The Cooper-Ryan Amendment represents a more realistic, good-faith estimate of the likely cost, and would better ensure that Iraq and Afghanistan operations are not “cash-flowed” from regular Department of Defense appropriations. “Cash-flowing” involves using regular operations and maintenance and military personnel appropriations for contingency operations, and this practice invariably leads to disruptions in readiness levels, training, base operations, equipment maintenance, and other important peace-time military activities. The \$25 billion supplemental will serve as a useful “bridge” to a future supplemental, but the Cooper-Ryan amendment was a more responsible approach both militarily and fiscally.

A positive aspect of the \$25 billion supplemental was that it also included much needed end-strength increases for the Army and Marine Corps. The stress on our ground forces has been tremendous. I know of soldiers who have returned home from one year of operations in Afghanistan, only to be told three months later that they will be deployed to Iraq for a year. The supplemental authorizes the end-strength increases (10,000 annually for three years) that the Secretary of Defense indicated was needed by the Army to conduct their transformational activities while still meeting their operational requirements. It also provides a necessary increase for the Marine Corps (3,000 annually for three years) to meet their mission requirements.

Finally, this Committee in 1989 laid the foundation for joint officer development and joint professional military education as it exists today. Recent combat experience demonstrates that the services have generally achieved a remarkable integration in executing joint operations. However, as the nature of warfare evolves, future operations will become more complex and joint at lower levels than before, and the framework for developing persons skilled in joint matters must also evolve. Our committee is again improving military education by raising joint military education requirements with a corresponding increase in joint military education opportunities. This is the first step in developing joint officers ready to face the challenge of 21st century warfare.

America is a nation at war. The fiscal 2005 defense authorization recognizes that exigency and provides those who protect America the tools they need to do the job. I look forward to improving the bill even further as the legislative process proceeds.

IKE SKELTON.

## ADDITIONAL VIEWS OF SOLOMON P. ORTIZ

The United States must take care to use a policy of impartial diplomacy in our future relations with both the Republic of China (Taiwan) and the People's Republic of China, at all levels of our diplomatic relationship. The Pacific Rim is an area of enormous economic trade with the United States. The One-China policy is a fundamental fixture of our international policy, and we must reinforce that at all levels of our government.

As a Member of Congress who has traveled extensively in that area on military and trade missions, I have come to love the people of both China and Taiwan. They are so similar, yet so unique. People of both nations are peace-loving, yet anxious about their national character.

Taiwan is currently finding their way through the emotional aftermath of a divisive 2004 presidential election, which has only worked to further strain their relationship with the People's Republic of China. This is a difficult moment for the U.S. as tensions simmer between our friends on the Pacific Rim. The United States has much at stake when it comes to a peaceful relationship between Taiwan and the People's Republic of China.

As one of the few Americans who has traveled to North Korea and talked to officials there, I want to note that we have multiple, dangerous, strategic military concerns in this region. We must focus our attention on diplomacy and the One-China policy. We must not step off that path. China helped to set up our meeting with North Korea, and continue to be an important intermediary between North Korea and us.

The United States, as a country, has long recognized the One-China policy. It is our long-term guiding principle, and we must tread carefully along the path of diplomacy as Taiwan and China confront and deal with their differences.

We must not implement policy that will fuel the fires of dissention that simmer between these two nations. Our obligation to the American people, and to peace in that region of the world, is to aid in the process of finding diplomatic solutions for our strategic interests through the One-China policy.

We continue to hope China and Taiwan will be able to get together to work out the differences between them. The U.S. needs to give them the time and space to do that. The world has a great stake in their coming together.

SOLOMON P. ORTIZ.

## ADDITIONAL VIEWS OF STEVE ISRAEL

The FY 2005 defense authorization is important because it recognizes that the greatest investment we can make is in our troops, by developing the sometimes intangible qualities of leadership, education, judgment, initiative and historic knowledge. I am pleased that the authorization bill understands the centrality of foreign language and cultural expertise to the success of military operations in Operation Iraqi Freedom and Operation Enduring Freedom, as well as the Global War on Terrorism.

I commend the Committee and the Department of Defense for including legislative language in the bill that establishes a Defense Language Office within the Office of the Under Secretary of Defense for Personnel and Readiness to ensure a strategic focus on meeting present and future requirements for language and regional expertise. Other language directing the Secretary of Defense to conduct a study on how the military educates and trains our soldiers in language and culture will prove invaluable. The technological revolution that has made possible our recent successes must be accompanied by a similar progression in the way we wage war.

We must continue to build on the accomplishments of Representative Skelton and others on this committee who were instrumental in raising the standard of joint officer development and education that has been so critical to the success of our military. Faced with new challenges, we must recommit ourselves to creating the educational and training framework that will give our military the language and cultural expertise they need to succeed.

I also want to recognize the contribution of Major General Robert Scales. As a leading voice for re-shaping our military to deal with the challenges of the 21st Century, his testimony before the full committee was helpful in focusing the Committee's attention on this issue. With more than 30 years of experience in the military and former commandant of the Army War College, he would be a valuable resource for the Department of Defense when it begins its assessment of military education and training.

I look forward to working with my colleagues and the defense community to ensure that our men and women in uniform have the skill necessary to navigate the cultural and geopolitical complexities to conflict in the 21st century.

STEVE ISRAEL.

## ADDITIONAL VIEWS OF KENDRICK B. MEEK

There are many things about which to be proud in the 2005 defense authorization bill. I am very pleased that this bill will provide additional funds over the original Pentagon request to provide for the current necessities of our fighting men and women in Iraq and Afghanistan. From equipping our troops with signal-jamming equipment to replacement of damaged air and ground vehicles to the over \$700 million in added funds to completely up-armor our fleet of HMMWVs, the bill intends to outfit our troops in a manner befitting the heroes of a country with the greatest resources in the world.

However, merely supplying our troops with the means and methods to fight an asymmetrical war gives them only two-thirds of what they, and we, need for ultimate success in Iraq and Afghanistan. I am concerned that information necessary for proper strategic planning is not being utilized in high-level, decision-making processes. While this information appears to be available at the operations level, the most critical elements of it do not always rise to the policy level.

The United States finds itself in a quagmire resulting from detainee abuses at Abu Ghraib that not only complicates the stabilization of Iraq and the Middle East in general, but that brings into question the moral integrity of a country that has always fought hard, even within its own borders, for human rights. Unfortunately, had the Pentagon acted sooner, there is reason to believe this situation could have been at least contained, if not avoided altogether.

In late August of 2003 and again in mid-October, Allied Forces Commander, Lt. General Ricardo Sanchez, commissioned two separate evaluation and assessment investigations of the detention and interrogation situation in Iraq. Both reports contained admonishments that policies were lacking, training subpar, and oversight non-existent. Among the similarities in the two reports:

That there were no authorities or procedures in place to affect a unified strategy to detain and interrogate internees in Iraq;

That there was a lack of active control of the internees within the detention environment, and flawed use-of-force procedures;

That the general prison population was inappropriately commingled with EPWs;

That the soldier to detainee ratio was critically deficient;

That there was indication the MPs were actively, though indirectly engaged in interrogation actions despite Army Regulations to the contrary.

Any one of these items is worthy of command level discussion and subsequent briefing to the Pentagon. Taken together, they constituted a warning shot over the bow. In fact, in the Article 15-6 Investigation performed by MG Taguba, the IO specifically states,

“Unfortunately, many of the systemic problems that surfaced during MG Ryder’s team’s assessment are the very same issues that are the subject of this investigation.” [Taguba Report, page 12, pg 2]. However, current Army regulations do not require the transmittal of such information up the chain of command beyond the commissioning authority [AR 15–6, ss 3–18, 3–19].

Currently, only Air Force HQ is aggressive in finding sensitive information and forwarding it up the chain of command, having done so since 1998. An office was set up within HQ whose sole purpose is to learn of sensitive information items and flag them. As part of the Air Force’s formal rules, personnel who learn of explosive matters- including those “with potential community reaction or press coverage”—must inform the office for briefing to the Secretary of the Air Force. The Navy also has a limited version of the Air Force’s program, though it is less ambitious.

Secretary Rumsfeld said last week that it would be difficult for him to reach down through the myriad of legal cases climbing through the military justice system and find those that are potentially explosive in nature. I would counter that with the right guidance he would not have to reach down, but could expect that information to be pushed up, even before it reaches the criminal investigation stage.

Military leadership has always required critical elements of information to make sound, timely, and informed decisions on the battlefield. Determining the information needed to make these decisions is crucial to a commander’s ability to act decisively in the course of battle. That same depth and speed of information is necessary for the Pentagon to direct policy and decision-making in the course of stabilization efforts afterwards.

The amendment that I offered during committee intends to move mission-critical information from the commissioning authority up to the highest-levels in short order when that information portends events or situations detrimental to our strategic plan. The language merely required that the Secretary give guidance to all Department of Defense personnel with authority to commission assessments, evaluations or investigations on what types of information would be necessary to pass up the chain of command. This guidance would specifically target those items of such potentially volatile nature as to give even the layman a reason to raise a red flag.

Were it that MG Miller’s assessment had been even a topic of discussion around the water cooler at the Pentagon, we might have been able to avoid the events at Abu Ghraib. Had more intense conversation happened after MG Ryder’s investigation, we would have at least had the opportunity to contain the situation, develop a strategy for correcting the problem, and alert the world in a far less internationally embarrassing fashion. Instead of the issue being a part of Pentagon discussions in the summer and fall of 2003, it was left to a courageous specialist to try to put a stop to the vile episodes at Abu Ghraib in 2004, some five months after official reports highlighted conditions for a serious problem.

It is not enough to arm our soldiers with the means and methods of war fighting. We must arm them with strategic planning. Proper planning is the offspring of proper information gathering and proc-

essing at the decision-making level. It is ironic that there are suggestions that we seek more information on seeking more information before we act. I hope that before the defense authorization bill leaves the House of Representatives we are able to improve an excellent bill even more by addressing this pertinent and timely issue.

KENDRICK B. MEEK.

## ADDITIONAL VIEWS OF REPRESENTATIVE MIKE D. ROGERS

As the Committee moves forward with H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, I want to share my concern over the Department of Defense's use of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The Air Force, Army, and Navy each utilize the LEED standard in some respects in its building projects. Although sustainable building design can be a valuable goal, the Department's use of the LEED standard is troubling.

First, the LEED rating system clearly discriminates against the use of renewable wood products. Through several of its specific credits for steel and concrete, certain wood products are put at a significant disadvantage. It does not recognize that wood is among the most environmentally benign of all building materials, because, among other things, it is a renewable resource that sequesters huge amounts of carbon.

Second, LEED discriminates against wood products manufactured in the United States. The LEED rating system provides a specific credit only for forest products that have been certified by the Forest Stewardship Council (FSC), a standard initially developed by international environmental groups to combat tropical deforestation. It is predominately recognized in Europe. FSC-certified products manufactured from wood grown in the U.S. are not readily available. However, products from other credible third party certification programs are readily available. No credits are given for wood products produced by companies independently third-party certified to the Sustainable Forestry Initiative (SFI) Program standard or the American Tree Farm System®—the two largest sustainable forest management systems in the U.S.

Third, LEED has not been developed through a consensus process open to all interested parties. The process used by the U.S. Green Building Council to create and operate LEED does not meet any generally accepted definition of a voluntary consensus standard. For example, the USGBC fails to satisfy the measures of the voluntary consensus standards development process set out by the American National Standards Institute (ANSI).

And fourth, a recent National Institute of Standards and Technology (NIST) study, while recognizing that the LEED standard does have beneficial elements, concluded that it does not properly rate products based on environmental criteria. In the study, NIST was especially critical of LEED's arbitrary thresholds, its emphasis on cost rather than environmental impact measures, the lack of appropriate baselines and measures of improvement, and the program's inability to compare buildings in different locations on equal terms.

To address this issue, I urge the committee to accept in conference the following report language from Title XXVIII of the Senate version of the bill, S. 2400:

*Use of sustainable design standards by the Department of Defense*

Congress encourages the Department of Defense to utilize sustainable building design and construction methods to maximize the efficient use of renewable, recycled, and environmentally sound materials. However, concerns have been expressed that certain rating systems adopted by the Department to assess the standards of sustainable design and construction of facilities may unfairly discriminate against domestic producers of wood construction products. Therefore, the committee directs the Secretary of Defense to submit a report to the committee by June 1, 2005 which describes:

(1) the standards used by each military department to assess the use of sustainable design and construction methods, including credits provided for products made from renewable materials, as well as recycled materials;

(2) the extent to which such standards comply with the requirements of Section 6002 of the Resource Conservation and Recovery Act, section 6962 of title 42, United States Code, Executive Order 13101, Office of Management and Budget Circular A-119, and other applicable requirements of law and regulation; and

(3) the extent to which the standards adopted by each military department unfairly discriminate against the use of products and materials manufactured in the United States.

The committee expects the Secretary to take appropriate action to address any noncompliance with applicable requirements of law or regulation and any unfair discrimination against any U.S. manufactured materials identified during the course of this review.

MIKE D. ROGERS.

## ADDITIONAL VIEWS OF REPRESENTATIVES VIC SNYDER AND MAC THORNBERRY

We find ourselves in disagreement with the actions of the Committee regarding the delay contained in the bill of the Base Realignment and Closure (BRAC) process. The Chairman of the Readiness Subcommittee included in his mark language that essentially delayed the BRAC process for two years by demanding that a series of reports be submitted late in 2005 and that the process then hold for 18 months until the committee had a chance to consider the amendments.

During the full committee markup process, an amendment was offered to cancel the entire BRAC process, to which a second degree amendment was offered reinstating the two year delay. This amendment was passed, although a number of members spoke against both amendments.

Arguments were made that the process should be delayed, and several reports be submitted, because there is a war currently going on. During debate on the amendments, the argument was advanced that the process should be cancelled because the Department of Defense has not yet been able to nominate directly to Congress any individual base that should be closed, and that, should the Department do this, Congress is perfectly capable of voting to close or realign individual bases. In my opinion, both of these arguments represent seriously wrong approaches.

We were pleased to see the committee reject the second argument. The BRAC process was created to ensure that politics and the self-interest of an individual district or member are removed from the process of base closure. To have the Department of Defense begin nominating bases and Congress voting to close individual bases would immediately cause even more tension in Congress and accusations of partisan bias in the system. This would result in gridlock and an utter failure to take needed action.

The former argument, that the process should be delayed due to the current issues in Iraq, is similarly flawed. There will never be a time during which sufficient peace and stability reign for us to carry out the BRAC process. Many people regard the 1990s as a time of relative peace, forgetting that during this window of stability the U.S. military carried out actions in Panama, Iraq, Bosnia, Kosovo, and Somalia, to say nothing of scores of other minor military engagements. Simply put, we almost always have been, and probably always will be, bemoaning the disorder that seems to constantly reign supreme. In addition, the BRAC process is as much about realignment as it is closure, and the realignment is needed to assist the Department of Defense in carrying out the very changes in the military that are designed to allow us to better address the current chaos.

There is a valid argument that the reports requested by the Committee in the provision contained in the bill should be submitted. We agree that the Committee should be better informed about the Global Posture Review, under which DoD is adjusting our overseas basing, and its diplomatic and military effects. Similarly, it would be beneficial to know more about the effects of homeland security missions and military transformation on basing. Nothing stops the Committee from demanding these reports now, and we believe that it would be entirely appropriate to do so. If we did so, presumably DoD could be ordered to produce the information by the spring of 2005 at the latest, which would give the Committee, and Congress as a whole, 6 months to consider the reports, digest the information, and hold hearings. Nothing is stopping us from carrying out this needed oversight but our own timidity, but the reports do not require delaying a much needed process by two years.

In conclusion, while the Committee has asked for much needed information, it has also delayed a needed process. It is my hope that the whole House, or at least the whole Congress acting through the conference committee, will reject the delay contained in the House bill and proceed with the process currently in law. Hoping for a respite in the current global environment is not only unrealistic, but does the military itself no favors.

VIC SNYDER.

MAC THORNBERRY.

ADDITIONAL VIEWS OF REPRESENTATIVES JIM COOPER  
AND TIM RYAN

We commend Chairman Hunter for including a detailed authorization for \$25 billion in this year's National Defense Authorization Act, but we are gravely concerned that this down payment on the cost of the wars in Afghanistan and Iraq in 2005 fails to tell the whole truth to the American people.

During committee consideration of the authorization bill, we offered an amendment authorizing a full-year supplemental appropriation of \$67 billion. This larger figure reflects a realistic, detailed analysis of the likely total cost of the wars in Afghanistan and Iraq in 2005. This amendment included funding for all of the commendable items in the Chairman's bill, including funding for critical force protection equipment, deferred vehicle maintenance, new counter-terrorism technology, replacement vehicles for those destroyed in combat operations, and additional combat troops for the Army and Marine Corps. However, it also provided sufficient funds for combat operations in Iraq and Afghanistan for all of fiscal year 2005, not just the few months of funding that the Chairman's bill authorized.

We offered this amendment because we believe the House bill should reflect the true costs of these wars. Piecemeal funding of these critical military efforts sends the wrong signal to our adversaries, the American people, and U.S. troops in the field. Our adversaries are watching our actions closely, and a robust full-year authorization would have sent the signal that despite the significant challenges we face in Iraq and Afghanistan, the United States is committed to victory. To Americans here at home, a full-year authorization would demonstrate that Congress takes seriously its duty to be honest with the American people, and that when it comes to providing funding for our troops in the field, politics should truly take a backseat. Finally, our troops in the field look to Congress to provide them what they need to accomplish the missions they are assigned. Authorization of a full-year supplemental would leave no doubt that Congress supports them and is willing to provide whatever is needed to win.

We were disappointed that no Republican members of our committee chose to support our amendment. We believe the American people will continue to support the wars in Iraq and Afghanistan where critical U.S. interests are at stake, but only if we are honest about the cost.

JIM COOPER.  
TIM RYAN.

