

# One Hundred Eighth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,  
the twentieth day of January, two thousand and four*

### 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.

*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”.

#### **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. 131. Prohibition of retirement of KC-135E aircraft.

\$250, or reimburse a member for the purchase of civilian clothing in an amount not to exceed \$250, in the case of a member who—

“(1) is medically evacuated for treatment in a medical facility by reason of an illness or injury incurred or aggravated while on active duty; or

“(2) after being medically evacuated as described in paragraph (1), is in an authorized travel status from a medical facility to another location approved by the Secretary.”.

(b) EFFECTIVE DATE.—Subsection (a) of section 1047 of title 10, United States Code, as added by subsection (a), shall take effect as of October 1, 2004, and (subject to subsection (c)) shall apply with respect to clothing furnished, and reimbursement for clothing purchased, on or after that date.

(c) RETROACTIVE APPLICATION.—With respect to the period beginning on October 1, 2004, and ending on the date of the enactment of this Act, the Secretary of Defense shall provide for subsection (a) of section 1047 of title 10, United States Code, as added by subsection (a), to be applied as a continuation of the authority provided in section 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), as continued in effect during fiscal year 2004 by section 1103 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1214).

**SEC. 585. AUTHORITY TO ACCEPT DONATION OF FREQUENT TRAVELER MILES, CREDITS, AND TICKETS TO FACILITATE REST AND RECOVERY TRAVEL OF DEPLOYED MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.**

(a) OPERATION HERO MILES.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2613. Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families**

“(a) AUTHORITY TO ACCEPT DONATION OF TRAVEL BENEFITS.—Subject to subsection (c), the Secretary of Defense may accept from any person or government agency the donation of travel benefits for the purposes of use under subsection (d).

“(b) TRAVEL BENEFIT DEFINED.—In the section, the term ‘travel benefit’ means frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public.

“(c) CONDITION ON AUTHORITY TO ACCEPT DONATION.—The Secretary may accept a donation of a travel benefit under this section only if the air or surface carrier that is the source of the benefit consents to such donation. Any such donation shall be under such terms and conditions as the surface carrier may specify, and the travel benefit so donated may be used only in accordance with the rules established by the carrier.

“(d) USE OF DONATED TRAVEL BENEFITS.—A travel benefit accepted under this section may be used only for the purpose of—

“(1) facilitating the travel of a member of the armed forces who—

*11/2/05*

*Brian,  
Thanks for  
your help with  
"Hero miles"*

*Dutch*

\$250, or reimburse a member for the purchase of civilian clothing in an amount not to exceed \$250, in the case of a member who—

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“(d) USE OF DONATED TRAVEL BENEFITS.—A travel benefit accepted under this section may be used only for the purpose of—

“(1) facilitating the travel of a member of the armed forces who—

“(A) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

“(B) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member; or

“(2) in the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such a deployment, facilitating the travel of family members of the member in order to be reunited with the member.

“(e) ADMINISTRATION.—(1) The Secretary shall designate a single office in the Department of Defense to carry out this section. That office shall develop rules and procedures to facilitate the acceptance and distribution of travel benefits under this section.

“(2) For the use of travel benefits under subsection (d)(2) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

“(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

“(B) the number of family members who may travel; and

“(C) the number of trips that family members may take.

“(3) The Secretary of Defense may, in an exceptional case, authorize a person not described in subsection (d)(2) to use a travel benefit accepted under this subsection to visit a member of the armed forces described in subsection (d)(1) if that person has a notably close relationship with the member. The travel benefit may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the air carrier or surface carrier that is the source of the travel benefit.

“(f) SERVICES OF NONPROFIT ORGANIZATION.—The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

“(1) to promote the donation of travel benefits under this section, except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

“(2) to assist in administering the collection, distribution, and use of travel benefits under this section.

“(g) FAMILY MEMBER DEFINED.—In this section, the term ‘family member’ has the meaning given that term in section 411h(b)(1) of title 37.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2613. Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families.”.

(b) TAX TREATMENT OF TRAVEL BENEFITS DONATED FOR OPERATION HERO MILES.—

(1) EXCLUSION FROM GROSS INCOME.—Subsection (b) of section 134 of the Internal Revenue Code of 1986 (defining qualified military benefit) is amended by adding at the end the following new paragraph:

“(5) TRAVEL BENEFITS UNDER OPERATION HERO MILES.—The term ‘qualified military benefit’ includes a travel benefit

provided under section 2613 of title 10, United States Code (as in effect on the date of the enactment of this paragraph).”.

(2) CONFORMING AMENDMENTS.—

(A) Section 134(b)(3)(A) of such Code is amended by striking “paragraph (4)” and inserting “paragraphs (4) and (5)”.

(B) Section 3121(a)(18) of such Code is amended by striking “or 134(b)(4)” and inserting “134(b)(4), or 134(b)(5)”.

(C) Section 3306(b)(13) of such Code is amended by striking “or 134(b)(4)” and inserting “134(b)(4), or 134(b)(5)”.

(D) Section 3401(a)(18) of such Code is amended by striking “or 134(b)(4)” and inserting “134(b)(4), or 134(b)(5)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to travel benefits provided after the date of the enactment of this Act.

**SEC. 586. ANNUAL REPORT IDENTIFYING REASONS FOR DISCHARGES FROM THE ARMED FORCES DURING PRECEDING FISCAL YEAR.**

(a) REPORT REQUIRED.—Not later than March 1 each year through 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on discharges from the Army, Navy, Air Force, and Marine Corps during the preceding fiscal year.

(b) MATTERS TO BE INCLUDED.—Each such report shall show, in the aggregate and for each of those Armed Forces, the following:

(1) The total number of persons discharged during the preceding fiscal year.

(2) For each separation code, and for each reenlistment eligibility code, used by the Armed Forces, the number of those discharged persons assigned that code.

(3) For the persons assigned each such separation code, classification of discharges by age, by sex, by race, by military rank or grade, by time in service, by unit (shown at the small unit level), by military occupational specialty (or the equivalent), and by reenlistment eligibility code.

(c) USE OF GENERIC SEPARATION CODES.—In preparing the reports under this section, the Secretary shall use a generic inter-service separation code that provides similar, and consistent, data across the services.

**SEC. 587. STUDY OF BLENDED WING CONCEPT FOR THE AIR FORCE.**

(a) STUDY REQUIRED.—Not later than March 1, 2005, the Secretary of the Air Force shall submit to Congress a report on the blended wing concept for the Air Force. The report shall include the Secretary’s findings as to the characteristics and locations that are considered favorable for a blended wing, a description of the manner in which current blended wings are functioning, and a statement of the current and future plans of the Air Force to implement the blended wing concept.

(b) SELECTION CRITERIA.—The report shall include a description of the criteria and attributes that the Secretary requires when choosing units to become blended wings.

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]

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Ronald W.  
Reagan National  
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10 USC 1047  
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26 USC 134 note.

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(c) USE OF GENERIC SEPARATION CODES.—In preparing the reports under this section, the Secretary shall use a generic inter-service separation code that provides similar, and consistent, data across the services.

**SEC. 587. STUDY OF BLENDED WING CONCEPT FOR THE AIR FORCE.**

Deadline.  
Reports.

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