

Public Law 108-375
108th Congress

An Act

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Oct. 28, 2004
[H.R. 4200]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005”.

Ronald W.
Reagan National
Defense
Authorization
Act for Fiscal
Year 2005.

~~**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**~~

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS**

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for the light weight 155-millimeter howitzer program.
Sec. 112. Light utility helicopter program.

Subtitle C—Navy Programs

- Sec. 121. DDG-51 modernization program.
Sec. 122. Repeal of authority for pilot program for flexible funding of cruiser conversions and overhauls.
Sec. 123. LHA(R) amphibious assault ship program.

Subtitle D—Air Force Programs

- ~~Sec. 121. Prohibition of retirement of KC-135E aircraft.~~

~~(C) manufactured in a manner that is consistent with the recommendations for aircraft used in aerial firefighting contained in—~~

~~(i) the Blue Ribbon Panel Report to the Chief of the Forest Service and the Director of the Bureau of Land Management dated December 2002; and~~

~~(ii) the Safety Recommendation of the Chairman of the National Transportation Safety Board related to aircraft used in aerial firefighting dated April 23, 2004.~~

~~(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture for fiscal year 2005 such funds as may be necessary to purchase the 10 aircraft described in subsection (b).~~

SEC. 1087. REVISION TO REQUIREMENTS FOR RECOGNITION OF INSTITUTIONS OF HIGHER EDUCATION AS HISPANIC-SERVING INSTITUTIONS FOR PURPOSES OF CERTAIN GRANTS AND CONTRACTS.

Section 502(a)(5)(C) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)(C)) is amended by inserting before the period the following: “, which assurances—

“(i) may employ statistical extrapolation using appropriate data from the Bureau of the Census or other appropriate Federal or State sources; and

“(ii) the Secretary shall consider as meeting the requirements of this subparagraph, unless the Secretary determines, based on a preponderance of the evidence, that the assurances do not meet the requirements”.

SEC. 1088. MILITARY EXTRATERRITORIAL JURISDICTION OVER CONTRACTORS SUPPORTING DEFENSE MISSIONS OVERSEAS.

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

“(A) employed as—

“(i) a civilian employee of—

“(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

“(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

“(ii) a contractor (including a subcontractor at any tier) of—

“(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

“(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

“(iii) an employee of a contractor (or subcontractor at any tier) of—

“(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or