

In the Senate of the United States,

November 15, 2005.

Resolved, That the bill from the House of Representatives (H.R. 1815) entitled “An Act to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Defense Au-*
3 *thorization Act for Fiscal Year 2006”.*

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

3 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 4 *sions as follows:*

5 (1) *Division A—Department of Defense Author-*
 6 *izations.*

7 (2) *Division B—Military Construction Author-*
 8 *izations.*

9 (3) *Division C—Department of Energy National*
 10 *Security Authorizations and Other Authorizations.*

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

**DIVISION A—DEPARTMENT OF DEFENSE
 AUTHORIZATIONS**

TITLE I—PROCUREMENT

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Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. UH-60 Black Hawk helicopter procurement in response to attrition.

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*Sec. 111. Multiyear procurement authority for AH-64D Apache attack helicopter
 block II conversions.*

*Sec. 112. Multiyear procurement authority for modernized target acquisition des-
 ignation/pilot night vision sensors for AH-64D Apache attack
 helicopters.*

Sec. 113. Multiyear procurement authority for utility helicopters.

Sec. 114. Telemedicine and Advanced Technology Research Center.

Sec. 115. Towed array handler.

*Sec. 116. Second source for production and supply of tires for the Stryker combat
 vehicle.*

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- Sec. 121. Prohibition on acquisition of next generation destroyer (DD(X)) through a single naval shipyard.*
- Sec. 122. Split funding authorization for CVN-78 aircraft carrier.*
- Sec. 123. LHA replacement (LHA(R)) ship.*
- Sec. 124. Refueling and complex overhaul of the U.S.S. Carl Vinson.*
- Sec. 125. Rapid intravenous infusion pump.*

Subtitle D—Air Force Programs

- Sec. 131. C-17 Aircraft Program and Inter-Theater Airlift Requirements.*
- Sec. 132. Prohibition on retirement of KC-135E aircraft.*
- Sec. 133. Use of Tanker Replacement Transfer Fund for modernization of aerial refueling tankers.*
- Sec. 134. Prohibition on retirement of F-117 aircraft.*
- Sec. 135. Prohibition on retirement of C-130E/H tactical airlift aircraft.*
- Sec. 136. Procurement of C-130J/KC-130J aircraft after fiscal year 2005.*
- Sec. 137. Aircraft for performance of aeromedical evacuations.*
- Sec. 138. C-37B aircraft.*

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- Sec. 151. Advanced SEAL Delivery System.*

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.*
- Sec. 202. Amount for science and technology.*
- Sec. 203. Funding for research and technology transition for high-brightness electron source program.*
- Sec. 204. Funding for development of distributed generation technologies.*

Subtitle B—Program Requirements, Restrictions, and Limitations

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- Sec. 212. Joint field experiment on stability and support operations.*
- Sec. 213. Chemical demilitarization facilities.*
- Sec. 214. Aging Military Aircraft Fleet Support.*
- Sec. 215. Warhead/Grenade Scientific Based Manufacturing Technology.*
- Sec. 216. Joint Service Small Arms Program.*
- Sec. 217. Field programmable gate array.*
- Sec. 218. Long Wavelength Array low frequency radio astronomy instruments.*
- Sec. 219. Defense basic research programs.*
- Sec. 219A. Project Sheriff.*
- Sec. 219B. Medium Tactical Vehicle Modifications.*

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- Sec. 221. One-year extension of Comptroller General assessments of Ballistic Missile Defense programs.*
- Sec. 222. Fielding of ballistic missile defense capabilities.*
- Sec. 223. Plans for test and evaluation of operational capability of the Ballistic Missile Defense System.*

Sec. 224. Arrow Ballistic Missile Defense system.

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Sec. 232. Transition of transformational manufacturing processes and technologies to the defense manufacturing base.

Sec. 233. Manufacturing technology strategies.

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Sec. 244. Modification of requirements for reports on program to award prizes for advanced technology achievements.

Sec. 245. Designation of facilities and resources constituting the major range and test facility base.

Sec. 246. Report on cooperation between the Department of Defense and the National Aeronautics and Space Administration on Research, Development, Test, and Evaluation Activities.

Sec. 247. Delayed effective date for limitation on procurement of systems not GPS-Equipped.

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Sec. 302. Working capital funds.

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- Sec. 334. Welfare of special category residents at Naval Station Guantanamo Bay, Cuba.*
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- Sec. 541. Eligibility of United States Nationals for appointment to the Senior Reserve Officers' Training Corps.*
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- Sec. 543. Sense of Senate on certain matters relating to the National Guard and Reserves.*

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Sec. 1103. Extension of authority to pay severance payments in lump sums.
Sec. 1104. Continuation of Federal Employee Health Benefits Program eligibility.
Sec. 1105. Permanent and enhanced authority for Science, Mathematics, and Research for Transformation (SMART) defense education program.
Sec. 1106. Strategic human capital plan for civilian employees of the Department of Defense.
Sec. 1107. Increase in authorized number of Defense Intelligence Senior Executive Service employees.
Sec. 1108. Comptroller General study on features of successful personnel management systems of highly technical and scientific workforces.
Sec. 1109. Bid Protests by Federal employees in actions under Office of Management and Budget Circular A-76.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

- Sec. 1201. Commanders' Emergency Response Program.*
Sec. 1202. Enhancement and expansion of authority to provide humanitarian and civic assistance.
Sec. 1203. Modification of geographic limitation on payment of personnel expenses under bilateral or regional cooperation programs.
Sec. 1204. Payment of travel expenses of coalition liaison officers.
Sec. 1205. Prohibition on engaging in certain transactions.
Sec. 1206. Building the partnership security capacity of foreign military and security forces.
Sec. 1207. Security and stabilization assistance.
Sec. 1208. Report on nonstrategic nuclear weapons.
Sec. 1209. Sense of Congress on support for Nuclear Non-Proliferation Treaty.
Sec. 1210. The United States-China Economic and Security Review Commission.
Sec. 1211. United States policy on Iraq.

**TITLE XIII—COOPERATIVE THREAT REDUCTION WITH
STATES OF THE FORMER SOVIET UNION**

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.*
Sec. 1302. Funding allocations.
Sec. 1303. Permanent waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.
Sec. 1304. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
Sec. 1305. Repeal of requirement for annual Comptroller General assessment of annual Department of Defense report on activities and assistance under Cooperative Threat Reduction programs.

Sec. 1306. Removal of certain restrictions on provision of cooperative threat reduction assistance.

TITLE XIV—AUTHORIZATION FOR SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERRORISM

Sec. 1401. Purpose.
Sec. 1402. Designation as emergency amounts.
Sec. 1403. Army procurement.
Sec. 1404. Navy and Marine Corps procurement.
Sec. 1405. Tactical wheeled vehicles.
Sec. 1406. Reduction in authorization of appropriations for Iraq Freedom Fund.
Sec. 1407. Air Force procurement.
Sec. 1408. Reduction in authorization of appropriations for Iraq Freedom Fund.
Sec. 1409. Operation and maintenance.
Sec. 1410. Defense Health Program.
Sec. 1411. Military personnel.
Sec. 1412. Iraq Freedom Fund.
Sec. 1413. Transfer authority.

TITLE XV—RECRUITMENT AND RETENTION

Sec. 1501. Short title.
Sec. 1502. Increase in maximum enlistment bonus.
Sec. 1503. Temporary authority to pay bonus to encourage members of the Army to refer other persons for enlistment in the Army.
Sec. 1504. Increase in maximum age for enlistment.
Sec. 1505. Repeal of prohibition on prior service enlistment bonus for receipt of other enlistment or reenlistment bonus for service in the Selected Reserve.
Sec. 1506. Increase and enhancement of affiliation bonus for officers of the Selected Reserve.
Sec. 1507. Enhancement of educational loan repayment authorities.
Sec. 1508. Report on Reserve Dental Insurance Program.

TITLE XVI—TRANSITION SERVICES

Sec. 1601. Short title.
Sec. 1602. Improved administration of transitional assistance programs.
Sec. 1603. Follow up assistance for members of the Armed Forces after preseparation physical examinations.
Sec. 1604. Report on transition assistance programs.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Construction of battalion dining facilities, Fort Knox, Kentucky.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.*
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 projects.
Sec. 2206. Modification of authority to carry out certain fiscal year 2004 project.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.*
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.*
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.*
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.*
Sec. 2602. Specific authorized Army National Guard construction projects.
Sec. 2603. Construction of facilities, New Castle County Airport Air Guard Base, Delaware.
Sec. 2604. Construction of maintenance hangar, New Castle County Airport Air Guard Base, Delaware.
Sec. 2605. National Guard construction projects.

**TITLE XXVII—EXPIRATION AND EXTENSION OF
AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*
Sec. 2702. Extension of authorizations of certain fiscal year 2003 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2002 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS**Subtitle A—Military Construction Program and Military
Family Housing Changes**

- Sec. 2801. Increase in thresholds for unspecified minor military construction projects.*
Sec. 2802. Modification of cost variation authority.

- Sec. 2803. Department of Defense housing funds.*
- Sec. 2804. Temporary authority to use minor military construction authority for construction of child development centers.*
- Sec. 2805. Inapplicability to child development centers of restriction on authority to acquire or construct ancillary supporting facilities.*
- Sec. 2806. Authority to carry out exchanges of facilities including associated utilities, equipment, and furnishings.*
- Sec. 2807. Increase in number of family housing units in Korea authorized for lease by the Army at maximum amount.*

Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Authority to lease non-excess property of Department of Defense field activities.*
- Sec. 2822. Modified criteria for agreements to limit encroachments and other constraints on military training, testing, and operations.*
- Sec. 2823. Expanded authority to enter into lease-purchase agreements.*

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

- Sec. 2841. Land conveyance, Helena, Montana.*
- Sec. 2842. Land conveyance, Army Reserve Center, Bothell, Washington.*
- Sec. 2843. Land conveyance, Iowa Army Ammunition Plant, Middletown, Iowa.*

Part II—Navy Conveyances

- Sec. 2851. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.*
- Sec. 2852. Lease of United States Navy Museum facilities at Washington Navy Yard, District of Columbia.*

Part III—Air Force Conveyances

- Sec. 2861. Acquisition of build-to-lease family housing at Eielson Air Force Base, Alaska.*
- Sec. 2862. Land conveyance, Air Force property, La Junta, Colorado.*

Subtitle D—Other Matters

- Sec. 2881. Reorganization and technical improvement of codified laws applicable to real property of the Department of Defense.*
- Sec. 2882. Report on application of force protection and anti-terrorism standards to leased facilities.*
- Sec. 2883. Construction at Fort Buchanan, Puerto Rico, for reserve components.*
- Sec. 2884. Authority to use Papago Park Military Reservation, Arizona, for general military purposes.*
- Sec. 2885. One-year extension of Department of Defense laboratory revitalization program.*
- Sec. 2886. Sense of Congress on establishment of Bakers Creek Memorial.*
- Sec. 2887. Report on use of ground source heat pumps at Department of Defense facilities.*
- Sec. 2888. Treatment of Indian Tribal Governments as public entities for purposes of disposal of real property recommended for closure in July 2003 BRAC Commission Report.*
- Sec. 2889. Sense of the Senate regarding community impact assistance related to construction of Navy Landing Field, North Carolina.*

- Sec. 2890. Designation of William B. Bryant Annex.*
- Sec. 2891. Required consultation with State and local entities on transportation, housing, and other infrastructure issues related to the addition of personnel or facilities at military installations as part of 2005 round of defense base closure and realignment.*
- Sec. 2892. Sense of the Senate on reversionary interests at Navy homeports.*
- Sec. 2893. Identification of environmental conditions at military installations closed or realigned under 2005 round of defense base closure and realignment.*
- Sec. 2894. Sense of Congress on limitation on transfer of units from closed and realigned military installations pending readiness of receiving locations.*

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.*
- Sec. 3102. Defense environmental management.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Defense nuclear waste disposal.*

Subtitle B—Other Matters

- Sec. 3111. Report on compliance with design basis threat.*
- Sec. 3112. Cost estimate for waste treatment and immobilization plant project, Hanford site, Richland, Washington.*
- Sec. 3113. Report on international border security programs.*
- Sec. 3114. Clarification of cooperative agreement authority under chemical demilitarization program.*
- Sec. 3115. Savannah River National Laboratory.*
- Sec. 3116. Rocky Flats Environmental Technology Site.*
- Sec. 3117. Prohibition on use of funds for Robust Nuclear Earth Penetrator.*
- Sec. 3118. Sense of the Senate regarding interim reports on residual beryllium contamination at Department of Energy vendor facilities.*
- Sec. 3119. Report on advanced technologies for nuclear power reactors in the United States.*

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.*
- Sec. 3302. Authorization for disposal of tungsten ores and concentrates.*
- Sec. 3303. Disposal of ferromanganese.*

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 *For purposes of this Act, the term “congressional de-*
3 *fense committees” has the meaning given that term in sec-*
4 *tion 101(a)(16) of title 10, United States Code.*

5 **DIVISION A—DEPARTMENT OF**
6 **DEFENSE AUTHORIZATIONS**
7 **TITLE I—PROCUREMENT**
8 **Subtitle A—Authorization of**
9 **Appropriations**

10 **SEC. 101. ARMY.**

11 *Funds are hereby authorized to be appropriated for fis-*
12 *cal year 2006 for procurement for the Army as follows:*

13 *(1) For aircraft, \$2,800,880,000.*

14 *(2) For missiles, \$1,265,850,000.*

15 *(3) For weapons and tracked combat vehicles,*
16 *\$1,692,549,000.*

17 *(4) For ammunition, \$1,831,672,000.*

18 *(5) For other procurement, \$4,339,434,000.*

19 **SEC. 102. NAVY AND MARINE CORPS.**

20 *(a) NAVY.—Funds are hereby authorized to be appro-*
21 *priated for fiscal year 2006 for procurement for the Navy*
22 *as follows:*

23 *(1) For aircraft, \$9,946,926,000.*

24 *(2) For weapons, including missiles and tor-*
25 *pedoes, \$2,749,441,000.*

1 (3) For shipbuilding and conversion,
2 \$9,057,865,000.

3 (4) For other procurement, \$5,596,218,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 2006 for procurement for
6 the Marine Corps in the amount of \$1,386,705,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2006 for procurement of ammunition for the Navy and the
10 Marine Corps in the amount of \$892,849,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for fis-
13 cal year 2006 for procurement for the Air Force as follows:

14 (1) For aircraft, \$13,212,633,000.

15 (2) For missiles, \$5,500,287,000.

16 (3) For ammunition, \$1,031,207,000.

17 (4) For other procurement, \$14,027,889,000.

18 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

19 Funds are hereby authorized to be appropriated for fis-
20 cal year 2006 for Defense-wide procurement in the amount
21 of \$2,784,832,000.

22 **SEC. 105. UH-60 BLACK HAWK HELICOPTER PROCUREMENT**
23 **IN RESPONSE TO ATTRITION.**

24 (a) INCREASE IN AMOUNT.—Of the amount authorized
25 to be appropriated by section 101(1) for aircraft for the

1 *Army, the amount available for the procurement UH–60*
2 *Black Hawk helicopters in response to attrition is hereby*
3 *increased to \$40,600,000, with the amount to be used to*
4 *increase the number of UH–60 Black Hawk helicopters to*
5 *be procured in response to attrition from 2 helicopters to*
6 *4 helicopters.*

7 (b) *OFFSET.—Of the amount authorized to be appro-*
8 *priated by section 101(1) for aircraft for the Army, the*
9 *amount available for UH–60 Black Hawk helicopter*
10 *medevac kits is hereby reduced to \$29,700,000, with the*
11 *amount to be derived in a reduction in the number of such*
12 *kits from 10 kits to 6 kits.*

13 ***Subtitle B—Army Programs***

14 ***SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–*** 15 ***64D APACHE ATTACK HELICOPTER BLOCK II*** 16 ***CONVERSIONS.***

17 *Beginning with the fiscal year 2006 program year, the*
18 *Secretary of the Army may, in accordance with section*
19 *2306b of title 10, United States Code, enter into one or more*
20 *multiyear contracts for procurement of AH–64D Apache at-*
21 *tack helicopter block II conversions.*

1 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**
2 **MODERNIZED TARGET ACQUISITION DES-**
3 **IGNATION/PILOT NIGHT VISION SENSORS**
4 **FOR AH-64D APACHE ATTACK HELICOPTERS.**

5 *Beginning with the fiscal year 2006 program year, the*
6 *Secretary of the Army may, in accordance with section*
7 *2306b of title 10, United States Code, enter into one or more*
8 *multiyear contracts for procurement of modernized target*
9 *acquisition designation/pilot night vision sensors for AH-*
10 *64D Apache attack helicopters.*

11 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**
12 **UTILITY HELICOPTERS.**

13 (a) *UH-60M BLACK HAWK HELICOPTERS.—Begin-*
14 *ning with the fiscal year 2006 program year, the Secretary*
15 *of the Army may, in accordance with section 2306b of title*
16 *10, United States Code, enter into one or more multiyear*
17 *contracts for the procurement of UH-60M Black Hawk heli-*
18 *copters.*

19 (b) *MH-60S SEAHAWK HELICOPTERS—Beginning*
20 *with the fiscal year 2007 program year, the Secretary of*
21 *the Army, acting as executive agent for the Department of*
22 *the Navy, may, in accordance with section 2306b of title*
23 *10, United States Code, enter into one or more multiyear*
24 *contracts for the procurement of MH-60S Seahawk heli-*
25 *copters.*

1 **SEC. 114. TELEMEDICINE AND ADVANCED TECHNOLOGY RE-**
2 **SEARCH CENTER.**

3 (a) *ADDITIONAL AMOUNT FOR RESEARCH, DEVELOP-*
4 *MENT, TEST AND EVALUATION, ARMY.—The amount au-*
5 *thorized to be appropriated by section 201(1) for research,*
6 *development, test, and evaluation for the Army is hereby*
7 *increased by \$1,000,000.*

8 (b) *AVAILABILITY OF AMOUNT.—Of the amount au-*
9 *thorized to be appropriated by section 201(1) for research,*
10 *development, test, and evaluation for the Army, as in-*
11 *creased by subsection (a), \$1,000,000 may be available for*
12 *Medical Advanced Technology (PE #603002A) for the Tele-*
13 *medicine and Advanced Technology Research Center.*

14 (c) *OFFSET.—The amount authorized to be appro-*
15 *priated by section 101(4) for procurement of ammunition*
16 *for the Army is hereby reduced by \$1,000,000, with the*
17 *amount of the reduction to be allocated to amounts avail-*
18 *able for Ammunition Production Base Support, Production*
19 *Base Support for the Missile Recycling Center (MRC).*

20 **SEC. 115. TOWED ARRAY HANDLER.**

21 (a) *AVAILABILITY OF AMOUNT.—Of the amount au-*
22 *thorized to be appropriated by section 201(2) for research,*
23 *development, test, and evaluation for the Navy, the amount*
24 *available for Program Element 0604503N for the design,*
25 *development, and test of improvements to the towed array*
26 *handler is hereby increased by \$5,000,000 in order to in-*

1 *crease the reliability of the towed array and the towed array*
2 *handler by capitalizing on ongoing testing and evaluation*
3 *of such systems.*

4 *(b) OFFSET.—Of the amount authorized to be appro-*
5 *priated by section 201(2) for research, development, test,*
6 *and evaluation for the Navy, the amount available for Pro-*
7 *gram Element 0604558N for new design for the Virginia*
8 *Class submarine for the large aperture bow array is hereby*
9 *reduced by \$5,000,000.*

10 **SEC. 116. SECOND SOURCE FOR PRODUCTION AND SUPPLY**

11 **OF TIRES FOR THE STRYKER COMBAT VEHI-**

12 **CLE.**

13 *(a) REQUIREMENT.—The Secretary of the Army shall*
14 *conduct a participation of study of the feasibility and costs*
15 *and benefits for the second source for the production and*
16 *supply of tires for the Stryker combat vehicle to be procured*
17 *by the Army with funds authorized to be appropriated in*
18 *this Act.*

19 *(b) REPORT.—Not later than 90 days after the date*
20 *of the enactment of this Act, the Secretary shall submit to*
21 *the congressional defense committees a report on the results*
22 *of the study under subsection (a). The report shall include—*

23 *(1) an analysis of the capacity of the industrial*
24 *base in the United States to meet requirements for a*

1 *second source for the production and supply of tires*
2 *for the Stryker combat vehicle; and*

3 *(2) to the extent that the capacity of the indus-*
4 *trial base in the United States is not adequate to*
5 *meet such requirements, recommendations on means,*
6 *over the short-term and the long-term, to address that*
7 *inadequacy.*

8 ***Subtitle C—Navy Programs***

9 ***SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERA-*** 10 ***TION DESTROYER (DD(X)) THROUGH A SIN-*** 11 ***GLE NAVAL SHIPYARD.***

12 *(a) PROHIBITION.—Destroyers under the next genera-*
13 *tion destroyer (DD(X)) program may not be acquired*
14 *through a winner-take-all acquisition strategy.*

15 *(b) PROHIBITION ON USE OF FUNDS.—No funds au-*
16 *thorized to be appropriated by this Act, or any other Act,*
17 *may be obligated or expended to prepare for, conduct, or*
18 *implement a strategy for the acquisition of destroyers under*
19 *the next generation destroyer program through a winner-*
20 *take-all acquisition strategy.*

21 *(c) WINNER-TAKE-ALL ACQUISITION STRATEGY DE-*
22 *FINED.—In this section, the term “winner-take-all acquisi-*
23 *tion strategy”, with respect to the acquisition of destroyers*
24 *under the next generation destroyer program, means the ac-*

1 *quisition (including design and construction) of such de-*
2 *stroyers through a single shipyard.*

3 **SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN-78 AIR-**
4 **CRAFT CARRIER.**

5 *(a) AUTHORITY TO USE SPLIT FUNDING.—The Sec-*
6 *retary of the Navy is authorized to fund the detail design*
7 *and construction of the aircraft carrier designated CVN-*
8 *78 using split funding in the Shipbuilding and Conversion,*
9 *Navy account in fiscal years 2007, 2008, 2009, and 2010.*

10 *(b) CONDITION FOR OUT-YEAR CONTRACT PAY-*
11 *MENTS.—A contract entered into for the detail design and*
12 *construction of the aircraft carrier designated CVN-78 shall*
13 *provide that any obligation of the United States to make*
14 *a payment under the contract for a fiscal year after fiscal*
15 *year 2006 is subject to the availability of appropriations*
16 *for such fiscal year.*

17 **SEC. 123. LHA REPLACEMENT (LHA(R)) SHIP.**

18 *(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR*
19 *FISCAL YEAR 2006.—Of the amount authorized to be ap-*
20 *propriated by section 102(a)(3) for fiscal year 2006 for*
21 *shipbuilding and conversion, Navy, \$325,447,000 shall be*
22 *available for design, advance procurement, advance con-*
23 *struction, detail design, and construction with respect to the*
24 *LHA Replacement (LHA(R)) ship.*

1 (b) *AMOUNTS AUTHORIZED FROM SCN ACCOUNT FOR*
2 *FISCAL YEARS 2007 AND 2008.*—Amounts authorized to be
3 appropriated for fiscal years 2007 and 2008 for ship-
4 building and conversion, Navy, shall be available for con-
5 struction with respect to the LHA Replacement ship.

6 (c) *CONTRACT AUTHORITY.*—

7 (1) *DESIGN, ADVANCE PROCUREMENT, AND AD-*
8 *VANCE CONSTRUCTION.*—The Secretary of the Navy
9 may enter into a contract during fiscal year 2006 for
10 design, advance procurement, and advance construc-
11 tion with respect to the LHA Replacement ship.

12 (2) *DETAIL DESIGN AND CONSTRUCTION.*—The
13 Secretary may enter into a contract during fiscal
14 year 2006 for the detail design and construction of
15 the LHA Replacement ship.

16 (d) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
17 *MENTS.*—A contract entered into under subsection (c) shall
18 provide that any obligation of the United States to make
19 a payment under the contract for a fiscal year after fiscal
20 year 2006 is subject to the availability of appropriations
21 for that purpose for such fiscal year.

22 (e) *FUNDING AS INCREMENT OF FULL FUNDING.*—The
23 amounts available under subsections (a) and (b) for the
24 LHA Replacement ship are the first increments of funding

1 *for the full funding of the LHA Replacement (LHA(R)) ship*
2 *program.*

3 **SEC. 124. REFUELING AND COMPLEX OVERHAUL OF THE**
4 **U.S.S. CARL VINSON.**

5 *(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of*
6 *the amount authorized to be appropriated by section*
7 *102(a)(3) for fiscal year 2006 for shipbuilding and conver-*
8 *sion, Navy, \$1,493,563,000 shall be available for the com-*
9 *mencement of the nuclear refueling and complex overhaul*
10 *of the U.S.S. Carl Vinson (CVN-70). The amount available*
11 *under the preceding sentence is the first increment in the*
12 *incremental funding planned for the nuclear refueling and*
13 *complex overhaul of the U.S.S. Carl Vinson.*

14 *(b) CONTRACT AUTHORITY.—The Secretary of the*
15 *Navy may enter into a contract during fiscal year 2006*
16 *for the nuclear refueling and complex overhaul of the U.S.S.*
17 *Carl Vinson.*

18 *(c) CONDITION FOR OUT-YEAR CONTRACT PAY-*
19 *MENTS.—A contract entered into under subsection (b) shall*
20 *provide that any obligation of the United States to make*
21 *a payment under the contract for a fiscal year after fiscal*
22 *year 2006 is subject to the availability of appropriations*
23 *for that purpose for such fiscal year.*

1 **SEC. 125. RAPID INTRAVENOUS INFUSION PUMP.**

2 (a) *ADDITIONAL AMOUNT FOR PROCUREMENT FOR*
 3 *THE MARINE CORPS.*—*The amount authorized to be appro-*
 4 *priated by section 102(b) for procurement for the Marine*
 5 *Corps is hereby increased by \$1,000,000.*

6 (b) *AVAILABILITY OF AMOUNT.*—*Of the amount au-*
 7 *thorized to be appropriated by section 102(b) for procure-*
 8 *ment for the Marine Corps, as increased by subsection (a),*
 9 *\$1,000,000 may be available for General Property for Field*
 10 *Medical Equipment for the Rapid Intravenous (IV) Infu-*
 11 *sion Pump.*

12 (c) *OFFSET.*—*The amount authorized to be appro-*
 13 *priated by section 301(4) is hereby reduced by \$1,000,000.*

14 ***Subtitle D—Air Force Programs***

15 **SEC. 131. C-17 AIRCRAFT PROGRAM AND INTER-THEATER**
 16 ***AIRLIFT REQUIREMENTS.***

17 (a) *MULTIYEAR PROCUREMENT AUTHORIZED.*—*The*
 18 *Secretary of the Air Force may, in accordance with section*
 19 *2306b of title 10, United States Code, enter into a*
 20 *multiyear contract, beginning with the fiscal year 2006 pro-*
 21 *gram year, for the procurement of up to 42 additional C-*
 22 *17 aircraft.*

23 (b) *CERTIFICATION REQUIRED.*—*Before the exercise of*
 24 *the authority in subsection (a), the Secretary of Defense*
 25 *shall submit to the congressional defense committees a cer-*
 26 *tification that the additional airlift capacity to be provided*

1 *by the C-17 aircraft to be procured under the authority*
2 *is consistent with the quadrennial defense review under sec-*
3 *tion 118 of title 10, United States Code, to be submitted*
4 *to Congress with the budget of the President for fiscal year*
5 *2007 (as submitted under section 1105(a) of title 31, United*
6 *States Code), as qualified by subsection (c).*

7 *(c) ADDITIONAL EXPLANATION OF INTER-THEATER*
8 *AIRLIFT REQUIREMENTS.—*

9 *(1) INCLUSION IN QUADRENNIAL DEFENSE RE-*
10 *VIEW.—The Secretary of Defense shall, as part of the*
11 *quadrennial defense review in 2005 and in accord-*
12 *ance with the provisions of section 118(d)(9) of title*
13 *10, United States Code, carry out an assessment of*
14 *the inter-theater airlift capabilities required to sup-*
15 *port the national defense strategy.*

16 *(2) ADDITIONAL INFORMATION.—In including*
17 *the assessment required by paragraph (1) in the*
18 *quadrennial defense review as required by that para-*
19 *graph, the Secretary shall explain how the rec-*
20 *ommendations for future airlift force structure re-*
21 *quirements in that quadrennial defense review take*
22 *into account the following:*

23 *(A) The increased airlift demands associ-*
24 *ated with the Army modular brigade combat*
25 *teams.*

1 (B) *The objective to deliver a brigade com-*
2 *bat team anywhere in the world within four to*
3 *seven days, a division within 10 days, and mul-*
4 *tipl divisions within 20 days.*

5 (C) *The increased airlift demands associ-*
6 *ated with the expanded scope of operational ac-*
7 *tivities of the Special Operations forces.*

8 (D) *The realignment of the overseas basing*
9 *structure in accordance with the Integrated Pres-*
10 *ence and Basing Strategy.*

11 (E) *Adjustments in the force structure to*
12 *meet homeland defense requirements.*

13 (F) *The potential for simultaneous home-*
14 *land defense activities and major combat oper-*
15 *ations.*

16 (G) *Potential changes in requirements for*
17 *intra-theater airlift or sealift capabilities.*

18 (d) *MAINTENANCE OF C-17 AIRCRAFT PRODUCTION*
19 *LINE.—In the event the Secretary of Defense is unable to*
20 *make the certification specified in subsection (b), the Sec-*
21 *retary of the Air Force should procure sufficient C-17 air-*
22 *craft to maintain the C-17 aircraft production line at not*
23 *less than the minimum sustaining rate until sufficient*
24 *flight test data regarding improved C-5 aircraft mission*
25 *capability rates as a result of the Reliability Enhancement*

1 *and Re-engining Program and Avionics Modernization*
2 *Program have been obtained to determine the validity of*
3 *assumptions concerning the C-5 aircraft used in the Mobil-*
4 *ity Capabilities Study.*

5 **SEC. 132. PROHIBITION ON RETIREMENT OF KC-135E AIR-**
6 **CRAFT.**

7 *The Secretary of the Air Force may not retire any KC-*
8 *135E aircraft of the Air Force in fiscal year 2006.*

9 **SEC. 133. USE OF TANKER REPLACEMENT TRANSFER FUND**
10 **FOR MODERNIZATION OF AERIAL REFUELING**
11 **TANKERS.**

12 *In addition to providing funds for a tanker acquisition*
13 *program as specified in section 8132 of the Department of*
14 *Defense Appropriations Act, 2005 (Public Law 108-287;*
15 *118 Stat, 1001), funds in the Tanker Replacement Transfer*
16 *Fund established by that section may be used for the mod-*
17 *ernization of existing aerial refueling tankers if the mod-*
18 *ernization of such tankers is consistent with the results of*
19 *the analysis of alternatives for meeting the aerial refueling*
20 *requirements of the Air Force as required by section 134(b)*
21 *of the National Defense Authorization Act for Fiscal Year*
22 *2004 (Public Law 108-136; 117 Stat. 1413).*

1 **SEC. 134. PROHIBITION ON RETIREMENT OF F-117 AIR-**
2 **CRAFT.**

3 *The Secretary of the Air Force may not retire any F-*
4 *117 Nighthawk stealth attack aircraft of the Air Force in*
5 *fiscal year 2006.*

6 **SEC. 135. PROHIBITION ON RETIREMENT OF C-130E/H TAC-**
7 **TICAL AIRLIFT AIRCRAFT.**

8 *The Secretary of the Air Force may not retire any C-*
9 *130E/H tactical airlift aircraft of the Air Force in fiscal*
10 *year 2006.*

11 **SEC. 136. PROCUREMENT OF C-130J/KC-130J AIRCRAFT**
12 **AFTER FISCAL YEAR 2005.**

13 *Any C-130J/KC-130J aircraft procured after fiscal*
14 *year 2005 (including C-130J/KC-130J aircraft procured*
15 *through a multiyear contract continuing in force from a*
16 *fiscal year before fiscal year 2006) shall be procured through*
17 *a contract under part 15 of the Federal Acquisition Regula-*
18 *tion (FAR), relating to acquisition of items by negotiated*
19 *contract (48 C.F.R. 15.000 et seq.), rather than through a*
20 *contract under part 12 of the Federal Acquisition Regula-*
21 *tion, relating to acquisition of commercial items (48 C.F.R.*
22 *12.000 et seq.).*

23 **SEC. 137. AIRCRAFT FOR PERFORMANCE OF AEROMEDICAL**
24 **EVACUATIONS.**

25 *(a) REQUIREMENT TO PROCURE.—The Secretary of*
26 *the Air Force shall procure aircraft for the purpose of pro-*

1 *viding aeromedical evacuation services to severely injured*
2 *or ill personnel.*

3 (b) *REQUIRED CAPABILITIES.*—*The aircraft procured*
4 *under subsection (a) shall be capable of providing nonstop*
5 *aeromedical evacuations across the Atlantic Ocean.*

6 (c) *EQUIPPING.*—*Any aircraft procured under sub-*
7 *section (a) shall be equipped with current aeromedical sup-*
8 *port facilities, including electrical systems, sanitation, tem-*
9 *perature controls, pressurization capacity, safe medical*
10 *storage, equipment and medicines for life support and emer-*
11 *gency purposes, food preparation facilities, and such other*
12 *facilities as the Secretary considers appropriate for the pro-*
13 *vision of aeromedical evacuation services.*

14 (d) *DEDICATED MISSION.*—*Each aircraft procured*
15 *and equipped under this section shall be assigned the dedi-*
16 *cated mission of providing aeromedical evacuation services*
17 *as described in subsection (a).*

18 (e) *AVAILABILITY OF FUNDS.*—*Of the amounts author-*
19 *ized to be appropriated by section 103(1) for aircraft pro-*
20 *curement for the Air Force, \$200,000,000 shall be available*
21 *for the procurement and equipping of up to two aircraft*
22 *under this section.*

23 **SEC. 138. C-37B AIRCRAFT.**

24 (a) *ADDITIONAL AMOUNT FOR AIRCRAFT PROCURE-*
25 *MENT, AIR FORCE.*—*The amount authorized to be appro-*

1 *priated by section 103(1) for aircraft procurement for the*
2 *Air Force is hereby increased by \$45,000,000.*

3 *(b) AVAILABILITY OF AMOUNT.—Of the amount au-*
4 *thorized to be appropriated by section 103(1) for aircraft*
5 *for the Air Force, as increased by subsection (a), up to*
6 *\$45,000,000 may be used for the procurement of one C-37B*
7 *aircraft.*

8 *(c) OFFSET.—The amount authorized to be appro-*
9 *priated by section 301(1) for operation and maintenance*
10 *for the Army is hereby reduced by \$25,000,000, and the*
11 *amount authorized to be appropriated by section 301(5) for*
12 *operation and maintenance, defensewide, is hereby reduced*
13 *by \$20,000,000.*

14 ***Subtitle E—Defense-Wide Programs***

15 ***SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.***

16 *(a) LIMITATION ON AVAILABILITY OF FUNDS FOR AD-*
17 *VANCE PROCUREMENT.—No funds authorized to be appro-*
18 *priated by this Act for fiscal year 2006 for advance procure-*
19 *ment of components for the Advanced SEAL Delivery Sys-*
20 *tem may be obligated or expended for that purpose until*
21 *30 days after the date on which the Secretary of Defense*
22 *certifies to the congressional defense committees that the*
23 *Under Secretary of Defense for Acquisition, Technology,*
24 *and Logistics has made a favorable milestone C decision*
25 *regarding the Advanced SEAL Delivery System. The cer-*

1 *tification shall be submitted together with the comprehen-*
2 *sive report on the Advanced SEAL Delivery System re-*
3 *quired by subsection (b).*

4 *(b) REPORT.—As soon as possible after completion of*
5 *the review of the Advanced SEAL Delivery System by the*
6 *Defense Acquisition Board, the Secretary shall submit to*
7 *the congressional defense committees a report that includes*
8 *the following:*

9 *(1) The result of the milestone C decision on the*
10 *Advanced SEAL Delivery System made by the Under*
11 *Secretary of Defense for Acquisition, Technology, and*
12 *Logistics.*

13 *(2) Such recommendations as the Secretary con-*
14 *siders appropriate regarding the continuation, re-*
15 *structuring, or termination of the Advanced SEAL*
16 *Delivery System program, including recommenda-*
17 *tions on adjustments to contractual arrangements in*
18 *connection with the continuation, restructuring, or*
19 *termination of the program.*

20 *(3) A detailed summary of the revised cost esti-*
21 *mate and future cost estimates for the Advanced*
22 *SEAL Delivery System program, which cost estimates*
23 *shall be validated for purposes of the report by the*
24 *Cost Analysis and Improvement Group within the Of-*
25 *fice of the Secretary of Defense.*

1 (4) *A detailed acquisition strategy for the Ad-*
2 *vanced SEAL Delivery System, if the Secretary rec-*
3 *ommends the continuation or restructuring of the Ad-*
4 *vanced SEAL Delivery System program under para-*
5 *graph (2).*

6 (5) *A plan to demonstrate realistic strategies for*
7 *solving any technical and performance problems iden-*
8 *tified during the final operational test and evaluation*
9 *of the Advanced SEAL Delivery System proposed to*
10 *be conducted during the summer of 2005.*

11 *(c) COMPTROLLER GENERAL REVIEW.—*

12 (1) *IN GENERAL.—In order to achieve the pur-*
13 *poses set forth in paragraph (2), the Comptroller Gen-*
14 *eral of the United States shall—*

15 (A) *review the adequacy of the final oper-*
16 *ational test and evaluation test plan for the Ad-*
17 *vanced SEAL Delivery System;*

18 (B) *review the results of the operational test*
19 *of the Advanced SEAL Delivery System; and*

20 (C) *update the March 2003 Comptroller*
21 *General report entitled Defense Acquisition, Ad-*
22 *vanced SEAL Delivery System Program Needs*
23 *Increased Oversight (GAO-03-442).*

24 (2) *PURPOSES.—The purposes of the review and*
25 *update under paragraph (1) are as follows:*

1 (A) To examine the progress made toward
2 meeting operational requirements and technical
3 challenges with respect to the Advanced SEAL
4 Delivery System.

5 (B) To assess the capacity of the Advanced
6 SEAL Delivery System program to meet sched-
7 ule and cost projections for that program.

8 (C) To identify and evaluation any remain-
9 ing factors that may contribute to potential fu-
10 ture problems for the Advanced SEAL Delivery
11 System program.

12 (3) *REPORT.*—The Comptroller General shall
13 submit to the congressional defense committees a re-
14 port on the activities of the Comptroller General
15 under paragraph (1) not later than February 1, 2006.

16 **TITLE II—RESEARCH, DEVELOP-**
17 **MENT, TEST, AND EVALUA-**
18 **TION**

19 **Subtitle A—Authorization of**
20 **Appropriations**

21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22 *Funds are hereby authorized to be appropriated for fis-*
23 *cal year 2006 for the use of the Department of Defense for*
24 *research, development, test, and evaluation as follows:*

25 (1) *For the Army, \$9,716,824,000.*

1 (2) *For the Navy, \$18,398,091,000.*

2 (3) *For the Air Force, \$22,636,568,000.*

3 (4) *For Defense-wide activities, \$19,011,754,000,*
4 *of which \$168,458,000 is authorized for the Director*
5 *of Operational Test and Evaluation.*

6 **SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

7 (a) *AMOUNT FOR PROJECTS.*—*Of the total amount au-*
8 *thorized to be appropriated by section 201, \$10,924,401,000*
9 *shall be available for science and technology projects.*

10 (b) *SCIENCE AND TECHNOLOGY DEFINED.*—*In this*
11 *section, the term “science and technology project” means*
12 *work funded in program elements for defense research, de-*
13 *velopment, test, and evaluation under Department of De-*
14 *fense budget activities 1, 2, or 3.*

15 **SEC. 203. FUNDING FOR RESEARCH AND TECHNOLOGY**
16 **TRANSITION FOR HIGH-BRIGHTNESS ELEC-**
17 **TRON SOURCE PROGRAM.**

18 (a) *INCREASE IN FUNDS AVAILABLE TO NAVY FOR RE-*
19 *SEARCH, DEVELOPMENT, TEST, AND EVALUATION.*—*The*
20 *amount authorized to be appropriated by section 201(2) for*
21 *research, development, test, and evaluation for the Navy*
22 *maybe increased by \$1,500,000.*

23 (b) *REDUCTION IN FUNDS AVAILABLE TO ARMY FOR*
24 *PROCUREMENT, AMMUNITION.*—*The amount authorized to*

1 *be appropriated by section 301(4) for the Air Force is here-*
 2 *by reduced by \$1,500,000.*

3 **SEC. 204. FUNDING FOR DEVELOPMENT OF DISTRIBUTED**
 4 **GENERATION TECHNOLOGIES.**

5 *(a) INCREASE IN FUNDS AVAILABLE TO ARMY FOR RE-*
 6 *SEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The*
 7 *amount authorized to be appropriated by section 201(1) for*
 8 *research, development, test, and evaluation for the Army*
 9 *maybe increased by \$1,000,000, with the amount of such*
 10 *increase to be available for research on and facilitation of*
 11 *technology for converting obsolete chemical munitions to fer-*
 12 *tilizer.*

13 *(b) REDUCTION IN FUNDS.—The amount authorized to*
 14 *be appropriated by section 301(4) for the Air Force is here-*
 15 *by reduced by \$1,000,000.*

16 **Subtitle B—Program Requirements,**
 17 **Restrictions, and Limitations**

18 **SEC. 211. CONTRACT FOR THE PROCUREMENT OF THE FU-**
 19 **TURE COMBAT SYSTEM (FCS).**

20 *The Secretary of the Army shall procure the Future*
 21 *Combat System (FCS) through a contract under part 15*
 22 *of the Federal Acquisition Regulation (FAR), relating to*
 23 *acquisition of items by negotiated contract (48 C.F.R.*
 24 *15.000 et seq.), rather than through a transaction under*
 25 *section 2371 of title 10, United States Code.*

1 **SEC. 212. JOINT FIELD EXPERIMENT ON STABILITY AND**
2 **SUPPORT OPERATIONS.**

3 (a) *JOINT FIELD EXPERIMENT REQUIRED.*—The Sec-
4 retary of Defense shall, in fiscal year 2006, carry out a
5 joint field experiment to address matters relating to sta-
6 bility and support operations.

7 (b) *PURPOSES.*—The purposes of the joint field experi-
8 ment under subsection (a) are as follows:

9 (1) *To explore critical challenges associated with*
10 *the planning and execution of military and support*
11 *activities required in the post-conflict environment*
12 *following major combat activities.*

13 (2) *To facilitate the development of recommenda-*
14 *tions for appropriate policy, doctrine, training infra-*
15 *structure, and organizational structures to best facili-*
16 *tate the conduct of effective stability and support op-*
17 *erations in such an environment.*

18 (c) *PARTICIPATING ELEMENTS AND FORCES.*—

19 (1) *IN GENERAL.*—The joint field experiment
20 under subsection (a) shall involve—

21 (A) *elements of the Army, the Marine*
22 *Corps, and the Special Operations Command se-*
23 *lected by the Secretary for purposes of the field*
24 *experiment;*

1 (B) representatives of policy elements with-
2 in the Department selected by the Secretary for
3 such purposes; and

4 (C) any other forces or elements of the De-
5 partment that the Secretary considers appro-
6 priate for such purposes.

7 (2) *ADDITIONAL ELEMENTS.*—The Secretary
8 shall also invite the participation in the field experi-
9 ment of appropriate elements of other departments
10 and agencies of the United States Government, and of
11 such elements and forces of coalition nations, as the
12 Secretary considers appropriate for purposes of the
13 field experiment.

14 (d) *REPORT.*—Not later than January 31, 2007, the
15 Secretary shall submit to the congressional defense commit-
16 tees a report on the joint field experiment under subsection
17 (a). The report shall include—

18 (1) a description of the field experiment;

19 (2) the findings of the Secretary as a result of
20 the field experiment; and

21 (3) such recommendations, including rec-
22 ommendations for additional legislative or adminis-
23 trative actions and recommendations on funding re-
24 quired to implement such actions, as the Secretary
25 considers appropriate in light of the field experiment.

1 **SEC. 213. CHEMICAL DEMILITARIZATION FACILITIES.**

2 (a) *AUTHORITY TO USE RESEARCH, DEVELOPMENT,*
3 *TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILI-*
4 *TIES.*—*The Secretary of Defense may, using amounts au-*
5 *thorized to be appropriated by section 201(4) for research,*
6 *development, test, and evaluation, Defense-wide and avail-*
7 *able for chemical weapons demilitarization activities under*
8 *the Assembled Chemical Weapons Alternatives program,*
9 *carry out construction projects, or portions of construction*
10 *projects, for facilities necessary to support chemical demili-*
11 *tarization operations at each of the following:*

12 (1) *Pueblo Army Depot, Colorado.*

13 (2) *Blue Grass Army Depot, Kentucky.*

14 (b) *SCOPE OF AUTHORITY.*—*The authority in sub-*
15 *section (a) to carry out a construction project for facilities*
16 *includes authority to carry out planning and design and*
17 *the acquisition of land for the construction or improvement*
18 *of such facilities.*

19 (c) *LIMITATION ON AMOUNT OF FUNDS.*—*The amount*
20 *of funds that may be utilized under the authority in sub-*
21 *section (a) may not exceed \$51,000,000.*

22 (d) *DURATION OF AUTHORITY.*—*A construction*
23 *project, or portion of a construction project, may not be*
24 *commenced under the authority in subsection (a) after Sep-*
25 *tember 30, 2006.*

1 (e) *NOTICE AND WAIT.*—*The Secretary may not carry*
2 *out a construction project, or portion of a construction*
3 *project, under the authority in subsection (a) until the end*
4 *of the 21-day period beginning on the date on which the*
5 *Secretary notifies the congressional defense committees of*
6 *the intent to carry out such project.*

7 **SEC. 214. AGING MILITARY AIRCRAFT FLEET SUPPORT.**

8 (a) *ADDITIONAL AMOUNT FOR RESEARCH, DEVELOP-*
9 *MENT, TEST, AND EVALUATION FOR THE AIR FORCE.*—*The*
10 *amount authorized to be appropriated by section 201(3) for*
11 *research, development, test, and evaluation for the Air Force*
12 *is hereby increased by \$4,000,000.*

13 (b) *AVAILABILITY OF AMOUNT.*—*Of the amount au-*
14 *thorized to be appropriated by section 201(3) for research,*
15 *development, test, and evaluation for the Air Force, as in-*
16 *creased by subsection (a), \$4,000,000 may be available for*
17 *Program Element #63112F for Aging Military Aircraft*
18 *Fleet Support.*

19 (c) *OFFSET.*—*The amount authorized to be appro-*
20 *priated by section 301(4) for operation and maintenance*
21 *for Air Force activities is hereby reduced by \$4,000,000.*

22 **SEC. 215. WARHEAD/GRENADE SCIENTIFIC BASED MANU-**
23 **FACTURING TECHNOLOGY.**

24 (a) *ADDITIONAL AMOUNT FOR RESEARCH, DEVELOP-*
25 *MENT, TEST, AND EVALUATION FOR THE ARMY.*—*The*

1 amount authorized to be appropriated by section 201(1) for
2 research, development, test, and evaluation for the Army is
3 hereby increased by \$1,000,000.

4 (b) AVAILABILITY OF AMOUNT.—Of the amount au-
5 thorized to be appropriated by section 201(1) for research,
6 development, test, and evaluation for the Army, as in-
7 creased by subsection (a), \$1,000,000 may be available for
8 Weapons and Ammunition Technology (PE #602624A) for
9 Warhead/Grenade Scientific Based Manufacturing Tech-
10 nology.

11 (c) OFFSET.—The amount authorized to be appro-
12 priated by section 301(4) for operation and maintenance,
13 Air Force activities is hereby reduced by \$1,000,000.

14 **SEC. 216. JOINT SERVICE SMALL ARMS PROGRAM.**

15 (a) INCREASED AMOUNT FOR RESEARCH, DEVELOP-
16 MENT, TEST, AND EVALUATION, ARMY.—The amount au-
17 thorized to be appropriated by section 201(1) for research,
18 development, test, and evaluation for the Army is hereby
19 increased by \$5,000,000.

20 (b) AVAILABILITY OF AMOUNT.—Of the amount au-
21 thorized to be appropriated by section 201(1) for research,
22 development, test, and evaluation for the Army, as in-
23 creased by subsection (a), \$5,000,000 may be available for
24 the Joint Service Small Arms Program.

1 (c) *OFFSET.*—*The amount authorized to be appro-*
 2 *priated by section 301(4) is hereby reduced by \$5,000,000.*

3 **SEC. 217. FIELD PROGRAMMABLE GATE ARRAY.**

4 (a) *ADDITIONAL AMOUNT FOR RESEARCH, DEVELOP-*
 5 *MENT, TEST, AND EVALUATION, AIR FORCE.*—*The amount*
 6 *authorized to be appropriated by section 201(3) for re-*
 7 *search, development, test, and evaluation for the Air Force*
 8 *is hereby increased by \$3,000,000.*

9 (b) *AVAILABILITY OF AMOUNT.*—*Of the amount au-*
 10 *thorized to be appropriated by section 201(3) for research,*
 11 *development, test, and evaluation for the Air Force, as in-*
 12 *creased by subsection (a), \$3,000,000 may be available for*
 13 *Space Technology (PE #0602601F) for research and devel-*
 14 *opment on the reliability of field programmable gate arrays*
 15 *for space applications, including design of an assurance*
 16 *strategy, reference architectures, research and development*
 17 *on reliability and radiation hardening, and outreach to in-*
 18 *dustry and localities to develop core competencies.*

19 (c) *OFFSET.*—*The amount authorized to be appro-*
 20 *priated by section 301(4) is hereby reduced by \$3,000,000.*

21 **SEC. 218. LONG WAVELENGTH ARRAY LOW FREQUENCY**

22 **RADIO ASTRONOMY INSTRUMENTS.**

23 (a) *ADDITIONAL AMOUNT FOR RESEARCH, DEVELOP-*
 24 *MENT, TEST, AND EVALUATION, NAVY.*—*The amount au-*
 25 *thorized to be appropriated by section 201(2) for research,*

1 *development, test, and evaluation for the Navy is hereby*
2 *increased by \$6,000,000.*

3 *(b) AVAILABILITY OF AMOUNT.—*

4 *(1) IN GENERAL.—Of the amount authorized to*
5 *be appropriated by section 201(2) for research, devel-*
6 *opment, test, and evaluation for the Navy, as in-*
7 *creased by subsection (a), \$6,000,000 may be avail-*
8 *able for research and development on Long Wave-*
9 *length Array low frequency radio astronomy instru-*
10 *ments.*

11 *(2) CONSTRUCTION WITH OTHER AMOUNTS.—The*
12 *amount available under paragraph (1) for the pur-*
13 *pose set forth in that paragraph is in addition to any*
14 *other amounts available under this Act for that pur-*
15 *pose.*

16 *(c) OFFSET.—The amount authorized to be appro-*
17 *priated by section 301(4) for operation and maintenance*
18 *for the Air Force is hereby reduced by \$6,000,000.*

19 **SEC. 219. DEFENSE BASIC RESEARCH PROGRAMS.**

20 *(a) ARMY PROGRAMS.—(1) The amount authorized to*
21 *be appropriated by section 201(1) for research, development,*
22 *test, and evaluation for the Army is hereby increased by*
23 *\$10,000,000.*

24 *(2) Of the amount authorized to be appropriated by*
25 *section 201(1) for research, development, test, and evalua-*

1 *tion for the Army, as increased by paragraph (1),*
2 *\$10,000,000 may be available for Program Element*
3 *0601103A for University Research Initiatives.*

4 *(b) NAVY PROGRAMS.—(1) The amount authorized to*
5 *be appropriated by section 201(2) for research, development,*
6 *test, and evaluation for the Navy is hereby increased by*
7 *\$5,000,000.*

8 *(2) Of the amount authorized to be appropriated by*
9 *section 201(2) for research, development, test, and evalua-*
10 *tion for the Navy, as increased by paragraph (1),*
11 *\$5,000,000 may be available for Program Element*
12 *0601103N for University Research Initiatives.*

13 *(c) AIR FORCE PROGRAMS.—(1) The amount author-*
14 *ized to be appropriated by section 201(3) for research, devel-*
15 *opment, test, and evaluation for the Air Force is hereby in-*
16 *creased by \$10,000,000.*

17 *(2) Of the amount authorized to be appropriated by*
18 *section 201(3) for research, development, test, and evalua-*
19 *tion for the Air Force, as increased by paragraph (1),*
20 *\$10,000,000 may be available for Program Element*
21 *0601103F for University Research Initiatives.*

22 *(d) DEFENSE-WIDE ACTIVITIES.—(1) The amount au-*
23 *thorized to be appropriated by section 201(4) for research,*
24 *development, test, and evaluation for Defense-wide activities*
25 *is hereby increased by \$15,000,000.*

1 (2) *Of the amount authorized to be appropriated by*
2 *section 201(4) for research, development, test, and evalua-*
3 *tion for Defense-wide activities, as increased by paragraph*
4 *(1)—*

5 (A) *\$10,000,000 may be available for Program*
6 *Element 0601120D8Z for the SMART National De-*
7 *fense Education Program; and*

8 (B) *\$5,000,000 may be available for Program*
9 *Element 0601101E for the Defense Advanced Research*
10 *Projects Agency University Research Program in*
11 *Computer Science and Cybersecurity.*

12 (e) *OFFSETS.—(1) The amount authorized to be ap-*
13 *propriated by section 301(2), Operation and Maintenance,*
14 *Navy, is hereby reduced by \$40,000,000.*

15 **SEC. 219A. PROJECT SHERIFF.**

16 (a) *AVAILABILITY OF AMOUNT.—Of the amount au-*
17 *thorized to be appropriated by section 201(4) for research,*
18 *development, test, and evaluation for Defense-wide activi-*
19 *ties, the amount available for the Force Transformation Di-*
20 *rectorate may be increased by \$10,000,000, with the amount*
21 *of the increase to be available for Project Sheriff.*

22 (b) *OFFSET.—Of the amount authorized to be appro-*
23 *priated by section 301(4) is hereby reduced by \$10,000,000.*

1 **SEC. 219B. MEDIUM TACTICAL VEHICLE MODIFICATIONS.**

2 (a) *ADDITIONAL AMOUNT FOR RESEARCH, DEVELOP-*
 3 *MENT, TEST, AND EVALUATION, ARMY.*—*The amount au-*
 4 *thorized to be appropriated by section 201(1) for Research,*
 5 *Development, Test, and Evaluation for the Army, is hereby*
 6 *increased by \$5,000,000.*

7 (b) *AVAILABILITY OF AMOUNT.*—*Of the amount au-*
 8 *thorized to be appropriated by section 201(1) for Research,*
 9 *Development, Test, and Evaluation for the Army, as in-*
 10 *creased by subsection (a), \$5,000,000 may be available for*
 11 *Medium Tactical Vehicle Modifications.*

12 (c) *OFFSET.*—*The amount authorized to be appro-*
 13 *priated by section 301(4) for Operation and Maintenance*
 14 *for the Air Force is hereby reduced by \$5,000,000.*

15 **Subtitle C—Missile Defense**
 16 **Programs**

17 **SEC. 221. ONE-YEAR EXTENSION OF COMPTROLLER GEN-**
 18 **ERAL ASSESSMENTS OF BALLISTIC MISSILE**
 19 **DEFENSE PROGRAMS.**

20 (a) *EXTENSION.*—*Section 232(g) of the National De-*
 21 *fense Authorization Act for Fiscal Year 2002 (10 U.S.C.*
 22 *2431 note) is amended—*

23 (1) *in paragraph (1), by striking “through*
 24 *2006” and inserting “through 2007”; and*

25 (2) *in paragraph (2), by striking “through*
 26 *2007” and inserting “through 2008”.*

1 (b) *MODIFICATION OF SUBMITTAL DATE.*—Paragraph
2 (2) of such section is further amended by striking “Feb-
3 ruary 15” and inserting “March 15”.

4 **SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
5 **BILITIES.**

6 (a) *AUTHORITY TO USE FUNDS.*—Funds referred to
7 in subsection (b) may, upon approval by the Secretary of
8 Defense, be used for the development and fielding of ballistic
9 missile defense capabilities.

10 (b) *COVERED FUNDS.*—Funds referred to in this sub-
11 section are funds authorized to be appropriated for fiscal
12 year 2006 or 2007 for research, development, test, and eval-
13 uation for the Missile Defense Agency.

14 **SEC. 223. PLANS FOR TEST AND EVALUATION OF OPER-**
15 **ATIONAL CAPABILITY OF THE BALLISTIC MIS-**
16 **SILE DEFENSE SYSTEM.**

17 (a) *PLANS REQUIRED.*—

18 (1) *IN GENERAL.*—With respect to block 06, and
19 each subsequent block, of the Ballistic Missile Defense
20 System, the appropriate joint and service operational
21 test and evaluation components of the Department of
22 Defense concerned with such block shall, in coordina-
23 tion with the Missile Defense Agency and subject to
24 the review and approval of the Director of Oper-
25 ational Test and Evaluation, prepare a plan to test,

1 *evaluate, and characterize the operational capability*
2 *of such block.*

3 (2) *NATURE OF PLANS.*—*Each plan prepared*
4 *under this subsection shall be appropriate for the level*
5 *of technological maturity of the block to be tested.*

6 (b) *REPORTS ON TEST AND EVALUATION OF*
7 *BLOCKS.*—*At the conclusion of the test and evaluation of*
8 *block 06, and of each subsequent block, of the Ballistic Mis-*
9 *sile Defense System, the Director of Operational Test and*
10 *Evaluation shall submit to the Secretary of Defense, and*
11 *to the congressional defense committees, a report*
12 *providing—*

13 (1) *the assessment of the Director as to whether*
14 *or not such test and evaluation was adequate to*
15 *evaluate the operational capability of such block; and*

16 (2) *the characterization of the Director as to the*
17 *operational effectiveness, suitability, and survivability*
18 *of such block, as appropriate for the level of techno-*
19 *logical maturity of the block to be tested.*

20 **SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.**

21 *Of the amount authorized to be appropriated by sec-*
22 *tion 201(5) for research, development, test, and evaluation*
23 *for Defense-wide activities and available for ballistic missile*
24 *defense, \$80,000,000 may be available for coproduction of*
25 *the Arrow ballistic missile defense system.*

1 ***Subtitle D—High-Performance De-***
2 ***fense Manufacturing Technology***
3 ***Research and Development***

4 **SEC. 231. RESEARCH AND DEVELOPMENT.**

5 (a) *IDENTIFICATION OF ENHANCED PROCESSES AND*
6 *TECHNOLOGIES.*—*The Under Secretary of the Defense for*
7 *Acquisition, Technology, and Logistics shall identify ad-*
8 *vanced manufacturing processes and technologies whose uti-*
9 *lization will achieve significant productivity and efficiency*
10 *gains in the defense manufacturing base.*

11 (b) *RESEARCH AND DEVELOPMENT.*—*The Under Sec-*
12 *retary shall undertake research and development on proc-*
13 *esses and technologies identified under subsection (a) that*
14 *addresses, in particular—*

15 (1) *innovative manufacturing processes and ad-*
16 *vanced technologies; and*

17 (2) *the creation of extended production enter-*
18 *prises using information technology and new business*
19 *models.*

20 (c) *DEFENSE PRIORITIES.*—*In undertaking research*
21 *and development under subsection (b), the Under Secretary*
22 *shall consider defense priorities established in the most cur-*
23 *rent Joint Warfighting Science and Technology Plan.*

1 **SEC. 232. TRANSITION OF TRANSFORMATIONAL MANUFAC-**
2 **TURING PROCESSES AND TECHNOLOGIES TO**
3 **THE DEFENSE MANUFACTURING BASE.**

4 (a) *ACCELERATION OF TRANSITION FROM SCIENCE*
5 *AND TECHNOLOGY.*—

6 (1) *IN GENERAL.*—*The Under Secretary of De-*
7 *fense for Acquisition, Technology, and Logistics shall*
8 *undertake appropriate actions to accelerate the tran-*
9 *sition of transformational manufacturing technologies*
10 *and processes (including processes and technologies*
11 *identified under section 231) from the research stage*
12 *to utilization by manufacturers in the defense manu-*
13 *facturing base.*

14 (2) *EXECUTION.*—*The actions undertaken under*
15 *paragraph (1) shall include a memorandum of under-*
16 *standing among the Director of Defense Research and*
17 *Engineering, other appropriate elements of the De-*
18 *partment of Defense, and the Joint Defense Manufac-*
19 *turing Technology Panel to accelerate the transition*
20 *of technologies and processes as described in that*
21 *paragraph.*

22 (b) *PROTOTYPES AND TESTBEDS.*—

23 (1) *IN GENERAL.*—*The Under Secretary shall,*
24 *utilizing the Manufacturing Technology Program, un-*
25 *dertake the development of prototypes and testbeds to*
26 *promote the purposes of this section.*

1 (2) *COORDINATION OF ACTIVITIES.*—*The Under*
2 *Secretary shall coordinate activities under this sub-*
3 *section with activities under the Small Business In-*
4 *novation Research Program and the Small Business*
5 *Technology Transfer Program.*

6 (c) *DEVELOPMENT OF IMPROVEMENT PROCESS.*—*The*
7 *Under Secretary shall, in consultation with persons and or-*
8 *ganizations in the defense manufacturing base, develop and*
9 *implement a program to continuously identify and utilize*
10 *improvements and innovative processes in appropriate de-*
11 *fense acquisition programs and by manufacturers in the de-*
12 *fense manufacturing base.*

13 (d) *DIFFUSION OF ENHANCEMENTS INTO DEFENSE*
14 *MANUFACTURING BASE.*—*The Under Secretary shall ensure*
15 *the utilization in industry of enhancements in productivity*
16 *and efficiency identified by reason of activities under this*
17 *subtitle through the following:*

18 (1) *Research and development activities under*
19 *the Manufacturing Technology Program, including*
20 *the establishment of public-private partnerships.*

21 (2) *Outreach through the Manufacturing Exten-*
22 *sion Partnership Program under memoranda of*
23 *agreement, cooperative programs, and other appro-*
24 *priate arrangements.*

1 (3) *Coordination with activities under such other*
2 *current programs for the dissemination of manufac-*
3 *turing technology as the Under Secretary considers*
4 *appropriate.*

5 (4) *Identification of incentives for contractors in*
6 *the defense manufacturing base to incorporate and*
7 *utilize manufacturing enhancements in the manufac-*
8 *turing activities.*

9 **SEC. 233. MANUFACTURING TECHNOLOGY STRATEGIES.**

10 (a) *IN GENERAL.*—*The Under Secretary of Defense for*
11 *Acquisition, Technology, and Logistics may—*

12 (1) *identify an area of technology where the de-*
13 *velopment of an industry-prepared roadmap for new*
14 *manufacturing and technology processes applicable to*
15 *defense manufacturing requirements would be bene-*
16 *ficial to the Department of Defense; and*

17 (2) *establish a task force, and act in cooperation,*
18 *with the private sector to map the strategy for the de-*
19 *velopment of manufacturing processes and tech-*
20 *nologies needed to support technology development in*
21 *the area identified under paragraph (1).*

22 (b) *COMMENCEMENT OF ROADMAPPING.*—*The Under*
23 *Secretary shall commence any roadmapping identified pur-*
24 *suant to subsection (a)(1) not later than January 2007.*

1 **SEC. 234. REPORT.**

2 (a) *IN GENERAL.*—Not later than December 31, 2007,
3 the Under Secretary of the Defense for Acquisition, Tech-
4 nology, and Logistics shall submit to the congressional de-
5 fense committees a report on the actions undertaken by the
6 Under Secretary under this subtitle during fiscal year 2006.

7 (b) *ELEMENTS.*—The report under subsection (a) shall
8 include—

9 (1) a comprehensive description of the actions
10 undertaken under this subtitle during fiscal year
11 2006;

12 (2) an assessment of effectiveness of such actions
13 in enhancing research and development on manufac-
14 turing technologies and processes, and implementa-
15 tion of such within the defense manufacturing base;
16 and

17 (3) such recommendations as the Under Sec-
18 retary considers appropriate for additional actions to
19 be undertaken in order to increase the effectiveness of
20 the actions undertaken under this subtitle in enhanc-
21 ing manufacturing activities within the defense man-
22 ufacturing base.

23 **SEC. 235. DEFINITIONS.**

24 *In this subtitle:*

25 (1) *DEFENSE MANUFACTURING BASE.*—The term
26 “defense manufacturing base” includes any supplier

1 of the Department of Defense, including a supplier of
2 raw materials.

3 (2) *EXTENDED PRODUCTION ENTERPRISE.*—The
4 term “extended production enterprise” means a sys-
5 tem in which key entities, including entities engaged
6 in product development, manufacturing, sourcing,
7 and user entities, in the manufacturing chain are
8 linked together through information technology and
9 other means to promote efficiency and productivity.

10 (3) *MANUFACTURING EXTENSION PARTNERSHIP*
11 *PROGRAM.*—The term “Manufacturing Extension
12 Partnership Program” means the Manufacturing Ex-
13 tension Partnership Program of the Department of
14 Commerce.

15 (4) *MANUFACTURING TECHNOLOGY PROGRAM.*—
16 The term “Manufacturing Technology Program”
17 means the Manufacturing Technology Program under
18 the Director of Defense Research and Engineering
19 under section 2521 of title 10, United States Code.

20 (5) *SMALL BUSINESS INNOVATION RESEARCH*
21 *PROGRAM.*—The term “Small Business Innovation
22 Research Program” has the meaning given that term
23 in section 2055(11) of title 10, United States Code.

24 (6) *SMALL BUSINESS TECHNOLOGY TRANSFER*
25 *PROGRAM.*—The term “Small Business Technology

1 *Transfer Program*” has the meaning given that term
2 in section 2500(12) of title 10, United States Code.

3 ***Subtitle E—Other Matters***

4 ***SEC. 241. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF***
5 ***DEPARTMENT OF DEFENSE TEST RESOURCE***
6 ***MANAGEMENT CENTER.***

7 (a) *DIRECTOR OF CENTER.*—Paragraph (1) of section
8 196(b) of title 10, United States Code, is amended by strik-
9 ing “commissioned officers” and all that follows through the
10 end of the sentence and inserting “individuals who have
11 substantial experience in the field of test and evaluation.”.

12 (b) *DEPUTY DIRECTOR OF CENTER.*—Paragraph (2)
13 of such section is amended by striking “senior civilian offi-
14 cers and employees of the Department of Defense” and in-
15 serting “individuals”.

16 ***SEC. 242. TECHNOLOGY TRANSITION.***

17 (a) *CLARIFICATION OF DUTIES OF TECHNOLOGY*
18 *TRANSITION COUNCIL.*—Paragraph (2) of section 2359a(g)
19 of title 10, United States Code, is amended to read as fol-
20 lows:

21 “(2) *The duty of the Council shall be to support the*
22 *Undersecretary of Defense for Acquisition, Technology, and*
23 *Logistics in the development of policies to facilitate the*
24 *rapid transition of technologies from science and technology*

1 *programs of the Department of Defense into acquisition*
2 *programs of the Department.”.*

3 *(b) REPORT ON TECHNOLOGY TRANSITION.—*

4 *(1) IN GENERAL.—The Secretary of Defense,*
5 *working through the Technology Transition Council,*
6 *shall submit to the congressional defense committees a*
7 *report on the challenges associated with technology*
8 *transition from the science and technology programs*
9 *of the Department of Defense to the acquisition pro-*
10 *grams of the Department, and a strategy to address*
11 *such challenges, including—*

12 *(A) a description of any organizational bar-*
13 *riers to technology transition between operations,*
14 *acquisition, and technology development compo-*
15 *nents of the Department;*

16 *(B) an assessment of the effect of Depart-*
17 *ment acquisition regulations on technology tran-*
18 *sition;*

19 *(C) a description of the role of technology*
20 *transition in the planning, programming, and*
21 *budgeting processes of the Department;*

22 *(D) a description of any other challenges as-*
23 *sociated with technology transition in the De-*
24 *partment that are identified by the Secretary;*

1 (E) a Department-wide strategy for pur-
2 suing technology transition; and

3 (F) such recommendations as the Secretary
4 considers appropriate for the improvement of
5 technology transition and for the elimination of
6 internal barriers within the Department to tech-
7 nology transition.

8 (2) *SUBMITTAL DATE.*—The report under para-
9 graph (1) shall be submitted at the same time the
10 budget of the President is submitted to Congress pur-
11 suant to section 1105(a) of title 31, United States
12 Code, for fiscal year 2007.

13 **SEC. 243. PREVENTION, MITIGATION, AND TREATMENT OF**
14 **BLAST INJURIES.**

15 (a) *DESIGNATION OF EXECUTIVE AGENT.*—The Sec-
16 retary of Defense shall designate a senior official of the De-
17 partment of Defense as the executive agent responsible for
18 coordinating and managing the programs and efforts of the
19 Department of Defense with respect to the prevention, miti-
20 gation, and treatment of blast injuries.

21 (b) *GENERAL RESPONSIBILITY.*—The executive agent
22 designated under subsection (a) shall be responsible for en-
23 suring that—

24 (1) the programs and efforts of the Department
25 of Defense on the prevention, mitigation, and treat-

1 *ment of blast injuries are adequate to meet require-*
2 *ments relating to the prevention, mitigation, and*
3 *treatment of such injuries; and*

4 *(2) the resources devoted to such programs and*
5 *efforts facilitate the achievement of the objective speci-*
6 *fied in paragraph (1).*

7 *(c) RESEARCH EFFORTS.—The executive agent des-*
8 *ignated under subsection (a) shall—*

9 *(1) review and assess the adequacy of current re-*
10 *search efforts of the Department of Defense on the pre-*
11 *vention, mitigation, and treatment of such injuries;*

12 *(2) establish requirements for such research ef-*
13 *forts in order to enhance and accelerate such research*
14 *efforts; and*

15 *(3) establish, coordinate, and oversee Depart-*
16 *ment-wide research efforts on the prevention, mitiga-*
17 *tion, and treatment of such injuries, including—*

18 *(A) in the case of blast injury prevention,*
19 *research on—*

20 *(i) blast characterization in a variety*
21 *of environments;*

22 *(ii) modeling and simulation of safe*
23 *blast stand-off distances;*

24 *(iii) detect and defeat capabilities; and*

1 (iv) such other matters as such official
2 considers appropriate;

3 (B) in the case of blast injury mitigation,
4 research on—

5 (i) armor design and materials testing
6 for blast and ballistic protection;

7 (ii) the design of a comprehensive, in-
8 tegrated, flexible armor system which pro-
9 vides blast, ballistic, and fire protection for
10 the head, neck, ears, eyes, torso, and extrem-
11 ities; and

12 (iii) such other matters as such official
13 considers appropriate; and

14 (C) in the case of blast injury treatment, re-
15 search on emerging military medical tech-
16 nologies, pharmacological agents, devices, and
17 treatment and rehabilitation techniques.

18 (d) *STUDIES.*—The executive agent designated under
19 subsection (a) shall conduct studies on the prevention, miti-
20 gation, and treatment of blast injuries, including—

21 (1) studies to improve the clinical evaluation
22 and treatment of blast injuries, with an emphasis on
23 traumatic brain injuries and other consequences of
24 blast injury, including acoustic and eye injuries and
25 injuries resulting from over-pressure wave; and

1 (2) *studies to develop improved clinical protocols*
2 *by which physicians—*

3 (A) *can more accurately evaluate traumatic*
4 *brain injuries and discriminate between trau-*
5 *matic brain injuries and post traumatic stress*
6 *disorder (including improved diagnostic and cog-*
7 *nitive measures);*

8 (B) *can identify members of the Armed*
9 *Forces who may have both traumatic brain in-*
10 *jury and post traumatic stress disorder; and*

11 (C) *can develop integrated treatment ap-*
12 *proaches for servicemembers who have both trau-*
13 *matic brain injuries and post traumatic stress*
14 *disorder and other multiple injuries.*

15 (e) *PILOT PROJECTS.—The executive agent designated*
16 *under subsection (a) shall commence in fiscal year 2006 not*
17 *less than three pilot projects on the prevention, mitigation,*
18 *and treatment of blast injuries, including pilot projects—*

19 (1) *to study the incidence in returning soldiers*
20 *of traumatic brain injuries attributable to blast inju-*
21 *ries;*

22 (2) *to develop protocols for medical tracking of*
23 *members of the Armed Forces for up to five years fol-*
24 *lowing blast injuries; and*

1 (3) *to refine and improve educational interven-*
2 *tions for blast injury survivors and their families.*

3 (f) *TRAINING PROGRAM.—The executive agent des-*
4 *ignated under subsection (a) shall establish a training pro-*
5 *gram for medical and non-medical personnel on the preven-*
6 *tion, mitigation, and treatment of blast injuries which pro-*
7 *gram shall be intended to improve field and clinical train-*
8 *ing on early identification of blast injury consequences, both*
9 *seen and unseen, including traumatic brain injuries, acous-*
10 *tic injuries, and internal injuries.*

11 (g) *TREATMENT PROGRAM.—The executive agent des-*
12 *ignated under subsection (a) shall conduct a treatment pro-*
13 *gram intended to enhance the evaluation and care of mem-*
14 *bers of the Armed Forces with traumatic brain injuries in*
15 *medical facilities in the United States and in deployed*
16 *medical facilities.*

17 (h) *ANNUAL REPORTS ON BLAST INJURY MATTERS.—*

18 (1) *REPORTS REQUIRED.—Not later than Feb-*
19 *ruary 15, 2006, and annually thereafter through*
20 *2010, the Secretary of Defense shall submit to the con-*
21 *gressional defense committees a report on the efforts*
22 *of the Department of Defense to prevent, mitigate,*
23 *and treat blast injuries.*

24 (2) *ELEMENTS.—Each report under paragraph*
25 (1) *shall include the following:*

1 (A) *A description of the activities under-*
2 *taken under this section during the year pre-*
3 *ceding the report to improve the prevention,*
4 *mitigation, and treatment of blast injuries.*

5 (B) *A consolidated budget presentation for*
6 *the programs and activities of the Department of*
7 *Defense during the fiscal year beginning in the*
8 *year of the report for the prevention, mitigation,*
9 *and treatment of blast injuries.*

10 (C) *A description of any gaps in the capa-*
11 *bilities of the Department under its programs*
12 *and activities for the prevention, mitigation, and*
13 *treatment of blast injuries, and a description of*
14 *any plans or projects to address such gaps.*

15 (D) *A description of collaboration, if any,*
16 *with other departments and agencies of the Fed-*
17 *eral Government, and with other countries, dur-*
18 *ing the year preceding the report in efforts for*
19 *the prevention, mitigation, and treatment of*
20 *blast injuries.*

21 (E) *A description of any efforts during the*
22 *year preceding the report to disseminate findings*
23 *on the mitigation and treatment of blast injuries*
24 *through civilian and military research and med-*
25 *ical communities.*

1 (F) A description of the status of efforts
 2 during the year preceding the report to design a
 3 comprehensive force protection system that is ef-
 4 fective in confronting blast, ballistic, and fire
 5 threats.

6 (i) *BLAST INJURIES DEFINED.*—In this section, the
 7 term “blast injuries” means injuries that occur as the result
 8 of the detonation of high explosives, including vehicle-borne
 9 and person-borne explosive devices, rocket-propelled gre-
 10 nades, and improvised explosive devices.

11 **SEC. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS**
 12 **ON PROGRAM TO AWARD PRIZES FOR AD-**
 13 **VANCED TECHNOLOGY ACHIEVEMENTS.**

14 Subsection (e) of section 2374a of title 10, United
 15 States Code, is amended to read as follows:

16 “(e) *ANNUAL REPORT.*—(1) Not later than March 1
 17 each year, the Secretary shall submit to the Committees on
 18 Armed Services of the Senate and the House of Representa-
 19 tives a report on the activities undertaken by the Defense
 20 Advanced Research Projects Agency in the preceding year
 21 under the authority of this section.

22 “(2) The report for a year under this subsection shall
 23 include the following:

24 “(A) The results of consultations between the Di-
 25 rector and officials of the military departments re-

1 *garding the areas of research, technology development,*
2 *or prototype development for which prizes would be*
3 *awarded under the program under this section.*

4 *“(B) A description of the proposed goals of the*
5 *competitions established under the program, including*
6 *the areas of research, technology development, or pro-*
7 *totype development to be promoted by such competi-*
8 *tions and the relationship of such areas to the mili-*
9 *tary missions of the Department.*

10 *“(C) The total amount of cash prizes awarded*
11 *under the program, including a description of the*
12 *manner in which the amounts of cash prizes awarded*
13 *and claimed were allocated among the accounts of the*
14 *Defense Advanced Research Projects Agency for re-*
15 *coding as obligations and expenditures.*

16 *“(D) The methods used for the solicitation and*
17 *evaluation of submissions under the program, together*
18 *with an assessment of the effectiveness of such meth-*
19 *ods.*

20 *“(E) A description of the resources, including*
21 *personnel and funding, used in the execution of the*
22 *program, together with a detailed description of the*
23 *activities for which such resources were used.*

24 *“(F) A description of any plans to transition the*
25 *technologies or prototypes developed as a result of the*

1 *program into acquisition programs of the Depart-*
2 *ment.*

3 *“(G) For each competition under the program, a*
4 *statement of the reasons why the competition was a*
5 *preferable means of promoting basic, advanced, or ap-*
6 *plied research, technology development, or prototype*
7 *development projects to other means of promoting*
8 *such projects, including contracts, grants, cooperative*
9 *agreements, or other transactions.”.*

10 **SEC. 245. DESIGNATION OF FACILITIES AND RESOURCES**

11 **CONSTITUTING THE MAJOR RANGE AND TEST**

12 **FACILITY BASE.**

13 *(a) DEPARTMENT OF DEFENSE TEST RESOURCE MAN-*
14 *AGEMENT CENTER.—Section 196(h) of title 10, United*
15 *States Code, is amended by striking “Director of Oper-*
16 *ational Test and Evaluation” and inserting “Secretary of*
17 *Defense”.*

18 *(b) INSTITUTIONAL FUNDING OF TEST AND EVALUA-*
19 *TION ACTIVITIES.—Section 232(b)(1) of the Bob Stump Na-*
20 *tional Defense Authorization Act for Fiscal Year 2003 (Pub-*
21 *lic Law 107–314; 116 Stat. 2490) is amended by striking*
22 *“Director of Operational Test and Evaluation” and insert-*
23 *ing “Secretary of Defense”.*

1 **SEC. 246. REPORT ON COOPERATION BETWEEN THE DE-**
2 **PARTMENT OF DEFENSE AND THE NATIONAL**
3 **AERONAUTICS AND SPACE ADMINISTRATION**
4 **ON RESEARCH, DEVELOPMENT, TEST, AND**
5 **EVALUATION ACTIVITIES.**

6 (a) *REPORT REQUIRED.*—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense and the Administrator of the National Aero-
9 nautics and Space Administration shall jointly submit to
10 Congress a report setting forth the recommendations of the
11 Secretary and the Administrator regarding cooperative ac-
12 tivities between the Department of Defense and the National
13 Aeronautics and Space Administration related to research,
14 development, test, and evaluation on areas of mutual inter-
15 est to the Department and the Administration.

16 (b) *AREAS COVERED.*—The areas of mutual interest
17 to the Department of Defense and the National Aeronautics
18 and Space Administration referred to in subsection (a) may
19 include, but not be limited to, areas relating to the fol-
20 lowing:

21 (1) *Aeronautics research.*

22 (2) *Facilities, personnel, and support infrastruc-*
23 *ture.*

24 (3) *Propulsion and power technologies.*

25 (4) *Space access and operations.*

1 **SEC. 247. DELAYED EFFECTIVE DATE FOR LIMITATION ON**
2 **PROCUREMENT OF SYSTEMS NOT GPS-**
3 **EQUIPPED.**

4 (a) *DELAYED EFFECTIVE DATE.*—Section 152(b) of
5 the National Defense Authorization Act for Fiscal Year
6 1994 (Public Law 103–160; 107 Stat. 1578), as amended
7 by section 218(e) of the Strom Thurmond National Defense
8 Authorization Act for Fiscal Year 1999 (Public Law 105–
9 261; 112 Stat. 1952; 10 U.S.C. 2281 note), is further
10 amended by striking “2005” and inserting “2007”.

11 (b) *RATIFICATION OF ACTIONS.*—Any obligation or ex-
12 penditure of funds by the Department of Defense during the
13 period beginning on October 1, 2005, and ending on the
14 date of the enactment of this Act to modify or procure a
15 Department of Defense aircraft, ship, armored vehicle, or
16 indirect-fire weapon system that is not equipped with a
17 Global Positioning System receiver is hereby ratified.

18 **SEC. 248. REPORT ON DEVELOPMENT AND USE OF ROBOT-**
19 **ICS AND UNMANNED GROUND VEHICLE SYS-**
20 **TEMS.**

21 (a) *REPORT REQUIRED.*—Not later than nine months
22 after the date of the enactment of this Act, the Under Sec-
23 retary of Defense for Acquisition, Technology, and Logistics
24 shall submit to the congressional defense committees a re-
25 port on the development and utilization of robotics and un-

1 *manned ground vehicle systems by the Department of De-*
2 *fense.*

3 (b) *ELEMENTS.*—*The report required by subsection (a)*
4 *shall include the following:*

5 (1) *A description of the utilization of robotics*
6 *and unmanned ground vehicle systems in current*
7 *military operations.*

8 (2) *A description of the manner in which the de-*
9 *velopment of robotics and unmanned ground vehicle*
10 *systems capabilities supports current major acquisi-*
11 *tion programs of the Department of Defense.*

12 (3) *A detailed description, including budget esti-*
13 *mates, of all Department programs and activities on*
14 *robotics and unmanned ground vehicle systems for fis-*
15 *cal years 2004 through 2012, including programs and*
16 *activities relating to research, development, test and*
17 *evaluation, procurement, and operation and mainte-*
18 *nance.*

19 (4) *A description of the long-term research and*
20 *development strategy of the Department on technology*
21 *for the development and integration of new robotics*
22 *and unmanned ground vehicle systems capabilities in*
23 *support of Department missions.*

24 (5) *A description of any planned demonstration*
25 *or experimentation activities of the Department that*

1 *will support the development and deployment of ro-*
2 *botics and unmanned ground vehicle systems by the*
3 *Department.*

4 (6) *A statement of the Department organizations*
5 *currently participating in the development of new ro-*
6 *botics or unmanned ground vehicle systems capabili-*
7 *ties, including the specific missions of each such orga-*
8 *nization in such efforts.*

9 (7) *A description of the activities of the Depart-*
10 *ment to collaborate with industry, academia, and*
11 *other Government and nongovernment organizations*
12 *in the development of new capabilities in robotics and*
13 *unmanned ground vehicle systems.*

14 (8) *An assessment of the short-term and long-*
15 *term ability of the industrial base of the United*
16 *States to support the production of robotics and un-*
17 *manned ground vehicle systems to meet Department*
18 *requirements.*

19 (9) *An assessment of the progress being made to*
20 *achieve the goal established by section 220(a)(2) of the*
21 *Floyd D. Spence National Defense Authorization Act*
22 *for Fiscal Year 2001 (as enacted into law by Public*
23 *Law 106–398; 114 Stat. 1654A–38) that, by 2015,*
24 *one-third of operational ground combat vehicles be*
25 *unmanned.*

1 (10) *An assessment of international research,*
2 *technology, and military capabilities in robotics and*
3 *unmanned ground vehicle systems.*

4 ***TITLE III—OPERATION AND***
5 ***MAINTENANCE***

6 ***Subtitle A—Authorization of***
7 ***Appropriations***

8 ***SEC. 301. OPERATION AND MAINTENANCE FUNDING.***

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal year 2006 for the use of the Armed Forces and other*
11 *activities and agencies of the Department of Defense for ex-*
12 *penses, not otherwise provided for, for operation and main-*
13 *tenance, in amounts as follows:*

14 (1) *For the Army, \$24,951,460,000.*

15 (2) *For the Navy, \$30,547,489,000.*

16 (3) *For the Marine Corps, \$3,842,026,000.*

17 (4) *For the Air Force, \$31,425,919,000.*

18 (5) *For Defense-wide activities, \$18,584,469,000.*

19 (6) *For the Army Reserve, \$1,989,382,000.*

20 (7) *For the Naval Reserve, \$1,245,695,000.*

21 (8) *For the Marine Corps Reserve, \$199,934,000.*

22 (9) *For the Air Force Reserve, \$2,559,686,000.*

23 (10) *For the Army National Guard,*
24 *\$4,528,019,000.*

1 (11) *For the Air National Guard,*
2 \$4,772,991,000.

3 (12) *For the United States Court of Appeals for*
4 *the Armed Forces, \$11,236,000.*

5 (13) *For Environmental Restoration, Army,*
6 \$407,865,000.

7 (14) *For Environmental Restoration, Navy,*
8 \$305,275,000.

9 (15) *For Environmental Restoration, Air Force,*
10 \$406,461,000.

11 (16) *For Environmental Restoration, Defense-*
12 *wide, \$28,167,000.*

13 (17) *For Environmental Restoration, Formerly*
14 *Used Defense Sites, \$261,921,000.*

15 (18) *For Overseas Humanitarian, Disaster, and*
16 *Civic Aid programs, \$61,546,000.*

17 (19) *For Cooperative Threat Reduction pro-*
18 *grams, \$415,549,000.*

19 (20) *For the Overseas Contingency Operations*
20 *Transfer Fund, \$20,000,000.*

21 **SEC. 302. WORKING CAPITAL FUNDS.**

22 *Funds are hereby authorized to be appropriated for fis-*
23 *cal year 2006 for the use of the Armed Forces and other*
24 *activities and agencies of the Department of Defense for*

1 *providing capital for working capital and revolving funds*
2 *in amounts as follows:*

3 (1) *For the Defense Working Capital Funds,*
4 *\$1,471,340,000.*

5 (2) *For the National Defense Sealift Fund,*
6 *\$1,011,304,000.*

7 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

8 (a) *DEFENSE HEALTH PROGRAM.—Funds are hereby*
9 *authorized to be appropriated for the Department of Defense*
10 *for fiscal year 2006 for expenses, not otherwise provided for,*
11 *for the Defense Health Program, \$19,900,812,000, of*
12 *which—*

13 (1) *\$19,351,337,000 is for Operation and Main-*
14 *tenance;*

15 (2) *\$174,156,000 is for Research, Development,*
16 *Test, and Evaluation; and*

17 (3) *\$375,319,000 is for Procurement.*

18 (b) *CHEMICAL AGENTS AND MUNITIONS DESTRUC-*
19 *TION, DEFENSE.—(1) Funds are hereby authorized to be ap-*
20 *propriated for the Department of Defense for fiscal year*
21 *2006 for expenses, not otherwise provided for, for Chemical*
22 *Agents and Munitions Destruction, Defense,*
23 *\$1,425,827,000, of which—*

24 (A) *\$1,241,514,000 is for Operation and Mainte-*
25 *nance;*

1 (B) \$67,786,000 is for Research, Development,
2 Test, and Evaluation; and

3 (C) \$116,527,000 is for Procurement.

4 (2) Amounts authorized to be appropriated under
5 paragraph (1) are authorized for—

6 (A) the destruction of lethal chemical agents and
7 munitions in accordance with section 1412 of the De-
8 partment of Defense Authorization Act, 1986 (50
9 U.S.C. 1521); and

10 (B) the destruction of chemical warfare materiel
11 of the United States that is not covered by section
12 1412 of such Act.

13 (c) *DRUG INTERDICTION AND COUNTER-DRUG ACTIVI-*
14 *TIES, DEFENSE-WIDE.*—Funds are hereby authorized to be
15 appropriated for the Department of Defense for fiscal year
16 2006 for expenses, not otherwise provided for, for Drug
17 Interdiction and Counter-Drug Activities, Defense-wide,
18 \$895,741,000.

19 (d) *DEFENSE INSPECTOR GENERAL.*—Funds are here-
20 by authorized to be appropriated for the Department of De-
21 fense for fiscal year 2006 for expenses, not otherwise pro-
22 vided for, for the Office of the Inspector General of the De-
23 partment of Defense, \$209,687,000, of which—

24 (1) \$208,687,000 is for Operation and Mainte-
25 nance; and

1 (2) \$1,000,000 is for Procurement.

2 **SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CEN-**
3 **TER.**

4 *Of the amount authorized to be appropriated by sec-*
5 *tion 301(2) for operation and maintenance for the Navy,*
6 *\$1,500,000 may be available for civilian manpower and*
7 *personnel for a human resources benefit call center.*

8 **Subtitle B—Environmental**
9 **Provisions**

10 **SEC. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN**
11 **ITEMS REQUIRED IN THE ANNUAL REPORT**
12 **ON ENVIRONMENTAL QUALITY PROGRAMS**
13 **AND OTHER ENVIRONMENTAL ACTIVITIES.**

14 *Section 2706(b)(2) of title 10, United States Code, is*
15 *amended—*

16 (1) *by striking subparagraphs (D) and (E);*

17 (2) *by inserting after subparagraph (C) the fol-*
18 *lowing new subparagraph:*

19 “(D) *A summary of fines and penalties imposed*
20 *or assessed against the Department of Defense and the*
21 *military departments under Federal, State, or local*
22 *environmental laws during the fiscal year in which*
23 *the report is submitted and the four preceding fiscal*
24 *years, which summary shall include—*

1 “(i) a trend analysis of such fines and pen-
2 alties for military installations inside and out-
3 side the United States; and

4 “(ii) a list of such fines or penalties that ex-
5 ceeded \$500,000 and the provisions of law under
6 which such fines or penalties were imposed or as-
7 sessed.”;

8 (3) by redesignating subparagraph (F) as sub-
9 paragraph (E); and

10 (4) in subparagraph (E), as redesignated by
11 paragraph (3), by striking “and amounts for con-
12 ferences” and all that follows through “such activi-
13 ties”.

14 **SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS**
15 **IN CONNECTION WITH THE DEFENSE ENVI-**
16 **RONMENTAL RESTORATION PROGRAM.**

17 (a) *PAYMENT FOR ACTIVITIES AT FORMER DEFENSE*
18 *PROPERTY THAT IS SUBJECT TO COVENANT FOR ADDI-*
19 *TIONAL REMEDIAL ACTION.*—Subsection (d) of section 2701
20 *of title 10, United States Code, is amended—*

21 (1) *in paragraph (1)—*

22 (A) *by striking “paragraph (3)” and insert-*
23 *ing “paragraphs (3) and (4)”;*

1 (B) by inserting “any owner of covenant
2 property,” after “tribe,” the first place it ap-
3 pears; and

4 (C) by inserting “owner of covenant prop-
5 erty,” after “tribe,” the second place it appears;

6 (2) by redesignating paragraph (4) as para-
7 graph (5);

8 (3) by inserting after paragraph (3) the fol-
9 lowing new paragraph:

10 “(4) *PERFORMANCE OF SERVICES ON COVENANT*
11 *PROPERTY.—An owner of covenant property may not*
12 *be paid on a reimbursable or other basis for services*
13 *performed under an agreement under paragraph (1)*
14 *unless such services are performed on such covenant*
15 *property.”; and*

16 (4) in paragraph (5), as redesignated by para-
17 graph (2), by adding at the end the following new
18 subparagraph:

19 “(C) *The term ‘owner of covenant property’*
20 *means an owner of property subject to a cov-*
21 *enant provided by the United States in accord-*
22 *ance with section 120(h)(3)(A)(ii)(II) of*
23 *CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)(II)).”.*

24 (b) *APPLICABLE CLEANUP STANDARDS.—Paragraph*
25 *(3) of such subsection is further amended—*

1 (1) *by striking “An agreement” and inserting*
2 *“(A) An agreement”; and*

3 (2) *by inserting at the end the following new*
4 *subparagraph:*

5 *“(B) An agreement under paragraph (1) may*
6 *not change the cleanup standards applicable to the*
7 *site as established by law.”.*

8 (c) *SOURCE OF FUNDS FOR FORMER BASE CLOSURE*
9 *AND REALIGNMENT PROPERTY SUBJECT TO COVENANT FOR*
10 *ADDITIONAL REMEDIAL ACTION.—Section 2703 of such*
11 *title is amended—*

12 (1) *in subsection (g)(1), by striking “The sole*
13 *source” and inserting “Except as provided in sub-*
14 *section (h), the sole source”; and*

15 (2) *by adding at the end the following new sub-*
16 *section:*

17 *“(h) SOLE SOURCE OF FUNDS FOR CERTAIN ENVIRON-*
18 *MENTAL REMEDIATION AT BASE REALIGNMENT AND CLO-*
19 *SURE SITES.—In the case of property disposed of pursuant*
20 *to a base closure law and subject to a covenant described*
21 *in subsection (d)(5)(C) of section 2701 of this title, the sole*
22 *source of funds for services under subsection (d)(1) of such*
23 *section shall be the base closure account established under*
24 *the base closure law under which such property was dis-*
25 *posed of.”.*

1 **Subtitle C—Other Matters**

2 **SEC. 321. AIRCRAFT CARRIERS.**

3 (a) *FUNDING FOR REPAIR AND MAINTENANCE OF*
4 *U.S.S. JOHN F. KENNEDY.—Of the amounts authorized to*
5 *be appropriated for operation and maintenance for the*
6 *Navy by this Act and any other Act for fiscal year 2005*
7 *and 2006, \$288,000,000 shall be available only for repair*
8 *and maintenance to extend the life of U.S.S. John F. Ken-*
9 *nedy.*

10 (b) *LIMITATION ON REDUCTION IN NUMBER OF ACTIVE*
11 *AIRCRAFT CARRIERS.—*

12 (1) *LIMITATION.—The Secretary of the Navy*
13 *may not reduce the number of active aircraft carriers*
14 *of the Navy below 12 active aircraft carriers until the*
15 *later of the following:*

16 (A) *The date that is 180 days after the date*
17 *of the submittal to Congress of the quadrennial*
18 *defense review required in 2005 under section*
19 *118 of title 10, United States Code.*

20 (B) *The date on which the Secretary of De-*
21 *fense, in consultation with the Chairman of the*
22 *Joint Chiefs of Staff, certifies to the congres-*
23 *sional defense committees that such agreements*
24 *have been entered into to provide port facilities*
25 *for the permanent forward deployment of such*

1 *number of aircraft carriers as is necessary in the*
2 *Pacific Command Area of Responsibility to ful-*
3 *fill the roles and missions of that Command, in-*
4 *cluding agreements for the forward deployment*
5 *of a nuclear aircraft carrier after the retirement*
6 *of the current two conventional aircraft carriers.*

7 (2) *ACTIVE AIRCRAFT CARRIERS.*—*For purposes*
8 *of this subsection, an active aircraft carrier of the*
9 *Navy includes an aircraft carrier that is temporarily*
10 *unavailable for worldwide deployment due to routine*
11 *or scheduled maintenance.*

12 **SEC. 322. LIMITATION ON TRANSITION OF FUNDING FOR**
13 **EAST COAST SHIPYARDS FROM FUNDING**
14 **THROUGH NAVY WORKING CAPITAL FUND TO**
15 **DIRECT FUNDING.**

16 (a) *LIMITATION.*—*The Secretary of the Navy may not*
17 *convert funding for the shipyards of the Navy on the East-*
18 *ern Coast of the United States from funding through the*
19 *working capital fund of the Navy to funding on a direct*
20 *basis (also known as “mission funding”) until the later of—*

21 (1) *the date that is six months after the date on*
22 *which the Secretary submits to the congressional de-*
23 *fense committees the report required by subsection (b);*
24 *or*

25 (2) *October 1, 2006.*

1 **(b) REPORT ON DIRECT FUNDING FOR PUGET SOUND**
2 *NAVAL SHIPYARD.*—*The Secretary shall submit to the con-*
3 *gressional defense committees a report that contains the as-*
4 *essment of the Secretary on the effects on Puget Sound*
5 *Naval Shipyard, Washington, of the conversion of funding*
6 *for Puget Sound Naval Shipyard from funding through the*
7 *working capital fund of the Navy to funding on a direct*
8 *basis.*

9 **SEC. 323. USE OF FUNDS FROM NATIONAL DEFENSE SEA-**
10 **LIFT FUND TO EXERCISE PURCHASE OPTIONS**
11 **ON MARITIME PREPOSITIONING SHIP VES-**
12 **SELS.**

13 **(a) USE OF FUNDS.**—*Notwithstanding the provisions*
14 *of section 2218(f)(1) of title 10, United States Code, the Sec-*
15 *retary of Defense may obligate and expend any funds in*
16 *the National Defense Sealift Fund to exercise options to*
17 *purchase three Maritime Prepositioning Ship (MPS) vessels*
18 *under charter to the Navy as of the date of the enactment*
19 *of this Act, the contracts for which charters expire in 2009.*

20 **(b) NATIONAL DEFENSE SEALIFT FUND DEFINED.**—
21 *In this section, the term “National Defense Sealift Fund”*
22 *means the National Defense Sealift Fund established by sec-*
23 *tion 2218 of title 10, United States Code.*

1 **SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS**
2 **OVERSEAS.**

3 (a) *AUTHORITY TO USE FUNDS.—*

4 (1) *IN GENERAL.—Subchapter I of chapter 134*
5 *of title 10, United States Code, is amended by adding*
6 *at the end the following new section:*

7 **“§ 2249d. Use of appropriated funds for purchase and**
8 **destruction of weapons overseas**

9 “(a) *PURCHASE OF WEAPONS.—Amounts appro-*
10 *priated or otherwise available to the Department of Defense*
11 *for operation and maintenance may be used to purchase*
12 *weapons overseas from any person, foreign government,*
13 *international organization, or other entity for the purpose*
14 *of protecting United States forces engaged in military oper-*
15 *ations overseas.*

16 “(b) *DESTRUCTION OF WEAPONS.—Weapons pur-*
17 *chased under the authority in subsection (a) may be de-*
18 *stroyed.*

19 “(c) *NOTICE TO CONGRESS.—The Secretary of Defense*
20 *shall promptly notify the congressional defense committees*
21 *of any use of the authority in subsection (a) to purchase*
22 *weapons.”.*

23 (2) *CLERICAL AMENDMENT.—The table of sec-*
24 *tions at the beginning of such subchapter is amended*
25 *by adding at the end the following new item:*

“2249d. Use of appropriated funds for purchase and destruction of weapons overseas.”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect on October 1, 2005, and shall apply*
 3 *with respect to funds appropriated or otherwise made avail-*
 4 *able for fiscal years after fiscal year 2005.*

5 **SEC. 325. INCREASE IN MAXIMUM CONTRACT AMOUNT FOR**
 6 **PROCUREMENT OF SUPPLIES AND SERVICES**
 7 **FROM EXCHANGE STORES OUTSIDE THE**
 8 **UNITED STATES.**

9 Section 2424(b)(1) of title 10, United States Code, is
 10 amended by striking “\$50,000” and inserting “\$100,000”.

11 **SEC. 326. EXTENSION OF AUTHORITY TO PROVIDE LOGIS-**
 12 **TICS SUPPORT AND SERVICES FOR WEAPON**
 13 **SYSTEMS CONTRACTORS.**

14 Section 365(g)(1) of the Bob Stump National Defense
 15 Authorization Act for Fiscal Year 2003 (Public Law 107–
 16 314; 116 Stat. 2520; 10 U.S.C. 2302 note) is amended by
 17 striking “September 30, 2007” and inserting “September
 18 30, 2010”.

19 **SEC. 327. ARMY TRAINING STRATEGY.**

20 (a) *TRAINING STRATEGY.*—

21 (1) *STRATEGY REQUIRED.*—*The Secretary of the*
 22 *Army shall develop and implement a training strat-*
 23 *egy to ensure the readiness of brigade-based combat*
 24 *teams and functional supporting brigades.*

1 (2) *ELEMENTS.*—*The training strategy shall in-*
2 *clude the following:*

3 (A) *A statement of the purpose of training*
4 *for brigade-based combat teams and supporting*
5 *brigades.*

6 (B) *Performance goals for both active and*
7 *reserve brigade-based combat teams and sup-*
8 *porting brigades, including goals for live, vir-*
9 *tual, and constructive training for each compo-*
10 *nent and brigade type.*

11 (C) *Metrics to quantify performance against*
12 *the performance goals specified under subpara-*
13 *graph (B).*

14 (D) *A process to report the accomplishment*
15 *of collective training by which Army leadership*
16 *can monitor the training performance of bri-*
17 *gade-based combat teams and functional sup-*
18 *porting brigades.*

19 (E) *A model to quantify, and to forecast,*
20 *operation and maintenance funding required to*
21 *attain training goals.*

22 (b) *REPORT.*—

23 (1) *REPORT REQUIRED.*—*Not later than one*
24 *year after the date of the enactment of this Act, the*
25 *Secretary of the Army shall submit to the congres-*

1 *sional defense committees a report on the require-*
2 *ments to be fulfilled in order to implement the train-*
3 *ing strategy developed under subsection (a).*

4 (2) *ELEMENTS.—The report shall include the fol-*
5 *lowing:*

6 (A) *A discussion of the training strategy de-*
7 *veloped under subsection (a), including a de-*
8 *scription of performance goals and metrics devel-*
9 *oped under that subsection.*

10 (B) *A discussion and description of the*
11 *training range requirements necessary to imple-*
12 *ment the training strategy.*

13 (C) *A discussion and description of the*
14 *training aids, devices, simulations and simula-*
15 *tors necessary to implement the training strat-*
16 *egy.*

17 (D) *A list of the funding requirements,*
18 *itemized by fiscal year and specified in a format*
19 *consistent with the future-years defense program*
20 *to accompany the budget of the President for fis-*
21 *cal year 2007 under section 221 of title 10,*
22 *United States Code, necessary to fulfill the range*
23 *requirements described in subparagraph (B) and*
24 *to provide the training aids, devices, simula-*

1 *tions, and simulators described in subparagraphs*
 2 *(C).*

3 *(E) A schedule for the implementation of*
 4 *the training strategy.*

5 *(F) A discussion of the challenges that the*
 6 *Army anticipates in the implementation of the*
 7 *training strategy.*

8 *(c) COMPTROLLER GENERAL REVIEW OF IMPLEMEN-*
 9 *TATION.—*

10 *(1) IN GENERAL.—The Comptroller General of*
 11 *the United States shall monitor the implementation of*
 12 *the training strategy developed under subsection (a).*

13 *(2) REPORT.—Not later than 18 months after the*
 14 *date of the enactment of this Act, the Comptroller*
 15 *General shall submit to the congressional defense com-*
 16 *mittees a report containing the assessment of the*
 17 *Comptroller General of the current progress of the*
 18 *Army in implementing the training strategy.*

19 **SEC. 328. LIMITATION ON FINANCIAL MANAGEMENT IM-**
 20 **PROVEMENT AND AUDIT INITIATIVES WITHIN**
 21 **THE DEPARTMENT OF DEFENSE.**

22 *Amounts authorized to be appropriated to the Depart-*
 23 *ment of Defense for fiscal year 2006 may not be obligated*
 24 *or expended for the purposes of financial management im-*
 25 *provement activities relating to the preparation, processing,*

1 *or auditing of financial statements until the Secretary of*
2 *Defense prepares and submits to the congressional defense*
3 *committees the following:*

4 (1) *A comprehensive and integrated financial*
5 *management improvement plan that—*

6 (A) *describes specific actions to be taken to*
7 *correct financial management deficiencies that*
8 *impair the ability of the Department of Defense*
9 *to prepare timely, reliable, and complete finan-*
10 *cial management information; and*

11 (B) *systematically ties such actions to proc-*
12 *ess and control improvements and business sys-*
13 *tems modernization efforts described in the busi-*
14 *ness enterprise architecture and transition plan*
15 *required by section 2222 of title 10, United*
16 *States Code.*

17 (2) *A written determination that each of the fi-*
18 *nancial management improvement activities to be un-*
19 *dertaken are—*

20 (A) *consistent with the financial manage-*
21 *ment improvement plan submitted pursuant to*
22 *paragraph (1); and*

23 (B) *likely to improve internal controls or*
24 *otherwise result in sustained improvements in*
25 *the ability of the Department to produce timely,*

1 *reliable, and complete financial management in-*
2 *formation.*

3 **SEC. 329. STUDY ON USE OF ETHANOL FUEL.**

4 *(a) IN GENERAL.—The Secretary of Defense shall con-*
5 *duct a study on the use of ethanol fuel by the Armed Forces*
6 *and the Defense Agencies.*

7 *(b) ELEMENTS.—The study shall include—*

8 *(1) an evaluation of the historical utilization of*
9 *ethanol fuel by the Armed Forces and the Defense*
10 *Agencies, including the quantity of ethanol fuel ac-*
11 *quired by the Department of Defense for the Armed*
12 *Forces and the Defense Agencies during the 5-year pe-*
13 *riod ending on the date of the report under subsection*

14 *(c);*

15 *(2) a forecast of the requirements of the Armed*
16 *Forces and the Defense Agencies for ethanol fuel for*
17 *each of fiscal years 2007 through 2012;*

18 *(3) an assessment of the current and future com-*
19 *mercial availability of ethanol fuel, including facili-*
20 *ties for the production, storage, transportation, dis-*
21 *tribution, and commercial sale of such fuel;*

22 *(4) an assessment of the utilization by the De-*
23 *partment of the commercial infrastructure for ethanol*
24 *fuel as described in paragraph (3);*

1 (5) a review of the actions of the Department to
2 coordinate with State, local, and private entities to
3 support the expansion and use of alternative fuel re-
4 fueling stations that are accessible to the public; and

5 (6) an assessment of the fueling infrastructure on
6 military installations in the United States, including
7 storage and distribution facilities, that could be
8 adapted or converted to the delivery of ethanol fuel,
9 including—

10 (A) an assessment of cost of the adaptation
11 or conversion of such infrastructure to the deliv-
12 ery of ethanol fuel; and

13 (B) an assessment of the feasibility and ad-
14 visability of that adaptation or conversion.

15 (c) *REPORT.*—Not later than February 1, 2006, the
16 Secretary shall submit to the congressional defense commit-
17 tees a report on the study conducted under subsection (a).

18 (d) *ETHANOL FUEL DEFINED.*—In this section, the
19 term “ethanol fuel” means fuel that is 85 percent ethyl alco-
20 hol.

1 **SEC. 330. MODIFICATION OF AUTHORITY OF ARMY WORK-**
2 **ING-CAPITAL FUNDED FACILITIES TO EN-**
3 **GAGE IN COOPERATIVE ACTIVITIES WITH**
4 **NON-ARMY ENTITIES.**

5 (a) *APPLICABILITY OF SUNSET.*—Subsection (j) of sec-
6 tion 4544 of title 10, United States Code, is amended by
7 striking “September 30, 2009,” and all that follows through
8 the end and inserting September 30, 2009.”.

9 (b) *CREDITING OF PROCEEDS OF SALE OF ARTICLES*
10 *AND SERVICES.*—Such section is further amended—

11 (1) in subsection (d), by striking “subsection (e)”
12 and inserting “subsection (f)”;

13 (2) by redesignating subsections (e), (f), (g), (h),
14 and (i) as subsections (f), (g), (h), (i), and (j), respec-
15 tively;

16 (3) by inserting after subsection (d) the following
17 new subsection (e):

18 “(e) *PROCEEDS CREDITED TO WORKING CAPITAL*
19 *FUND.*—The proceeds of sale of an article or service pursu-
20 ant to a contract or other cooperative arrangement under
21 this section shall be credited to the working capital fund
22 that incurs the cost of manufacturing the article or per-
23 forming the service.”; and

24 (4) in subsection (g), as redesignated by para-
25 graph (2) of this subsection, by striking “subsection
26 (e)” and inserting “subsection (f)”.

1 **SEC. 331. SENSE OF THE SENATE REGARDING DEPOT MAIN-**
2 **TENANCE.**

3 (a) *FINDINGS.—The Senate finds that—*

4 (1) *the Depot Maintenance Strategy and Master*
5 *Plan of the Air Force reflects the essential require-*
6 *ments for the Air Force to maintain a ready and con-*
7 *trolled source of organic technical competence, thereby*
8 *ensuring an effective and timely response to national*
9 *defense contingencies and emergency requirements;*

10 (2) *since the publication of the Depot Mainte-*
11 *nance Strategy and Master Plan of the Air Force in*
12 *2002, the service has made great progress toward*
13 *modernizing all three of its Depots, in order to main-*
14 *tain their status as “world class” maintenance repair*
15 *and overhaul operations;*

16 (3) *one of the indispensable components of the*
17 *Depot Maintenance Strategy and Master Plan of the*
18 *Air Force is the commitment of the Air Force to allo-*
19 *cate \$150,000,000 a year over six years, beginning in*
20 *fiscal year 2004, for recapitalization and investment,*
21 *including the procurement of technologically advanced*
22 *facilities and equipment, of our Nation’s three Air*
23 *Force depots; and*

24 (4) *the funds expended to date have ensured that*
25 *transformation projects, such as the initial implemen-*
26 *tation of “Lean” and “Six Sigma” production tech-*

1 *niques, have achieved great success in reducing the*
2 *time necessary to perform depot maintenance on air-*
3 *craft.*

4 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
5 *ate that—*

6 *(1) the Air Force should be commended for the*
7 *implementation of its Depot Maintenance Strategy*
8 *and Master Plan and, in particular, meeting its com-*
9 *mitment to invest \$150,000,000 a year over 6 years,*
10 *since fiscal year 2004, in the Nation's 3 Air Force*
11 *Depots; and*

12 *(2) the Air Force should continue to fully fund*
13 *its commitment of \$150,000,000 a year through fiscal*
14 *year 2009 in investments and recapitalization*
15 *projects pursuant to the Depot Maintenance Strategy*
16 *and Master Plan.*

17 **SEC. 332. CHILD AND FAMILY ASSISTANCE BENEFITS FOR**
18 **MEMBERS OF THE ARMED FORCES.**

19 *(a) ADDITIONAL AMOUNT FOR OPERATION AND MAIN-*
20 *TENANCE, DEFENSE-WIDE.—The amount authorized to be*
21 *appropriated by section 301(5) for operation and mainte-*
22 *nance, Defense-wide activities, is hereby increased by*
23 *\$60,000,000.*

24 *(b) AVAILABILITY OF AMOUNT.—Of the amount au-*
25 *thorized to be appropriated by section 301(5) for operation*

1 *and maintenance, Defense-wide activities, as increased by*
2 *subsection (a), \$60,000,000 may be available as follows:*

3 (1) *\$50,000,000 for childcare services for families*
4 *of members of the Armed Forces.*

5 (2) *\$10,000,000 for family assistance centers that*
6 *primarily serve members of the Armed Forces and*
7 *their families.*

8 (c) *OFFSET.—Of the amounts authorized to be appro-*
9 *priated by section 301(1) for operation and maintenance,*
10 *Army are hereby reduced by \$60,000,000.*

11 **SEC. 333. REIMBURSEMENT FOR CERTAIN PROTECTIVE,**
12 **SAFETY, OR HEALTH EQUIPMENT PUR-**
13 **CHASED BY OR FOR MEMBERS OF THE ARMED**
14 **FORCES FOR DEPLOYMENT IN OPERATIONS**
15 **IN IRAQ AND CENTRAL ASIA.**

16 (a) *REIMBURSEMENT REQUIRED.—*

17 (1) *IN GENERAL.—Subject to subsections (d) and*
18 *(e), the Secretary of Defense shall reimburse a mem-*
19 *ber of the Armed Forces, or a person or entity referred*
20 *to in paragraph (2), for the cost (including shipping*
21 *cost) of any protective, safety, or health equipment*
22 *that was purchased by such member, or such person*
23 *or entity on behalf of such member, before or during*
24 *the deployment of such member in Operation Noble*
25 *Eagle, Operation Enduring Freedom, or Operation*

1 *Iraqi Freedom for the use of such member in connec-*
 2 *tion with such operation if the unit commander of*
 3 *such member certifies that such equipment was crit-*
 4 *ical to the protection, safety, or health of such mem-*
 5 *ber.*

6 (2) *COVERED PERSONS AND ENTITIES.*—*A per-*
 7 *son or entity referred to in this paragraph is a family*
 8 *member or relative of a member of the Armed Forces,*
 9 *a non-profit organization, or a community group.*

10 (3) *REGULATIONS NOT REQUIRED FOR REIM-*
 11 *BURSEMENT.*—*Reimbursements may be made under*
 12 *this subsection in advance of the promulgation by the*
 13 *Secretary of Defense of regulations, if any, relating to*
 14 *the administration of this section.*

15 (b) *PROTECTIVE EQUIPMENT REIMBURSEMENT*
 16 *FUND.*—

17 (1) *ESTABLISHMENT.*—*There is hereby estab-*
 18 *lished an account to be known as the “Protective*
 19 *Equipment Reimbursement Fund” (in this subsection*
 20 *referred to as the “Fund”).*

21 (2) *ELEMENTS.*—*The Fund shall consist of*
 22 *amounts deposited in the Fund from amounts avail-*
 23 *able for the Fund under subsection (g).*

24 (3) *AVAILABILITY.*—*Amounts in the Fund shall*
 25 *be available directly to the unit commanders of mem-*

1 *bers of the Armed Forces for the making of reimburse-*
2 *ments for protective, safety, and health equipment*
3 *under subsection (a).*

4 (4) *DOCUMENTATION.*—*Each person seeking re-*
5 *imbursement under subsection (a) for protective, safe-*
6 *ty, or health equipment purchased by or on behalf of*
7 *a member of the Armed Forces shall submit to the*
8 *unit commander of such member such documentation*
9 *as is necessary to establish each of the following:*

10 (A) *The nature of such equipment, includ-*
11 *ing whether or not such equipment qualifies as*
12 *protective, safety, or health equipment under*
13 *subsection (c).*

14 (B) *The cost of such equipment.*

15 (c) *COVERED PROTECTIVE, SAFETY, AND HEALTH*
16 *EQUIPMENT.*—*Protective, safety, and health equipment for*
17 *which reimbursement shall be made under subsection (a)*
18 *shall include personal body armor, collective armor or pro-*
19 *TECTIVE equipment (including armor or protective equipment*
20 *for high mobility multi-purpose wheeled vehicles), and items*
21 *provided through the Rapid Fielding Initiative of the*
22 *Army, or equivalent programs of the other Armed Forces,*
23 *such as the advanced (on-the-move) hydration system, the*
24 *advanced combat helmet, the close combat optics system, a*

1 *Global Positioning System (GPS) receiver, a gun scope, and*
2 *a soldier intercommunication device.*

3 (d) *LIMITATION REGARDING AMOUNT OF REIMBURSE-*
4 *MENT.—The amount of reimbursement provided under sub-*
5 *section (a) per item of protective, safety, and health equip-*
6 *ment purchased by or on behalf of any given member of*
7 *the Armed Forces may not exceed the lesser of—*

8 (1) *the cost of such equipment (including ship-*
9 *ping cost); or*

10 (2) *\$1,100.*

11 (e) *LIMITATION ON DATE OF PURCHASE.—Reimburse-*
12 *ment may be made under subsection (a) only for protective,*
13 *safety, and health equipment purchased before October 1,*
14 *2006.*

15 (f) *OWNERSHIP OF EQUIPMENT.—The Secretary shall*
16 *identify the circumstances, if any, under which the United*
17 *States shall assume title or ownership of protective, safety,*
18 *or health equipment for which reimbursement is provided*
19 *under subsection (a).*

20 (g) *FUNDING.—*

21 (1) *IN GENERAL.—Except as provided in para-*
22 *graph (2), amounts for reimbursements under sub-*
23 *section (a) shall be derived from any amounts author-*
24 *ized to be appropriated by this Act.*

1 (2) *EXCEPTION.*—Amounts authorized to be ap-
2 propriated by this Act and available for the procure-
3 ment of equipment for members of the Armed Forces
4 deployed, or to be deployed, to Iraq or Afghanistan
5 may not be utilized for reimbursements under sub-
6 section (a).

7 (h) *REPEAL OF SUPERSEDED AUTHORITY.*—Section
8 351 of the Ronald W. Reagan National Defense Authoriza-
9 tion Act for Fiscal Year 2005 (Public Law 108–375; 118.
10 Stat. 1857) is repealed.

11 **SEC. 334. WELFARE OF SPECIAL CATEGORY RESIDENTS AT**
12 **NAVAL STATION GUANTANAMO BAY, CUBA.**

13 (a) *IN GENERAL.*—The Secretary of the Navy may
14 provide for the general welfare, including subsistence, hous-
15 ing, and health care, of any person at Naval Station Guan-
16 tanamo Bay, Cuba, who is designated by the Secretary, not
17 later than 90 days after the date of the enactment of this
18 Act, as a so-called “special category resident”.

19 (b) *PROHIBITION ON CONSTRUCTION OF FACILITIES.*—
20 The authorization in subsection (a) shall not be construed
21 as an authorization for the construction of new housing fa-
22 cilities or medical treatment facilities.

23 (c) *CONSTRUCTION OF PRIOR USE OF FUNDS.*—The
24 provisions of chapter 13 of title 31, United States Code,
25 are hereby deemed not to have applied to the obligation or

1 *expenditure of funds before the date of the enactment of this*
2 *Act for the general welfare of persons described in subsection*
3 *(a).*

4 **SEC. 335. POINT OF MAINTENANCE/ARSENAL/DEPOT AIT**
5 **INITIATIVE.**

6 *(a) ADDITIONAL AMOUNT FOR OPERATION AND MAIN-*
7 *TENANCE, ARMY.—The amount authorized to be appro-*
8 *priated by section 301(1) for operation and maintenance*
9 *for the Army is hereby increased by \$10,000,000.*

10 *(b) AVAILABILITY OF AMOUNT.—Of the amount au-*
11 *thorized to be appropriated by section 301(1) for operation*
12 *and maintenance for the Army, as increased by subsection*
13 *(a), \$16,000,000 may be available for the Point of Mainte-*
14 *nance/Arsenal/Depot AIT (AD–AIT) Initiative.*

15 *(c) OFFSET.—The amount authorized to be appro-*
16 *priated by section 301(4) is hereby reduced by \$10,000,000*
17 *to be derived from amounts authorized to be appropriated*
18 *by that section for the Air Force.*

19 **SEC. 336. LONG ARM HIGH-INTENSITY ARC METAL HALIDE**
20 **HANDHELD SEARCHLIGHT.**

21 *(a) ADDITIONAL AMOUNT FOR OPERATION AND MAIN-*
22 *TENANCE, ARMY.—The amount authorized to be appro-*
23 *priated by section 301(1) for operation and maintenance*
24 *for the Army is hereby increased by \$4,500,000.*

1 (b) *AVAILABILITY OF AMOUNT.*—Of the amount au-
2 *thorized to be appropriated by section 301(1) for operation*
3 *and maintenance for the Army, as increased by subsection*
4 *(a), \$4,500,000 may be available for the Long Arm High-*
5 *Intensity Arc Metal Halide Handheld Searchlight.*

6 (c) *OFFSET.*—The amount authorized to be appro-
7 *priated by section 301(4) is hereby reduced by \$4,500,000,*
8 *with the amount of the reduction to be derived from*
9 *amounts authorized to be appropriated by that section for*
10 *the Air Force.*

11 **SEC. 337. REPORT ON AIRCRAFT TO PERFORM HIGH-ALTI-**
12 **TUDE AVIATION TRAINING SITE.**

13 *Not later than December 15, 2005, the Secretary of the*
14 *Army shall submit to the congressional defense committee*
15 *a report containing the following:*

16 (1) *An evaluation of the type of aircraft avail-*
17 *able in the inventory of the Army that is most suit-*
18 *able to perform the High-Altitude Aviation Training*
19 *Site (HAATS) mission.*

20 (2) *A determination of when such aircraft may*
21 *be available for assignment to the HAATS.*

1 **SEC. 338. DEPARTMENT OF DEFENSE SUPPORT FOR CER-**
2 **TAIN PARALYMPIC SPORTING EVENTS.**

3 (a) *PROVISION OF SUPPORT.*—Subsection (c) of section
4 2564 of title 10, United States Code, is amended by adding
5 at the end the following new paragraphs:

6 “(4) A sporting event sanctioned by the United
7 States Olympic Committee through the Paralympic
8 Military Program.

9 “(5) A national or international Paralympic
10 sporting event (other than one covered by paragraph
11 (3) or (4))—

12 “(A) which is—

13 “(i) held in the United States or any
14 of its territories or commonwealths;

15 “(ii) governed by the International
16 Paralympic Committee; and

17 “(iii) sanctioned by the United States
18 Olympic Committee; and

19 “(B) for which participation exceeds 100
20 amateur athletes.”.

21 (b) *FUNDING AND LIMITATIONS.*—Such section is fur-
22 ther amended—

23 (1) by redesignating subsections (d), (e), and (f)
24 as subsections (e), (f), and (g), respectively; and

25 (2) by inserting after subsection (c) the following
26 new subsection:

1 “(d) *FUNDING FOR SUPPORT OF CERTAIN EVENTS.*—
 2 (1) *Funds to provide support for a sporting event described*
 3 *in paragraph (4) or (5) of subsection (c) shall be derived*
 4 *from the Support for International Sporting Competitions,*
 5 *Defense account established by section 5802 of Public Law*
 6 *104–208 (110 Stat. 3009–522), notwithstanding any limi-*
 7 *tation in such section relating to the availability of funds*
 8 *in such account for support of international sporting com-*
 9 *petitions.*

10 “(2) *The total amount that may be expended in any*
 11 *fiscal year to provide support for a sporting event described*
 12 *in paragraph (5) of subsection (c) may not exceed*
 13 *\$1,000,000.*”.

14 **SEC. 339. SUPERVISION AND MANAGEMENT OF DEFENSE**
 15 **BUSINESS TRANSFORMATION AGENCY.**

16 *Section 192 of title 10, United States Code, is amended*
 17 *by adding at the end the following new subsection:*

18 “(e) *SPECIAL RULE FOR DEFENSE BUSINESS TRANS-*
 19 *FORMATION AGENCY.*—(1) *The Defense Business Trans-*
 20 *formation Agency shall be supervised by the vice chairman*
 21 *of the Defense Business System Management Committee.*

22 “(2) *Notwithstanding the results of any periodic re-*
 23 *view under subsection (c) with regard to the Defense Busi-*
 24 *ness Transformation Agency, the Secretary of Defense shall*
 25 *designate that the Agency be managed cooperatively by the*

1 *Deputy Under Secretary of Defense for Business Trans-*
 2 *formation and the Deputy Under Secretary of Defense for*
 3 *Financial Management.”.*

4 **SEC. 340. ARMAMENT RETOOLING AND MANUFACTURING**
 5 **SUPPORT INITIATIVE MATTERS.**

6 (a) *INCLUSION OF ADDITIONAL FACILITIES WITHIN*
 7 *INITIATIVE.*—Section 4551(2) of title 10, United States
 8 Code, is amended by inserting “, or a Government-owned,
 9 contractor-operated depot for the storage, maintenance, ren-
 10 ovation, or demilitarization of ammunition,” after “manu-
 11 facturing facility”.

12 (b) *ADDITIONAL CONSIDERATION FOR USE OF FACILI-*
 13 *TIES.*—Section 4554(b)(2) of such title is amended by add-
 14 ing at the end the following new subparagraph:

15 “(D) *The demilitarization and storage of conven-*
 16 *tional ammunition.”.*

17 **SEC. 341. GRANTS FOR LOCAL WORKFORCE INVESTMENT**
 18 **BOARDS FOR SERVICES FOR CERTAIN**
 19 **SPOUSES OF MEMBERS OF THE ARMED**
 20 **FORCES.**

21 (a) *GRANTS AUTHORIZED.*—The Secretary of Defense
 22 may, from any funds authorized to be appropriated to the
 23 Department of Defense, and in consultation with the De-
 24 partment of Labor, make grants to local workforce invest-
 25 ments boards established under section 117 of the Workforce

1 *Investment Act of 1998 (29 U.S.C. 2832), or consortia of*
2 *such boards, in order to permit such boards or consortia*
3 *of boards to provide services to spouses of members of the*
4 *Armed Forces described in subsection (b).*

5 (b) *COVERED SPOUSES.*—*Spouses of members of the*
6 *Armed Forces described in this subsection are spouses of*
7 *members of the Armed Forces on active duty, which*
8 *spouses—*

9 (1) *have experienced a loss of employment as a*
10 *direct result of relocation of such members to accom-*
11 *modate a permanent change in duty station; or*

12 (2) *are in a family whose income is significantly*
13 *reduced due to—*

14 (A) *the deployment of such members;*

15 (B) *the call or order of such members to ac-*
16 *tive duty in support of a contingency operation*
17 *pursuant to a provision of law referred to in sec-*
18 *tion 101(a)(13)(B) of title 10, United States*
19 *Code;*

20 (C) *a permanent change in duty station of*
21 *such members; or*

22 (D) *the incurral by such members of a serv-*
23 *ice-connected disability (as that term is defined*
24 *in section 101(16) of title 38, United States*
25 *Code).*

1 (c) *REGULATIONS.*—Any grants made under this sec-
2 tion shall be made pursuant to regulations prescribed by
3 the Secretary in consultation with the Department of
4 Labor. Such regulation shall set forth—

5 (1) *criteria for eligibility of workforce investment*
6 *boards for grants under this section;*

7 (2) *requirements for applications for such*
8 *grants; and*

9 (3) *the nature of services to be provided using*
10 *such grants.*

11 **SEC. 342. REST AND RECUPERATION LEAVE PROGRAMS.**

12 (a) *AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF*
13 *EXPENSES.*—Of the amount authorized to be appropriated
14 by section 301(5) for operation and maintenance for De-
15 fense-wide activities, \$7,000,000 may be available for the
16 reimbursement of expenses of the Armed Forces Recreation
17 Centers related to the utilization of the facilities of the
18 Armed Forces Recreation Centers under official Rest and
19 Recuperation Leave Programs authorized by the military
20 departments or combatant commanders.

21 (b) *UTILIZATION OF REIMBURSEMENTS.*—Amounts re-
22 ceived by the Armed Forces Recreation Centers under sub-
23 section (a) as reimbursement for expenses may be utilized
24 by such Centers for facility maintenance and repair, utility

1 *expenses, correction of health and safety deficiencies, and*
 2 *routine ground maintenance.*

3 (c) *REGULATIONS.—The utilization of facilities of the*
 4 *Armed Forces Recreation Centers under Rest and Recuper-*
 5 *ation Leave Programs, and reimbursement for expenses re-*
 6 *lated to such utilization of such facilities, shall be subject*
 7 *to regulations prescribed by the Secretary of Defense.*

8 **SEC. 343. IMPROVEMENT OF AUTHORITIES ON GENERAL**
 9 **GIFT FUNDS OF THE DEPARTMENT OF DE-**
 10 **FENSE.**

11 (a) *RESTATEMENT AND EXPANSION OF CURRENT AU-*
 12 *THORITY.—Subsection (a) of section 2601 of title 10, United*
 13 *States Code, is amended to read as follows:*

14 “(a)(1) *Subject to subsection (b), the Secretary con-*
 15 *cerned may accept, hold, administer, and spend any gift,*
 16 *devise, or bequest of real or personal property made on the*
 17 *condition that it be used for the benefit, or in connection*
 18 *with, the establishment, operation, or maintenance of a*
 19 *school, hospital, library, museum, cemetery, or other insti-*
 20 *tution or organization under the jurisdiction of such Sec-*
 21 *retary.*

22 “(2)(A) *Subject to subsection (b), the Secretary con-*
 23 *cerned may accept, hold, administer, and spend any gift,*
 24 *devise, or bequest of real or personal property made on the*
 25 *condition that it be used for the benefit of members of the*

1 *armed forces or civilian employees of United States Govern-*
2 *ment, or the dependents or survivors of such members or*
3 *employees, who are wounded or killed while serving in Op-*
4 *eration Iraqi Freedom, Operation Enduring Freedom, or*
5 *any other military operation or activity, or geographic*
6 *area, designated by the Secretary of Defense for purposes*
7 *of this section.*

8 “(B) *The Secretary of Defense shall prescribe regula-*
9 *tions specifying the conditions that may be attached to a*
10 *gift, devise, or bequest accepted under this paragraph.*

11 “(C) *The authority to accept gifts, devises, or bequests*
12 *under this paragraph shall expire on December 31, 2007.*

13 “(3) *The Secretary concerned may pay all necessary*
14 *expenses in connection with the conveyance or transfer of*
15 *a gift, devise, or bequest made under this subsection.”.*

16 **(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROP-**
17 **ERTY.—Such section is further amended—**

18 (1) *by redesignating subsections (b), (c) and (d)*
19 *as subsections (c), (d), and (e), respectively; and*

20 (2) *by inserting after subsection (a) the following*
21 *new subsection (b):*

22 “(b)(1) *Except as provided in paragraph (2), property*
23 *accepted under subsection (a) may be used by the Secretary*
24 *concerned without further specific authorization in law.*

1 “(2) *Property accepted under subsection (a) may not*
2 *be used—*

3 “(A) *if the use of such property in connection*
4 *with any program, project, or activity would result in*
5 *the violation of any prohibition or limitation other-*
6 *wise applicable to such program, project, or activity;*

7 “(B) *if the conditions attached to such property*
8 *are inconsistent with applicable law or regulations;*

9 “(C) *if the use of such property would reflect un-*
10 *favorably on ability of the Department of Defense,*
11 *any employee of the Department, or any member of*
12 *the armed forces to carry out any responsibility or*
13 *duty of the Department in a fair and objective man-*
14 *ner; or*

15 “(D) *if the use of such property would com-*
16 *promise the integrity or appearance of integrity of*
17 *any program of the Department of Defense, or any*
18 *individual involved in such a program.”.*

19 (c) *CONFORMING AMENDMENT.—Subsection (c) of such*
20 *section, as redesignated by subsection (b)(1) of this section,*
21 *is further amended in the flush matter following paragraph*
22 *(4) by striking “benefit or use of the designated institution*
23 *or organization” and inserting “purposes specified in sub-*
24 *section (a)”.*

1 (d) *GAO AUDITS.*—Such section is further amended
2 by adding at the end the following new subsection:

3 “(f) *The Comptroller General of the United States shall*
4 *make periodic audits of real or personal property accepted*
5 *under subsection (a) at such intervals as the Comptroller*
6 *General determines to be warranted. The Comptroller Gen-*
7 *eral shall submit to Congress a report on the results of each*
8 *such audit.*”.

9 **SEC. 344. COMMEMORATION OF SUCCESS OF THE ARMED**
10 **FORCES IN OPERATION ENDURING FREEDOM**
11 **AND OPERATION IRAQI FREEDOM.**

12 (a) *FINDING.*—Congress finds that it is both right and
13 appropriate that, upon their return from Operation Endur-
14 ing Freedom in Afghanistan and Operation Iraqi Freedom
15 in Iraq, all soldiers, sailors, marines, and airmen in the
16 Armed Forces who served in those operations be honored
17 and recognized for their achievements, with appropriate
18 ceremonies, activities, and awards commemorating their
19 sacrifice and service to the United States and the cause of
20 freedom in the Global War on Terrorism.

21 (b) *CELEBRATION HONORING MILITARY EFFORTS IN*
22 *OPERATION ENDURING FREEDOM AND OPERATION IRAQI*
23 *FREEDOM.*—The President may, at the sole discretion of the
24 President—

1 (1) *designate a day of celebration to honor the*
2 *soldiers, sailors, marines, and airmen of the Armed*
3 *Forces who have served in Operation Enduring Free-*
4 *dom or Operation Iraqi Freedom and have returned*
5 *to the United States; and*

6 (2) *issue a proclamation calling on the people of*
7 *the United States to observe that day with appro-*
8 *priate ceremonies and activities.*

9 (c) *PARTICIPATION OF ARMED FORCES IN CELEBRA-*
10 *TION.—*

11 (1) *PARTICIPATION AUTHORIZED.—Members and*
12 *units of the Armed Forces may participate in activi-*
13 *ties associated with the day of celebration designated*
14 *under subsection (b) that are held in Washington,*
15 *District of Columbia.*

16 (2) *AVAILABILITY OF FUNDS.—Subject to para-*
17 *graph (4), amounts authorized to be appropriated for*
18 *the Department of Defense may be used to cover costs*
19 *associated with the participation of members and*
20 *units of the Armed Forces in the activities described*
21 *in paragraph (1).*

22 (3) *ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—*
23 *(A) Notwithstanding any other provision of law, the*
24 *Secretary of Defense may accept cash contributions*
25 *from private individuals and entities for the purposes*

1 of covering the costs of the participation of members
2 and units of the Armed Forces in the activities de-
3 scribed in paragraph (1). Amounts so accepted shall
4 be deposited in an account established for purposes of
5 this paragraph.

6 (B) Amounts accepted under subparagraph (A)
7 may be used for the purposes described in that sub-
8 paragraph until expended.

9 (4) LIMITATION.—The total amount of funds de-
10 scribed in paragraph (2) that are available for the
11 purpose set forth in that paragraph may not exceed
12 the amount equal to—

13 (A) \$20,000,000, minus

14 (B) the amount of any cash contributions
15 accepted by the Secretary under paragraph (3).

16 (d) AWARD OF RECOGNITION ITEMS.—

17 (1) AUTHORITY TO AWARD.—Under regulations
18 prescribed by the Secretary of Defense, appropriate
19 recognition items may be awarded to any individual
20 who served honorably as a member of the Armed
21 Forces in Operation Enduring Freedom or Operation
22 Iraqi Freedom during the Global War on Terrorism.
23 The purpose of the award of such items is to recognize
24 the contribution of such individuals to the success of
25 the United States in those operations.

1 (2) *RECOGNITION ITEMS DEFINED.*—*In this sub-*
2 *section, the term “recognition items” means recogni-*
3 *tion items authorized for presentation under section*
4 *2261 of title 10, United States Code (as amended by*
5 *section 593(a) of this Act).*

6 **SEC. 345. INCLUSION OF PACKET BASED TELEPHONY IN DE-**
7 **PARTMENT OF DEFENSE TELECOMMUNI-**
8 **CATIONS BENEFIT.**

9 (a) *INCLUSION IN BENEFIT.*—*Subsection (a) of section*
10 *344 of the National Defense Authorization Act for Fiscal*
11 *Year 2004 (Public Law 108–136; 117 Stat. 1448) is amend-*
12 *ed by inserting “packet based telephony service,” after “pre-*
13 *paid phone cards,”.*

14 (b) *INCLUSION OF INTERNET TELEPHONY IN DEPLOY-*
15 *MENT OF ADDITIONAL TELEPHONE EQUIPMENT.*—*Sub-*
16 *section (e) of such section is amended—*

17 (1) *by inserting “or Internet service” after “ad-*
18 *ditional telephones”;*

19 (2) *by inserting “or packet based telephony”*
20 *after “to facilitate telephone”; and*

21 (3) *by inserting “or Internet access” after “in-*
22 *stallation of telephones”.*

23 (c) *CONFORMING AMENDMENTS.*—*Such section is fur-*
24 *ther amended—*

1 (1) *in the subsection caption of subsection (a), by*
2 *striking “PREPAID PHONE CARDS” and inserting*
3 *“BENEFIT”; and*

4 (2) *in the subsection caption of subsection (e), by*
5 *inserting “OR INTERNET ACCESS” after “TELEPHONE*
6 *EQUIPMENT”.*

7 **SEC. 346. REPORT ON EFFECTS OF WINDMILL FARMS ON**
8 **MILITARY READINESS.**

9 (a) *FINDING.*—*Congress finds that the Ministry of*
10 *Defence of the United Kingdom has determined, as a result*
11 *of a recently conducted study of the effect of windmill farms*
12 *on military readiness, not to permit construction of wind-*
13 *mill farms within 30 kilometers of military radar installa-*
14 *tions.*

15 (b) *REPORT REQUIRED.*—*Not later than 180 days*
16 *after the date of the enactment of this Act, the Secretary*
17 *of Defense shall submit to the Committees on Armed Serv-*
18 *ices of the Senate and the House of Representatives a report*
19 *on the effects of windmill farms on military readiness, in-*
20 *cluding an assessment of the effects on the operations of*
21 *military radar installations of the proximity of windmill*
22 *farms to such installations and of technologies that could*
23 *mitigate any adverse effects on military operations identi-*
24 *fied.*

1 **TITLE IV—MILITARY PERSONNEL**
2 **AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 *The Armed Forces are authorized strengths for active*
6 *duty personnel as of September 30, 2006, as follows:*

7 (1) *The Army, 522,400.*

8 (2) *The Navy, 352,700.*

9 (3) *The Marine Corps, 178,000.*

10 (4) *The Air Force, 357,400.*

11 **SEC. 402. REVISION OF PERMANENT ACTIVE DUTY END**
12 **STRENGTH MINIMUM LEVELS.**

13 (a) *REVISION.*—Section 691(b) of title 10, United
14 States Code, is amended by striking paragraphs (1) through
15 (4) and inserting the following:

16 “(1) *For the Army, 522,400.*

17 “(2) *For the Navy, 352,700.*

18 “(3) *For the Marine Corps, 178,000.*

19 “(4) *For the Air Force, 357,400.*”.

20 (b) *EFFECTIVE DATE.*—The amendment made by sub-
21 section (a) shall take effect on October 1, 2005, and shall
22 apply with respect to fiscal years beginning on or after that
23 date.

1 ***Subtitle B—Reserve Forces***

2 ***SEC. 411. END STRENGTHS FOR SELECTED RESERVE.***

3 (a) *IN GENERAL.*—*The Armed Forces are authorized*
4 *strengths for Selected Reserve personnel of the reserve com-*
5 *ponents as of September 30, 2006, as follows:*

6 (1) *The Army National Guard of the United*
7 *States, 350,000.*

8 (2) *The Army Reserve, 205,000.*

9 (3) *The Naval Reserve, 73,100.*

10 (4) *The Marine Corps Reserve, 39,600.*

11 (5) *The Air National Guard of the United*
12 *States, 106,800.*

13 (6) *The Air Force Reserve, 74,000.*

14 (7) *The Coast Guard Reserve, 10,000.*

15 (b) *ADJUSTMENTS.*—*The end strengths prescribed by*
16 *subsection (a) for the Selected Reserve of any reserve compo-*
17 *nent shall be proportionately reduced by—*

18 (1) *the total authorized strength of units orga-*
19 *nized to serve as units of the Selected Reserve of such*
20 *component which are on active duty (other than for*
21 *training) at the end of the fiscal year; and*

22 (2) *the total number of individual members not*
23 *in units organized to serve as units of the Selected*
24 *Reserve of such component who are on active duty*
25 *(other than for training or for unsatisfactory partici-*

1 *pation in training) without their consent at the end*
2 *of the fiscal year.*

3 *Whenever such units or such individual members are re-*
4 *leased from active duty during any fiscal year, the end*
5 *strength prescribed for such fiscal year for the Selected Re-*
6 *serve of such reserve component shall be proportionately in-*
7 *creased by the total authorized strengths of such units and*
8 *by the total number of such individual members.*

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 *Within the end strengths prescribed in section 411(a),*
12 *the reserve components of the Armed Forces are authorized,*
13 *as of September 30, 2006, the following number of Reserves*
14 *to be serving on full-time active duty or full-time duty, in*
15 *the case of members of the National Guard, for the purpose*
16 *of organizing, administering, recruiting, instructing, or*
17 *training the reserve components:*

18 *(1) The Army National Guard of the United*
19 *States, 27,396.*

20 *(2) The Army Reserve, 15,270.*

21 *(3) The Naval Reserve, 13,392.*

22 *(4) The Marine Corps Reserve, 2,261.*

23 *(5) The Air National Guard of the United*
24 *States, 13,123.*

25 *(6) The Air Force Reserve, 2,290.*

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
2 **(DUAL STATUS).**

3 *The minimum number of military technicians (dual*
4 *status) as of the last day of fiscal year 2006 for the reserve*
5 *components of the Army and the Air Force (notwith-*
6 *standing section 129 of title 10, United States Code) shall*
7 *be the following:*

8 (1) *For the Army Reserve, 7,649.*

9 (2) *For the Army National Guard of the United*
10 *States, 25,563.*

11 (3) *For the Air Force Reserve, 9,852*

12 (4) *For the Air National Guard of the United*
13 *States, 22,971.*

14 **SEC. 414. FISCAL YEAR 2006 LIMITATIONS ON NON-DUAL**
15 **STATUS TECHNICIANS.**

16 (a) *LIMITATIONS.—(1) Within the limitation provided*
17 *in section 10217(c)(2) of title 10, United States Code, the*
18 *number of non-dual status technicians employed by the Na-*
19 *tional Guard as of September 30, 2006, may not exceed the*
20 *following:*

21 (A) *For the Army National Guard of the United*
22 *States, 1,600.*

23 (B) *For the Air National Guard of the United*
24 *States, 350.*

1 (2) *The number of non-dual status technicians em-*
2 *ployed by the Army Reserve as of September 30, 2006, may*
3 *not exceed 695.*

4 (3) *The number of non-dual status technicians em-*
5 *ployed by the Air Force Reserve as of September 30, 2006,*
6 *may not exceed 90.*

7 (b) *NON-DUAL STATUS TECHNICIANS DEFINED.—In*
8 *this section, the term “non-dual status technician” has the*
9 *meaning given the term in section 10217(a) of title 10,*
10 *United States Code.*

11 ***Subtitle C—Authorizations of***
12 ***Appropriations***

13 ***SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-***
14 ***TARY PERSONNEL.***

15 *There is hereby authorized to be appropriated to the*
16 *Department of Defense for military personnel for fiscal year*
17 *2006 a total of \$109,179,601,000. The authorization in the*
18 *preceding sentence supersedes any other authorization of*
19 *appropriations (definite or indefinite) for such purpose for*
20 *fiscal year 2006.*

21 ***SEC. 422. ARMED FORCES RETIREMENT HOME.***

22 *There is hereby authorized to be appropriated for fiscal*
23 *year 2006 from the Armed Forces Retirement Home Trust*
24 *Fund the sum of \$58,281,000 for the operation of the Armed*
25 *Forces Retirement Home.*

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**

3 **Subtitle A—Officer Personnel Policy**

4 **SEC. 501. EXCLUSION OF GENERAL AND FLAG OFFICERS ON**
5 **LEAVE PENDING SEPARATION OR RETIRE-**
6 **MENT FROM COMPUTATION OF ACTIVE DUTY**
7 **OFFICERS FOR GENERAL AND FLAG OFFICER**
8 **DISTRIBUTION AND STRENGTH LIMITATIONS.**

9 (a) *DISTRIBUTION LIMITATIONS.*—Section 525 of title
10 10, United States Code, is amended by adding at the end
11 the following new subsection:

12 “(e) *In determining the total number of general officers*
13 *or flag officers of an armed force on active duty for purposes*
14 *of this section, an officer of that armed force in the grade*
15 *of brigadier general or above, or an officer in the grade of*
16 *rear admiral (lower half) or above in the Navy, who is on*
17 *leave pending the separation, retirement, or release of such*
18 *officer from active duty shall not be counted, but only dur-*
19 *ing the 60-day period beginning on the date of the com-*
20 *mencement of leave of such officer.”.*

21 (b) *ACTIVE DUTY STRENGTH LIMITATIONS.*—

22 (1) *IN GENERAL.*—Section 526 of such title is
23 amended by adding at the end the following new sub-
24 section:

1 “(e) *EXCLUSION OF CERTAIN OFFICERS ON LEAVE*
 2 *PENDING SEPARATION OR RETIREMENT.*—*The limitations*
 3 *of this section do not apply to general or flag officers on*
 4 *leave pending separation, retirement, or release from active*
 5 *duty as described in section 525(e) of this title.*”

6 (2) *CONFORMING AMENDMENT.*—*The heading of*
 7 *subsection (d) of such section is amended by striking*
 8 *“CERTAIN OFFICERS” and inserting “CERTAIN RE-*
 9 *SERVE OFFICERS ON ACTIVE DUTY”.*

10 **SEC. 502. EXPANSION OF JOINT DUTY ASSIGNMENTS FOR**
 11 **RESERVE COMPONENT GENERAL AND FLAG**
 12 **OFFICERS.**

13 (a) *INCREASE IN AUTHORIZED NUMBER.*—*Section*
 14 *526(b)(2)(A) of title 10, United States Code, is amended*
 15 *by striking “10” and inserting “11”.*

16 (b) *ASSIGNMENT TO JOINT STAFF.*—*Such section is*
 17 *further amended by inserting “, and on the Joint Staff,”*
 18 *after “commands”.*

19 **SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELEC-**
 20 **TION BOARDS OF CORRESPONDENCE FROM**
 21 **ELIGIBLE OFFICERS.**

22 (a) *OFFICERS ON ACTIVE DUTY LIST.*—*Section 614(b)*
 23 *of title 10, United States Code, is amended by inserting*
 24 *“the date before” after “not later than”.*

1 (b) *OFFICERS ON RESERVE ACTIVE-STATUS LIST.*—
 2 Section 14106 of such title is amended by inserting “the
 3 date before” after “not later than”.

4 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 5 *section shall take effect on March 1, 2006, and shall apply*
 6 *with respect to selection boards convened on or after that*
 7 *date.*

8 **SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS**
 9 **OF ADVERSE INFORMATION ON OFFICERS EL-**
 10 **IGIBLE FOR PROMOTION TO CERTAIN SENIOR**
 11 **GRADES.**

12 (a) *OFFICERS ON ACTIVE-DUTY LIST.*—

13 (1) *IN GENERAL.*—*Section 615(a) of title 10,*
 14 *United States Code, is amended—*

15 (A) *by redesignating paragraphs (3), (4),*
 16 *(5), and (6) as paragraphs (4), (5), (6), and (7),*
 17 *respectively; and*

18 (B) *by inserting after paragraph (2) the fol-*
 19 *lowing new paragraph (3):*

20 “(3) *In the case of an eligible officer considered for*
 21 *promotion to the grade of lieutenant colonel, or commander*
 22 *in the case of the Navy, or above, any information of an*
 23 *adverse nature, including any substantiated adverse finding*
 24 *or conclusion from an officially documented investigation*
 25 *or inquiry, shall be furnished to the selection board in ac-*

1 *cordance with standards and procedures set out in the regu-*
2 *lations prescribed by the Secretary of Defense pursuant to*
3 *paragraph (1).”.*

4 (2) *CONFORMING AMENDMENTS.*—*Such section is*
5 *further amended—*

6 (A) *in paragraph (4), as redesignated by*
7 *paragraph (1)(A) of this subsection, by striking*
8 *“paragraph (2)” and inserting “paragraphs (2)*
9 *and (3)”;*

10 (B) *in paragraph (5), as so redesignated, by*
11 *striking “and (3)” and inserting “, (3), and*
12 *(4)”;*

13 (C) *in paragraph (6), as so redesignated—*

14 (i) *in the matter preceding subpara-*
15 *graph (A), by inserting “, or in paragraph*
16 *(3),” after “paragraph (2)”;* and

17 (ii) *in subparagraph (B), by inserting*
18 *“or (3), as applicable” after “paragraph*
19 *(2)”;* and

20 (D) *in subparagraph (A) of paragraph (7),*
21 *as so redesignated, by inserting “or (3)” after*
22 *“paragraph (2)(B)”.*

23 (b) *RESERVE OFFICERS.*—

24 (1) *IN GENERAL.*—*Section 14107(a) of title 10,*
25 *United States Code, is amended—*

1 (A) by redesignating paragraphs (3), (4),
2 (5), and (6) as paragraphs (4), (5), (6), and (7),
3 respectively; and

4 (B) by inserting after paragraph (2) the fol-
5 lowing new paragraph (3):

6 “(3) In the case of an eligible officer considered for
7 promotion to the grade of lieutenant colonel, or commander
8 in the case of the Navy, or above, any information of an
9 adverse nature, including any substantiated adverse finding
10 or conclusion from an officially documented investigation
11 or inquiry, shall be furnished to the selection board in ac-
12 cordance with standards and procedures set out in the regu-
13 lations prescribed by the Secretary of Defense pursuant to
14 paragraph (1).”.

15 (2) *CONFORMING AMENDMENTS.*—Such section is
16 further amended—

17 (A) in paragraph (4), as redesignated by
18 paragraph (1)(A) of this subsection, by striking
19 “paragraph (2)” and inserting “paragraphs (2)
20 and (3)”;

21 (B) in paragraph (5), as so redesignated, by
22 striking “and (3)” and inserting “, (3), and
23 (4)”;

24 (C) in paragraph (6), as so redesignated—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, or in paragraph
3 (3),” after “paragraph (2)”; and

4 (ii) in subparagraph (B), by inserting
5 “or (3), as applicable” after “paragraph
6 (2)”; and

7 (D) in subparagraph (A) of paragraph (7),
8 as so redesignated, by inserting “or (3)” after
9 “paragraph (2)(B)”.

10 (c) *EFFECTIVE DATE.*—The amendments made by this
11 section shall take effect on October 1, 2006, and shall apply
12 with respect to promotion selection boards convened on or
13 after that date.

14 **SEC. 505. GRADES OF THE JUDGE ADVOCATES GENERAL.**

15 (a) *JUDGE ADVOCATE GENERAL OF THE ARMY.*—Sec-
16 tion 3037(a) of title 10, United States Code, is amended
17 by striking the last sentence and inserting the following new
18 sentences: “The Judge Advocate General, while so serving,
19 has the grade of lieutenant general. An officer appointed
20 as Assistant Judge Advocate General who holds a lower reg-
21 ular grade shall be appointed in the regular grade of major
22 general.”.

23 (b) *JUDGE ADVOCATE GENERAL OF THE NAVY.*—Sec-
24 tion 5148(b) of such title is amended by striking the last
25 sentence and inserting the following new sentence: “The

1 *Judge Advocate General, while so serving, has the grade of*
 2 *vice admiral or lieutenant general, as appropriate.”.*

3 (c) *JUDGE ADVOCATE GENERAL OF THE AIR*
 4 *FORCE.*—Section 8037(a) of such title is amended by strik-
 5 *ing the last sentence and inserting the following new sen-*
 6 *tence: “The Judge Advocate General, while so serving, has*
 7 *the grade of lieutenant general.”.*

8 (d) *EXCLUSION FROM LIMITATION ON GENERAL AND*
 9 *FLAG OFFICER DISTRIBUTION.*—Section 525(b) of such title
 10 *is amended by adding at the end the following new para-*
 11 *graph:*

12 “(9) *An officer while serving as the Judge Advocate*
 13 *General of the Army, the Judge Advocate General of the*
 14 *Navy, or the Judge Advocate General of the Air Force is*
 15 *in addition to the number that would otherwise be per-*
 16 *mitted for that officer’s armed force for officers serving on*
 17 *active duty in grades above major general or rear admiral*
 18 *under paragraph (1) or (2), as the case may be.”.*

19 **SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO RE-**
 20 **DUCE MINIMUM LENGTH OF COMMISSIONED**
 21 **SERVICE FOR VOLUNTARY RETIREMENT AS**
 22 **AN OFFICER.**

23 (a) *ARMY.*—Section 3911(b) of title 10, United States
 24 *Code, is amended—*

25 (1) *by inserting “(1)” after “(b)”;*

1 (2) *in paragraph (1), as so designated, by strik-*
2 *ing “, during the period beginning on October 1,*
3 *1990, and ending on December 31, 2001,”; and*

4 (3) *by adding at the end the following new para-*
5 *graph:*

6 “(2) *The authority in paragraph (1) may be exercised*
7 *during the period beginning on the date of the enactment*
8 *of the National Defense Authorization Act for Fiscal Year*
9 *2006 and ending on December 31, 2008.”.*

10 (b) *NAVY AND MARINE CORPS.—Section 6323(a)(2) of*
11 *such title is amended—*

12 (1) *by inserting “(A)” after “(2)”;*

13 (2) *in subparagraph (A), as so designated, by*
14 *striking “, during the period beginning on October 1,*
15 *1990, and ending on December 31, 2001,”; and*

16 (3) *by adding at the end the following new sub-*
17 *paragraph:*

18 “(B) *The authority in subparagraph (A) may be exer-*
19 *cised during the period beginning on the date of the enact-*
20 *ment of the National Defense Authorization Act for Fiscal*
21 *Year 2006 and ending on December 31, 2008.”.*

22 (c) *AIR FORCE.—Section 8911(b) of such title is*
23 *amended—*

24 (1) *by inserting “(1)” after “(b)”;*

1 (2) *in paragraph (1), as so designated, by strik-*
2 *ing “, during the period beginning on October 1,*
3 *1990, and ending on December 31, 2001,”; and*

4 (3) *by adding at the end the following new para-*
5 *graph:*

6 “(2) *The authority in paragraph (1) may be exercised*
7 *during the period beginning on the date of the enactment*
8 *of the National Defense Authorization Act for Fiscal Year*
9 *2006 and ending on December 31, 2008.”.*

10 **SEC. 507. MODIFICATION OF STRENGTH IN GRADE LIMITA-**
11 **TIONS APPLICABLE TO RESERVE FLAG OFFI-**
12 **CERS IN ACTIVE STATUS.**

13 (a) *LINE OFFICERS.*—*Paragraph (1) of section*
14 *12004(c) of title 10, United States Code, is amended in the*
15 *item in the table relating to Line officers by striking “28”*
16 *and inserting “33”.*

17 (b) *MEDICAL DEPARTMENT STAFF CORPS OFFI-*
18 *CERS.*—*Such paragraph is further amended in the item in*
19 *the table relating to the Medical Department staff corps offi-*
20 *cers by striking “9” and inserting “5”.*

21 (c) *SUPPLY CORPS OFFICERS.*—*Paragraph (2)(A) of*
22 *such section is amended by striking “seven” and inserting*
23 *“six”.*

1 (d) *CONFORMING AMENDMENT.*—Paragraph (1) of
 2 such section is further amended in the matter preceding the
 3 table by striking “39” and inserting “40”.

4 **SEC. 508. UNIFORM AUTHORITY FOR DEFERMENT OF SEPA-**
 5 **RATION OF RESERVE GENERAL AND FLAG OF-**
 6 **FICERS FOR AGE.**

7 (a) *IN GENERAL.*—Section 14512 of title 10, United
 8 States Code, is amended to read as follows:

9 **“§ 14512. Separation at age 64**

10 “(a) *IN GENERAL.*—The Secretary of the military de-
 11 partment concerned may, subject to subsection (b), defer the
 12 retirement under section 14510 or 14511 of this title of a
 13 reserve officer of the Army, Air Force, or Marine Corps in
 14 a grade above colonel, or a reserve officer of the Navy in
 15 a grade above captain, and retain such officer in active sta-
 16 tus until such officer becomes 64 years of age.

17 “(b) *LIMITATION ON NUMBER OF DEFERMENTS.*—(1)
 18 Not more than 10 officers may be deferred by the Secretary
 19 of a military department under subsection (a) at any one
 20 time.

21 “(2) *Deferments by the Secretary of the Navy may be*
 22 *distributed between the Naval Reserve and the Marine*
 23 *Corps Reserve as the Secretary determines appropriate.”.*

24 (b) *CLERICAL AMENDMENT.*—The table of sections at
 25 the beginning of chapter 1407 of such title is amended by

1 *striking the item relating to section 14512 and inserting*
 2 *the following new item:*

“14512. Separation at age 64.”.

3 **SEC. 509. APPLICABILITY OF OFFICER DISTRIBUTION AND**
 4 **STRENGTH LIMITATIONS TO OFFICERS SERV-**
 5 **ING IN INTELLIGENCE COMMUNITY POSI-**
 6 **TIONS.**

7 (a) *IN GENERAL.*—Section 528 of title 10, United
 8 States Code, is amended to read as follows:

9 **“§ 528. Exclusion: officers serving in certain intel-**
 10 **ligence positions**

11 *“(a) EXCLUSION OF OFFICER SERVING IN CERTAIN*
 12 *CIA POSITIONS.*—When either of the individuals serving in
 13 a position specified in subsection (b) is an officer of the
 14 armed forces, one of those officers, while serving in such po-
 15 sition, shall be excluded from the limitations in sections 525
 16 and 526 of this title while serving in such position.

17 *“(b) COVERED POSITIONS.*—The positions referred to
 18 in this subsection are the following:

19 *“(1) Director of the Central Intelligence Agency.*

20 *“(2) Deputy Director of the Central Intelligence*
 21 *Agency.*

22 *“(c) ASSOCIATE DIRECTOR OF CIA FOR MILITARY*
 23 *SUPPORT.*—An officer of the armed forces serving in the
 24 position of Associate Director of the Central Intelligence
 25 Agency for Military Support, while serving in that posi-

1 tion, shall be excluded from the limitations in sections 525
2 and 526 of this title while serving in such position.

3 “(d) *OFFICERS SERVING IN OFFICE OF DNI.*—Up to
4 5 general and flag officers of the armed forces assigned to
5 positions in the Office of the Director of National Intel-
6 ligence designated by agreement between the Secretary of
7 Defense and the Director of National Intelligence shall be
8 excluded from the limitations in sections 525 and 526 of
9 this title while serving in such positions.”.

10 (b) *CLERICAL AMENDMENT.*—The table of sections at
11 the beginning of chapter 32 of such title is amended by
12 striking the item relating to section 528 and inserting the
13 following new item:

“528. *Exclusion: officers serving in certain intelligence positions.*”.

14 ***Subtitle B—Enlisted Personnel***
15 ***Policy***

16 ***SEC. 521. UNIFORM CITIZENSHIP OR RESIDENCY REQUIRE-***
17 ***MENTS FOR ENLISTMENT IN THE ARMED***
18 ***FORCES.***

19 (a) *UNIFORM REQUIREMENTS.*—Section 504 of title
20 10, *United States Code*, is amended—

21 (1) by inserting “(a) *INSANITY, DESERTION,*
22 *FELONS, ETC.*—” before “No person”; and

23 (2) by adding at the end the following new sub-
24 section:

1 “(b) *CITIZENSHIP OR RESIDENCY.*—(1) *No person*
2 *may be enlisted in any armed force unless such person is*
3 *a citizen or national of the United States, a habitual resi-*
4 *dent of the Federal States of Micronesia, the Republic of*
5 *Palau, or the Republic of the Marshall Islands, or has been*
6 *lawfully admitted to the United States for permanent resi-*
7 *dence under the applicable provisions of the Immigration*
8 *and Nationality Act (8 U.S.C. 1101 et seq.).*

9 “(2) *The Secretary concerned may waive the applica-*
10 *bility of paragraph (1) to a person if such Secretary deter-*
11 *mines that the enlistment of such person is vital to the na-*
12 *tional interest.*”.

13 (b) *REPEAL OF SUPERSEDED LIMITATIONS FOR THE*
14 *ARMY AND AIR FORCE.*—*Sections 3253 and 8253 of such*
15 *title are repealed.*

16 (c) *CLERICAL AMENDMENTS.*—

17 (1) *The table of sections at the beginning of*
18 *chapter 333 of such title is amended by striking the*
19 *item relating to section 3253.*

20 (2) *The table of sections at the beginning of*
21 *chapter 833 of such title is amended by striking the*
22 *item relating to section 8253.*

1 **SEC. 522. RECRUITMENT AND ENLISTMENT OF HOME**
2 **SCHOOLED STUDENTS IN THE ARMED**
3 **FORCES.**

4 (a) *POLICY ON RECRUITMENT AND ENLISTMENT.*—

5 (1) *POLICY REQUIRED.*—*The Secretary of De-*
6 *fense shall prescribe a policy on the recruitment and*
7 *enlistment of home schooled students in the Armed*
8 *Forces.*

9 (2) *UNIFORMITY ACROSS THE ARMED FORCES.*—

10 *The Secretary shall ensure that the policy prescribed*
11 *under paragraph (1) applies, to the extent prac-*
12 *ticable, uniformly across the Armed Forces.*

13 (b) *ELEMENTS.*—*The policy under subsection (a) shall*
14 *include the following:*

15 (1) *An identification of a graduate of home*
16 *schooling for purposes of recruitment and enlistment*
17 *in the Armed Forces that is in accordance with the*
18 *requirements described in subsection (c).*

19 (2) *Provision for the treatment of graduates of*
20 *home schooling with no practical limit with regard to*
21 *enlistment eligibility.*

22 (3) *An exemption of graduates of home schooling*
23 *from the requirement for a secondary school diploma*
24 *or an equivalent (GED) as a precondition for enlist-*
25 *ment in the Armed Forces.*

1 (c) *HOME SCHOOL GRADUATES.*—*In prescribing the*
2 *policy, the Secretary of Defense shall prescribe a single set*
3 *of criteria to be utilized by the Armed Forces in deter-*
4 *mining whether an individual is a graduate of home school-*
5 *ing. The Secretary concerned shall ensure compliance with*
6 *education credential coding requirements.*

7 (d) *SECRETARY CONCERNED DEFINED.*—*In this sec-*
8 *tion, the term “Secretary concerned” has the meaning given*
9 *such term in section 101(a)(9) of title 10, United States*
10 *Code.*

11 **SEC. 523. REPORT ON INFORMATION ON STOP LOSS AU-**
12 **THORITIES GIVEN TO ENLISTEES IN THE**
13 **ARMED FORCES.**

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

15 (1) *The Department of Defense began retaining*
16 *selected members of the Armed Forces beyond their*
17 *contractual date of separation from the Armed Forces,*
18 *a policy commonly known as “stop loss”, shortly after*
19 *the events of September 11, 2001, and for the first*
20 *time since Operation Desert Shield/Desert Storm.*

21 (2) *The Marine Corps, Navy, and Air Force dis-*
22 *continued their use of stop loss authority in 2003. Ac-*
23 *cording to the Department of Defense, a total of 8,992*
24 *marines, 2,600 sailors, and 8,500 airmen were kept*
25 *beyond their separation dates under that authority.*

1 (3) *The Army is the only Armed Force currently*
2 *using stop loss authority. The Army reports that, dur-*
3 *ing September 2005, it was retaining 6,929 regular*
4 *component soldiers, 3,002 soldiers in the National*
5 *Guard, and 2,847 soldiers in the Army Reserve be-*
6 *yond their separation date. The Army reports that it*
7 *has not kept an account of the cumulative number of*
8 *soldiers who have been kept beyond their separation*
9 *date.*

10 (4) *The Department of Defense Form 4/1, Enlist-*
11 *ment/Reenlistment Document does not give notice to*
12 *enlistees and reenlistees in the regular components of*
13 *the Armed Forces that they may be kept beyond their*
14 *contractual separation date during times of partial*
15 *mobilization.*

16 (5) *The Department of Defense has an obligation*
17 *to clearly communicate to all potential enlistees and*
18 *reenlistees in the Armed Forces their terms of service*
19 *in the Armed Forces.*

20 (b) *REPORT.—*

21 (1) *IN GENERAL.—Not later than 90 days after*
22 *the date of the enactment of this Act, the Secretary of*
23 *Defense shall submit to the congressional defense com-*
24 *mittees a report on the actions being taken to ensure*
25 *that each individual being recruited for service in the*

1 *Armed Forces is provided, before making a formal en-*
2 *listment in the Armed Forces, precise and detailed in-*
3 *formation on the period or periods of service to which*
4 *such individual may be obligated by reason of enlist-*
5 *ment in the Armed Forces, including any revisions to*
6 *Department of Defense Form 4/1.*

7 (2) *ELEMENTS.*—*The report under paragraph*
8 *(1) shall include—*

9 (A) *a description of how the Department in-*
10 *forms enlistees in the Armed Forces on—*

11 (i) *the so-called “stop loss” authority*
12 *and the manner in which exercise of such*
13 *authority could affect the duration of an in-*
14 *dividual’s service on active duty in the*
15 *Armed Forces;*

16 (ii) *the authority for the call or order*
17 *to active duty of members of the Individual*
18 *Ready Reserve and the manner in which*
19 *such a call or order to active duty could af-*
20 *fect an individual following the completion*
21 *of the individual’s expected period of service*
22 *on active duty or in the Individual Ready*
23 *Reserve; and*

24 (iii) *any other authorities applicable to*
25 *the call or order to active duty of the Re-*

1 *serves, or of the retention of members of the*
 2 *Armed Forces on active duty, that could af-*
 3 *fect the period of service of an individual on*
 4 *active duty or in the Armed Forces; and*
 5 *(B) such other information as the Secretary*
 6 *considers appropriate.*

7 ***Subtitle C—Reserve Component***
 8 ***Personnel Matters***

9 ***SEC. 531. REQUIREMENTS FOR PHYSICAL EXAMINATIONS***
 10 ***AND MEDICAL AND DENTAL READINESS FOR***
 11 ***MEMBERS OF THE SELECTED RESERVE NOT***
 12 ***ON ACTIVE DUTY.***

13 *(a) IN GENERAL.—Subsection (a) of section 10206 of*
 14 *title 10, United States Code, is amended—*

15 *(1) in paragraph (1), by striking “examined”*
 16 *and all that follows through the semicolon and insert-*
 17 *ing “provided a comprehensive physical examination*
 18 *on an annual basis;”; and*

19 *(2) in paragraph (2), by striking “annually to*
 20 *the Secretary concerned” and all that follows and in-*
 21 *serting “to the Secretary concerned on an annual*
 22 *basis documentation of the medical and dental readi-*
 23 *ness of the member to perform military duties.”.*

24 *(b) CONFORMING AMENDMENT.—The heading of such*
 25 *section is amended by striking “**periodic**”.*

1 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 1007 of such title is amended by*
 3 *striking “periodic”.*

4 **SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF FINAN-**
 5 **CIAL ASSISTANCE UNDER RESERVE OFFI-**
 6 **CERS’ TRAINING CORPS SCHOLARSHIP PRO-**
 7 **GRAM.**

8 (a) *IN GENERAL.*—*Section 2107(c) of title 10, United*
 9 *States Code, is amended—*

10 (1) *by striking paragraph (4);*

11 (2) *by redesignating paragraph (5) as para-*
 12 *graph (4); and*

13 (3) *in subparagraph (B) of paragraph (4), as so*
 14 *redesignated, by striking “, (3), or (4)” and inserting*
 15 *“or (3)”.*

16 (b) *ARMY RESERVE AND ARMY NATIONAL GUARD*
 17 *MEMBERS.*—*Section 2107a(c) of such title is amended—*

18 (1) *by striking paragraph (3); and*

19 (2) *by redesignating paragraph (4) as para-*
 20 *graph (3).*

21 (c) *CONFORMING AMENDMENT.*—*Section 524(c) of the*
 22 *Ronald W. Reagan National Defense Authorization Act for*
 23 *Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1889)*
 24 *is amended by striking “paragraph (5)” and all that follows*
 25 *through “subsection (b)” and inserting “paragraph (4) of*

1 *section 2107(c) of title 10, United States Code (as added*
 2 *by subsection (a) of this section and redesignated by section*
 3 *532(a)(2) of the National Defense Authorization Act for Fis-*
 4 *cal Year 2006), and under paragraph (3) of section*
 5 *2107a(c) of title 10, United States Code (as added by sub-*
 6 *section (b) of this section and redesignated by section*
 7 *532(b)(2) of such Act)”.*

8 **SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL AS-**
 9 **SISTANCE AND SUBSISTENCE ALLOWANCE**
 10 **FOR SENIOR ROTC CADETS AND MIDSHIPMEN**
 11 **ON THE BASIS OF HEALTH-RELATED CONDI-**
 12 **TIONS.**

13 *(a) REQUIREMENTS.—Section 2107 of title 10, United*
 14 *States Code, is amended by adding at the end the following*
 15 *new subsection:*

16 *“(j)(1) Payment of financial assistance under this sec-*
 17 *tion for, and payment of a monthly subsistence allowance*
 18 *under section 209 of title 37 to, a cadet or midshipman*
 19 *appointed under this section may be suspended on the basis*
 20 *of health-related incapacity of the cadet or midshipman*
 21 *only in accordance with regulations prescribed under para-*
 22 *graph (2).*

23 *“(2) The Secretary of Defense shall prescribe in regula-*
 24 *tions the policies and procedures for suspending payments*
 25 *under paragraph (1). The regulations shall apply uni-*

1 *formly to all of the military departments. The regulations*
2 *shall include the following matters:*

3 “(A) *The standards of health-related fitness that*
4 *are to be applied.*

5 “(B) *Requirements for—*

6 “(i) *the health-related condition and prog-*
7 *nosis of a cadet or midshipman to be determined,*
8 *in relation to the applicable standards prescribed*
9 *under subparagraph (A), by a health care profes-*
10 *sional on the basis of a medical examination of*
11 *the cadet or midshipman; and*

12 “(ii) *the Secretary concerned to take into*
13 *consideration the determinations made under*
14 *clause (i) with respect to such condition in de-*
15 *termining whether to suspend payment in the case*
16 *of such cadet or midshipman on the basis of that*
17 *condition.*

18 “(C) *A requirement for the Secretary concerned*
19 *to transmit to a cadet or midshipman proposed for*
20 *suspension under this subsection a notification of the*
21 *proposed suspension together with the determinations*
22 *made under subparagraph (B)(i) in the case of the*
23 *proposed suspension.*

24 “(D) *A procedure for a cadet or midshipman*
25 *proposed for suspension under this subsection to sub-*

1 *mit a written response to the proposal for suspension,*
2 *including any supporting information.*

3 *“(E) Requirements for—*

4 *“(i) one or more health-care professionals to*
5 *review, in the case of such a response of a cadet*
6 *or midshipman, each health-related condition*
7 *and prognosis addressed in the response, taking*
8 *into consideration the matters submitted in such*
9 *response; and*

10 *“(ii) the Secretary concerned to take into*
11 *consideration the determinations made under*
12 *clause (i) with respect to such condition in mak-*
13 *ing a final decision regarding whether to sus-*
14 *pend payment in the case of such cadet or mid-*
15 *shipman on the basis of that condition, and the*
16 *conditions under which such suspension may be*
17 *lifted.”.*

18 *(b) TIME FOR PROMULGATION OF REGULATIONS.—The*
19 *Secretary of Defense shall prescribe the regulations required*
20 *under subsection (j) of section 2107 of title 10, United*
21 *States Code (as added by subsection (a)), not later than*
22 *May 1, 2006.*

1 **SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RE-**
 2 **SERVE AND ARMY NATIONAL GUARD CADETS**
 3 **UNDER RESERVE OFFICERS' TRAINING**
 4 **CORPS.**

5 *Section 2107a(h) of title 10, United States Code, is*
 6 *amended by striking “208 cadets” and inserting “416 ca-*
 7 *dets”.*

8 **SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE**
 9 **FOR RESERVES SUPPORTING CONTINGENCY**
 10 **AND OTHER OPERATIONS.**

11 *(a) OFFICIAL RECEIVING ELECTIONS OF BENEFITS.—*
 12 *Section 16163(e) of title 10, United States Code, is amended*
 13 *by striking “Secretary concerned” and inserting “Secretary*
 14 *of Veterans Affairs”.*

15 *(b) EXCEPTION TO IMMEDIATE TERMINATION OF AS-*
 16 *SISTANCE.—Section 16165 of such title is amended—*

17 *(1) by striking “Educational assistance” and in-*
 18 *serting “(a) IN GENERAL.—Except as provided in*
 19 *subsection (b), educational assistance”; and*

20 *(2) by adding at the end the following new sub-*
 21 *section:*

22 *“(b) EXCEPTION.—Under regulations prescribed by the*
 23 *Secretary of Defense, educational assistance may be pro-*
 24 *vided under this chapter to a member of the Selected Reserve*
 25 *of the Ready Reserve who incurs a break in service in the*
 26 *Selected Reserve of not more than 90 days if the member*

1 *continues to serve in the Ready Reserve during and after*
2 *such break in service.”.*

3 **SEC. 536. REPEAL OF LIMITATION ON AUTHORITY TO RE-**
4 **DESIGNATE THE NAVAL RESERVE AS THE**
5 **NAVY RESERVE.**

6 *Section 517(a) of the Ronald W. Reagan National De-*
7 *fense Authorization Act for Fiscal Year 2005 (Public Law*
8 *108–375; 118 Stat. 1884; 10 U.S.C. 10101 note) is amended*
9 *by striking “, which date” and all that follows through the*
10 *end and inserting a period.*

11 **SEC. 537. PERFORMANCE BY RESERVE COMPONENT PER-**
12 **SONNEL OF OPERATIONAL TEST AND EVAL-**
13 **UATION AND TRAINING RELATING TO NEW**
14 **EQUIPMENT.**

15 *(a) PILOT PROGRAM.—The Secretary of the Army*
16 *shall carry out a pilot program to evaluate the feasibility*
17 *and advisability of—*

18 *(1) utilizing members of the reserve components*
19 *of the Army, rather than contractor personnel, to per-*
20 *form test, evaluation, new equipment training, and*
21 *related activities for one or more acquisition pro-*
22 *grams selected by the Secretary for purposes of the*
23 *pilot program; and*

24 *(2) utilizing funds otherwise available for multi-*
25 *year purposes for such activities in appropriations*

1 for research, development, test, and evaluation, and
2 for procurement, in order to reimburse appropria-
3 tions for personnel for the costs of pay, allowances,
4 and expenses of such members in the performance of
5 such activities.

6 (b) *NONWAIVER OF PERSONNEL AND TRAINING POLI-*
7 *CIES AND PROCEDURES.*—Nothing in this section may be
8 construed to authorize any deviation from established per-
9 sonnel or training policies or procedures that are applicable
10 to the reserve components of the personnel used under the
11 pilot program.

12 (c) *REIMBURSEMENT AUTHORITY.*—

13 (1) *IN GENERAL.*—Subject to paragraph (2), the
14 Secretary may transfer from appropriations for re-
15 search, development, test, and evaluation, or for pro-
16 curement, for an acquisition program under the pilot
17 program under subsection (a) to appropriations for
18 reserve component personnel of the Army amounts
19 necessary to reimburse appropriations for reserve
20 component personnel of the Army for pay, allowances,
21 and expenses of reserve component personnel of the
22 Army in performing activities under the pilot pro-
23 gram.

1 (2) *LIMITATION.*—*The amount that may be*
2 *transferred under paragraph (1) in any fiscal year*
3 *may not exceed \$10,000,000.*

4 (3) *MERGER OF FUNDS.*—*Amounts transferred to*
5 *an account under paragraph (1) shall be merged with*
6 *other amounts in such account, and shall be available*
7 *for the same period, and subject to the same limita-*
8 *tions, as the amounts with which merged.*

9 (4) *RELATIONSHIP TO OTHER TRANSFER AU-*
10 *THORITY.*—*The authority to transfer funds under*
11 *paragraph (1) is in addition to any other authority*
12 *to transfer funds under law.*

13 (d) *TERMINATION.*—*The authority to carry out the*
14 *pilot program under subsection (a) shall expire on Sep-*
15 *tember 30, 2010.*

16 (e) *REPORT.*—*Not later than March 1, 2010, the Sec-*
17 *retary of the Army shall, in consultation with the Secretary*
18 *of Defense, submit to the congressional defense committees*
19 *a report on the pilot program under subsection (a). The*
20 *report shall include—*

21 (1) *a comprehensive description of the pilot pro-*
22 *gram, including the acquisition programs covered by*
23 *the pilot program and the activities performed by*
24 *members of the reserve components of the Army under*
25 *the pilot program;*

1 (2) *an assessment of the benefits, including cost*
2 *savings and other benefits, of the performance of ac-*
3 *tivities under the pilot program by members of the re-*
4 *serve components of the Army rather than by con-*
5 *tractor personnel; and*

6 (3) *any recommendations for legislative or ad-*
7 *ministrative action that the Secretary considers ap-*
8 *propriate in light of the pilot program.*

9 **SEC. 538. PILOT PROGRAM ON ENHANCED QUALITY OF LIFE**
10 **FOR MEMBERS OF THE ARMY RESERVE AND**
11 **THEIR FAMILIES.**

12 (a) *PILOT PROGRAM REQUIRED.—*

13 (1) *IN GENERAL.—The Secretary of the Army*
14 *shall carry out a pilot program to assess the feasi-*
15 *bility and advisability of utilizing a coalition of mili-*
16 *tary and civilian community personnel at military*
17 *installations in order to enhance the quality of life for*
18 *members of the Army Reserve who serve at such in-*
19 *stallations and their families.*

20 (2) *LOCATIONS.—The Secretary shall carry out*
21 *the pilot program at a military installation selected*
22 *by the Secretary for purposes of the pilot program in*
23 *two States.*

24 (b) *PARTICIPATING PERSONNEL.—A coalition of per-*
25 *sonnel under the pilot program shall consist of—*

1 (1) *such command personnel at the installation*
2 *concerned as the commander of such installation con-*
3 *siders appropriate;*

4 (2) *such other military personnel at such instal-*
5 *lation as the commander of such installation con-*
6 *siders appropriate; and*

7 (3) *appropriate members of the civilian commu-*
8 *nity of installation, such as clinicians and teachers,*
9 *who volunteer for participation in the coalition.*

10 *(c) OBJECTIVES.—*

11 (1) *PRINCIPLE OBJECTIVE.—The principle objec-*
12 *tive of the pilot program shall be to enhance the qual-*
13 *ity of life for members of the Army Reserve and their*
14 *families in order to enhance the mission readiness of*
15 *such members, to facilitate the transition of such*
16 *members to and from deployment, and to enhance the*
17 *retention of such members.*

18 (2) *OBJECTIVES RELATING TO DEPLOYMENT.—In*
19 *seeking to achieve the principle objective under para-*
20 *graph (1) with respect to the deployment of members*
21 *of the Army Reserve, each coalition under the pilot*
22 *program shall seek to assist members of the Army Re-*
23 *serve and their families in—*

1 (A) *successfully coping with the absence of*
2 *such members from their families during deploy-*
3 *ment; and*

4 (B) *successfully addressing other difficulties*
5 *associated with extended deployments, including*
6 *difficulties of members on deployment and dif-*
7 *ferences of family members at home.*

8 (3) *METHODS TO ACHIEVE OBJECTIVES.—The*
9 *methods selected by each coalition under the pilot pro-*
10 *gram to achieve the objectives specified in this sub-*
11 *section shall include methods as follows:*

12 (A) *Methods that promote a balance of work*
13 *and family responsibilities through a principle-*
14 *centered approach to such matters.*

15 (B) *Methods that promote the establishment*
16 *of appropriate priorities for family matters, such*
17 *as the allocation of time and attention to fi-*
18 *nances, within the context of meeting military*
19 *responsibilities.*

20 (C) *Methods that promote the development*
21 *of meaningful family relationships.*

22 (D) *Methods that promote the development*
23 *of parenting skills intended to raise emotionally*
24 *healthy and empowered children.*

1 (d) *REPORT.*—Not later than April 1, 2007, the Sec-
2 retary shall submit to the congressional defense committees
3 a report on the pilot program carried out under this section.

4 The report shall include—

5 (1) a description of the pilot program;

6 (2) an assessment of the benefits of utilizing a
7 coalition of military and civilian community per-
8 sonnel on military installations in order to enhance
9 the quality of life for members of the Army Reserve
10 and their families; and

11 (3) such recommendations for legislative or ad-
12 ministrative action as the Secretary considers appro-
13 priate in light of the pilot program.

14 (e) *FUNDING.*—

15 (1) *IN GENERAL.*—The amount authorized to be
16 appropriated by section 301(6) for operation and
17 maintenance for the Army Reserve is hereby increased
18 by \$160,000, with the amount of the increase to be
19 available to carry out the pilot program required by
20 this section.

21 (2) *OFFSET.*—The amount authorized to be ap-
22 propriated by section 201(2) for research, develop-
23 ment, test, and evaluation for the Navy and available
24 for Ship Self Defense (Detect and Control) (PE
25 #0604755N) is hereby reduced by \$160,000, with the

1 *amount of the reduction to be allocated to amounts for*
 2 *Autonomous Unmanned Surface Vessel.*

3 **SEC. 539. COMMENCEMENT OF RECEIPT OF NON-REGULAR**
 4 **SERVICE RETIRED PAY BY MEMBERS OF THE**
 5 **READY RESERVE ON ACTIVE FEDERAL STA-**
 6 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PERI-**
 7 **ODS.**

8 *(a) REDUCED ELIGIBILITY AGE.—Section 12731 of*
 9 *title 10, United States Code, is amended—*

10 *(1) in subsection (a), by striking paragraph (1)*
 11 *and inserting the following:*

12 *“(1) has attained the eligibility age applicable*
 13 *under subsection (f) to that person;”;* and

14 *(2) by adding at the end the following new sub-*
 15 *section:*

16 *“(f)(1) Subject to paragraph (2), the eligibility age for*
 17 *purposes of subsection (a)(1) is 60 years of age.*

18 *“(2)(A) In the case of a person who as a member of*
 19 *the Ready Reserve serves on active duty or performs active*
 20 *service described in subparagraph (B) after September 11,*
 21 *2001, the eligibility age for purposes of subsection (a)(1)*
 22 *shall be reduced below 60 years of age by three months for*
 23 *each aggregate of 90 days on which such person so performs*
 24 *in any fiscal year after such date, subject to subparagraph*

1 (C). A day of duty may be included in only one aggregate
2 of 90 days for purposes of this subparagraph.

3 “(B)(i) Service on active duty described in this sub-
4 paragraph is service on active duty pursuant to a call or
5 order to active duty under a provision of law referred to
6 in section 101(a)(13)(B) of this title in support of a contin-
7 gency operation. Such service does not include service on
8 active duty pursuant to a call or order to active duty under
9 section 12310 of this title.

10 “(ii) Active service described in this subparagraph is
11 service under a call to active service authorized by the
12 President or the Secretary of Defense under section 502(f)
13 of title 32 for purposes of responding to a national emer-
14 gency declared by the President or supported by Federal
15 funds.

16 “(C) The eligibility age for purposes of subsection
17 (a)(1) may not be reduced below 50 years of age for any
18 person under subparagraph (A).”.

19 (b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR
20 ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR
21 HEALTH CARE.—Section 1074(b) of such title is
22 amended—

23 (1) by inserting “(1)” after “(b)”; and

24 (2) by adding at the end the following new para-
25 graph:

1 “(2) Paragraph (1) does not apply to a member or
2 former member entitled to retired pay for non-regular serv-
3 ice under chapter 1223 of this title who is under 60 years
4 of age.”.

5 (c) *ADMINISTRATION OF RELATED PROVISIONS OF*
6 *LAW OR POLICY.*—With respect to any provision of law,
7 or of any policy, regulation, or directive of the executive
8 branch that refers to a member or former member of the
9 uniformed services as being eligible for, or entitled to, re-
10 tired pay under chapter 1223 of title 10, United States
11 Code, but for the fact that the member or former member
12 is under 60 years of age, such provision shall be carried
13 out with respect to that member or former member by sub-
14 stituting for the reference to being 60 years of age a ref-
15 erence to having attained the eligibility age applicable
16 under subsection (f) of section 12731 of title 10, United
17 States Code (as added by subsection (a)), to such member
18 or former member for qualification for such retired pay
19 under subsection (a) of such section.

20 (d) *EFFECTIVE DATE AND APPLICABILITY.*—The
21 amendment made by subsection (a) shall take effect as of
22 September 11, 2001, and shall apply with respect to appli-
23 cations for retired pay that are submitted under section
24 12731(a) of title 10, United States Code, on or after the
25 date of the enactment of this Act.

1 **SEC. 540. DEFENSE SCIENCE BOARD STUDY ON DEPLOY-**
2 **MENT OF MEMBERS OF THE NATIONAL**
3 **GUARD AND RESERVES IN THE GLOBAL WAR**
4 **ON TERRORISM.**

5 (a) *STUDY REQUIRED.*—*The Defense Science Board*
6 *shall conduct a study on the length and frequency of the*
7 *deployment of members of the National Guard and the Re-*
8 *serves as a result of the global war on terrorism.*

9 (b) *ELEMENTS.*—*The study required by subsection (a)*
10 *shall include the following:*

11 (1) *An identification of the current range of*
12 *lengths and frequencies of deployments of members of*
13 *the National Guard and the Reserves.*

14 (2) *An assessment of the consequences for force*
15 *structure, morale, and mission capability of deploy-*
16 *ments of members of the National Guard and the Re-*
17 *serves in the course of the global war on terrorism*
18 *that are lengthy, frequent, or both.*

19 (3) *An identification of the optimal length and*
20 *frequency of deployments of members of the National*
21 *Guard and the Reserves during the global war on ter-*
22 *rorism.*

23 (4) *An identification of mechanisms to reduce*
24 *the length, frequency, or both of deployments of mem-*
25 *bers of the National Guard and the Reserves during*
26 *the global war on terrorism.*

1 (c) *REPORT.*—Not later than May 1, 2006, the Defense
2 *Science Board shall submit to the congressional defense*
3 *committees a report on the study required by subsection (a).*
4 *The report shall include the results of the study and such*
5 *recommendations as the Defense Science Board considers*
6 *appropriate in light of the study.*

7 **SEC. 541. ELIGIBILITY OF UNITED STATES NATIONALS FOR**
8 **APPOINTMENT TO THE SENIOR RESERVE OF-**
9 **OFFICERS' TRAINING CORPS.**

10 (a) *IN GENERAL.*—Section 2107(b)(1) of title 10,
11 *United States Code, is amended by inserting “or national”*
12 *after “citizen”.*

13 (b) *ARMY RESERVE OFFICERS TRAINING PRO-*
14 *GRAMS.*—Section 2107a(b)(1)(A) of such title is amended
15 *by inserting “or national” after “citizen”.*

16 (c) *ELIGIBILITY FOR APPOINTMENT AS COMMISSIONED*
17 *OFFICERS.*—Section 532(f) of such title is amended by in-
18 *serting “, or for a United States national otherwise eligible*
19 *for appointment as a cadet or midshipman under section*
20 *2107(a) of this title or as a cadet under section 2107a of*
21 *this title,” after “for permanent residence”.*

1 **SEC. 542. PROMOTION OF FOREIGN LANGUAGE SKILLS**
2 **AMONG MEMBERS OF THE RESERVE OFFI-**
3 **CERS' TRAINING CORPS.**

4 (a) *IN GENERAL.*—*The Secretary of Defense shall sup-*
5 *port the acquisition of foreign language skills among cadets*
6 *and midshipmen in the Reserve Officers' Training Corps,*
7 *including through the development and implementation*
8 *of—*

9 (1) *incentives for cadets and midshipmen to par-*
10 *ticipate in study of a foreign language, including spe-*
11 *cial emphasis for Arabic, Chinese, and other “stra-*
12 *tegic languages”, as defined by the Secretary of De-*
13 *fense in consultation with other relevant agencies; and*

14 (2) *a recruiting strategy to target foreign lan-*
15 *guage speakers, including members of heritage com-*
16 *munities, to participate in the Reserve Officers'*
17 *Training Corps.*

18 (b) *REPORT REQUIRED.*—*Not later than 180 days*
19 *after the date of the enactment of this Act, the Secretary*
20 *shall submit to the congressional defense committees a re-*
21 *port on the actions taken to carry out this section.*

22 **SEC. 543. SENSE OF SENATE ON CERTAIN MATTERS RELAT-**
23 **ING TO THE NATIONAL GUARD AND RE-**
24 **SERVES.**

25 *It is the sense of the Senate—*

1 (1) to recognize the important and integral role
2 played by members of the Active Guard and Reserve
3 and military technicians (dual status) in the efforts
4 of the Armed Forces; and

5 (2) to urge the Secretary of Defense to promptly
6 resolve issues relating to appropriate authority for
7 payment of reenlistment bonuses stemming from reen-
8 listment contracts entered into between January 14,
9 2005, and April 17, 2005, involving members of the
10 Army National Guard and military technicians (dual
11 status).

12 ***Subtitle D—Military Justice and***
13 ***Related Matters***

14 ***SEC. 551. MODIFICATION OF PERIODS OF PROSECUTION BY***
15 ***COURTS-MARTIAL FOR MURDER, RAPE, AND***
16 ***CHILD ABUSE.***

17 (a) *UNLIMITED PERIOD FOR MURDER AND RAPE.*—
18 Subsection (a) of section 843 of title 10, United States Code
19 (article 43 of the Uniform Code of Military Justice), is
20 amended by striking “or with any offense” and inserting
21 “with murder or rape, or with any other offense”.

22 (b) *EXTENDED PERIOD FOR CHILD ABUSE.*—Sub-
23 section (b)(2) of such section (article) is amended—

24 (1) in subparagraph (A), by striking “before the
25 child attains the age of 25 years” and all that follows

1 *through the period and inserting “by an officer exer-*
 2 *cising summary court-martial jurisdiction with re-*
 3 *spect to that person during the life of the victim or*
 4 *the date that is five years after the date of the offense,*
 5 *whichever is the later date.”;*

6 (2) *in subparagraph (B)—*

7 (A) *in the matter preceding clause (i), by*
 8 *striking “sexual or physical”; and*

9 (B) *in clause (v), by striking “Indecent as-*
 10 *sault,” and inserting “Kidnapping, indecent as-*
 11 *sault,”; and*

12 (3) *by adding at the end the following new sub-*
 13 *paragraph:*

14 “(C) *In subparagraph (A), the term ‘child abuse of-*
 15 *fense’ also includes an act that involves abuse of a person*
 16 *who has not attained the age of 18 years and would con-*
 17 *stitute an offense under chapter 110 or 117 or section 1591*
 18 *of title 18.”.*

19 **SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.**

20 (a) *ESTABLISHMENT OF OFFENSE.—Subchapter X of*
 21 *chapter 47 of title 10, United States Code (the Uniform*
 22 *Code of Military Justice), is amended by inserting after sec-*
 23 *tion 893 (article 93) the following new section (article):*

24 **“§ 893a. Art. 93a. Stalking**

25 “(a) *Any person subject to this chapter—*

1 “(1) *who wrongfully engages in a course of con-*
2 *duct directed at a specific person that would cause a*
3 *reasonable person to fear death or bodily harm, in-*
4 *cluding sexual assault, to himself or herself or a mem-*
5 *ber of his or her immediate family;*

6 “(2) *who has knowledge, or should have knowl-*
7 *edge, that the specific person will be placed in reason-*
8 *able fear of death or bodily harm, including sexual*
9 *assault, to himself or herself or a member of his or her*
10 *immediate family; and*

11 “(3) *whose acts induce reasonable fear in the*
12 *specific person of death or bodily harm, including sex-*
13 *ual assault, to himself or herself or to a member of*
14 *his or her immediate family,*

15 *is guilty of stalking and shall be punished as a court-mar-*
16 *tial may direct.*

17 “(b) *For purposes of this section:*

18 “(1) *The term ‘course of conduct’ means—*

19 “(A) *a repeated maintenance of visual or*
20 *physical proximity to a specific person; or*

21 “(B) *a repeated conveyance of verbal threat,*
22 *written threats, or threats implied by conduct, or*
23 *a combination of such threats, directed at or to-*
24 *ward a specific person.*

1 “(2) *The term ‘repeated’, with respect to conduct,*
2 *means two or more occasions of such conduct.*

3 “(3) *The term ‘immediate family’, in the case of*
4 *a specific person, means a spouse, parent, child, or*
5 *sibling of the person, or any other family member or*
6 *relative of the person who regularly resides in the*
7 *household of the person or who within the six months*
8 *preceding the commencement of the course of conduct*
9 *regularly resided in the household of the person.”.*

10 (b) *CLERICAL AMENDMENT.—The table of sections at*
11 *the beginning of subchapter X of such chapter is amended*
12 *by inserting after the item relating to section 893 (article*
13 *93) the following new item:*

 “893a. Art. 93a. Stalking.”.

14 **SEC. 553. CLARIFICATION OF AUTHORITY OF MILITARY**
15 **LEGAL ASSISTANCE COUNSEL.**

16 *Section 1044 of title 10, United States Code, is*
17 *amended—*

18 (1) *by redesignating subsection (d) as subsection*
19 *(e); and*

20 (2) *by inserting after subsection (c) the following*
21 *new subsection (d):*

22 “(d)(1) *Notwithstanding any law regarding the licen-*
23 *sure of attorneys, a judge advocate or civilian attorney who*
24 *is authorized to provide military legal assistance is author-*
25 *ized to provide that assistance in any jurisdiction, subject*

1 *to such regulations as may be prescribed by the Secretary*
 2 *concerned.*

3 “(2) *Military legal assistance may be provided only*
 4 *by a judge advocate or a civilian attorney who is a member*
 5 *of the bar of a Federal court or of the highest court of a*
 6 *State.*

7 “(3) *In this subsection, the term ‘military legal assist-*
 8 *ance’ includes—*

9 “(A) *legal assistance provided under this section;*
 10 *and*

11 “(B) *legal assistance contemplated by sections*
 12 *1044a, 1044b, 1044c, and 1044d of this title.”.*

13 **SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF**
 14 **THE ARMED FORCES.**

15 (a) *AUTHORITY TO ISSUE ADMINISTRATIVE CEN-*
 16 *SURES.—*

17 (1) *AUTHORITY OF SECRETARY OF DEFENSE.—*
 18 *The Secretary of Defense may issue, in writing, an*
 19 *administrative censure to any member of the Armed*
 20 *Forces.*

21 (2) *AUTHORITY OF SECRETARIES OF MILITARY*
 22 *DEPARTMENTS.—The Secretary of a military depart-*
 23 *ment may issue, in writing, an administrative cen-*
 24 *sure to any member of the Armed Forces under the*
 25 *jurisdiction of such Secretary.*

1 (3) *REGULATIONS.*—*Administrative censures*
2 *shall be issued under this section pursuant to regula-*
3 *tions prescribed by the Secretary of Defense. The regu-*
4 *lations shall apply uniformly throughout the military*
5 *departments.*

6 (b) *ADMINISTRATIVE CENSURE.*—*For purposes of this*
7 *section, an administrative censure is a statement of adverse*
8 *opinion or criticism with respect to the conduct or perform-*
9 *ance of duty of a member of the Armed Forces.*

10 (c) *FINALITY.*—*An administrative censure issued*
11 *under this section is final and may not be appealed by the*
12 *member of the Armed Forces concerned.*

13 (d) *CONSTRUCTION.*—*The authority under this section*
14 *to issue administrative censures with respect to the conduct*
15 *or performance of duty of a member of the Armed Forces*
16 *is in addition to the authority to impose non-judicial pun-*
17 *ishment with respect to such conduct or performance of duty*
18 *under section 815 of title 10, United States Code (article*
19 *15 of the Uniform Code of Military Justice).*

20 **SEC. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED**
21 **PERSONNEL OF MATTERS RELATING TO VIO-**
22 **LATIONS OR ALLEGED VIOLATIONS OF CRIMI-**
23 **NAL LAW.**

24 (a) *REQUIREMENT FOR REPORTS.*—

1 (1) *IN GENERAL.*—*The Secretary of Defense shall*
2 *prescribe in regulations a requirement that each cov-*
3 *ered member of the Armed Forces, whether on the ac-*
4 *tive-duty list or on the reserve active-status list, shall*
5 *submit to an authority in the military department*
6 *concerned designated pursuant to such regulations a*
7 *timely report on any investigation, arrest, charge, de-*
8 *tention, adjudication, or conviction of such member*
9 *by any law enforcement authority of the United*
10 *States for a violation of a criminal law of the United*
11 *States, whether or not such member is on active duty*
12 *at the time of the conduct that provides the basis of*
13 *such investigation, arrest, charge, detention, adjudica-*
14 *tion, or conviction. The regulations shall apply uni-*
15 *formly throughout the military departments.*

16 (2) *COVERED MEMBERS.*—*In this section, the*
17 *term “covered member of the Armed Forces” means*
18 *the following:*

19 (A) *An officer.*

20 (B) *An enlisted member in the grade of E–*
21 *7 or above.*

22 (b) *LAW ENFORCEMENT AUTHORITY OF THE UNITED*
23 *STATES.*—*For purposes of this section, a law enforcement*
24 *authority of the United States includes—*

1 (1) *a military or other Federal law enforcement*
2 *authority;*

3 (2) *a State or local law enforcement authority;*
4 *and*

5 (3) *such other law enforcement authorities with-*
6 *in the United States as the Secretary shall specify in*
7 *the regulations prescribed pursuant to subsection (a).*

8 *(c) CRIMINAL LAW OF THE UNITED STATES.—*

9 (1) *IN GENERAL.—Except as provided in para-*
10 *graph (2), for purposes of this section, a criminal law*
11 *of the United States includes—*

12 (A) *any military or other Federal criminal*
13 *law;*

14 (B) *any State, county, municipal, or local*
15 *criminal law or ordinance; and*

16 (C) *such other criminal laws and ordi-*
17 *nances of jurisdictions within the United States*
18 *as the Secretary shall specify in the regulations*
19 *prescribed pursuant to subsection (a).*

20 (2) *EXCEPTION.—For purposes of this section, a*
21 *criminal law of the United States shall not include*
22 *a law or ordinance specifying a minor traffic offense*
23 *(as determined by the Secretary for purposes of such*
24 *regulations).*

25 *(d) ACTIONS SUBJECT TO REPORT.—*

1 (1) *IN GENERAL.*—*The regulations prescribed*
2 *pursuant to subsection (a) shall specify each action of*
3 *a law enforcement authority of the United States for*
4 *which a report under that subsection shall be re-*
5 *quired.*

6 (2) *MULTIPLE REPORTS ON SINGLE CONDUCT.*—
7 *If the conduct of a covered member of the Armed*
8 *Forces would provide the basis for actions of a law*
9 *enforcement authority of the United States war-*
10 *ranting more than one report under this section, the*
11 *regulations shall specify which of such actions such be*
12 *subject to a report under this section.*

13 (e) *TIMELINESS OF REPORTS.*—*The regulations pre-*
14 *scribed pursuant to subsection (a) shall establish require-*
15 *ments for the timeliness of reports under this section.*

16 (f) *FORWARDING OF INFORMATION.*—*The regulations*
17 *prescribed pursuant to subsection (a) shall provide that, in*
18 *the event a military department receives information that*
19 *a covered member of the Armed Forces under the jurisdic-*
20 *tion of another military department has become subject to*
21 *an investigation, arrest, charge, detention, adjudication, or*
22 *conviction for which a report is required by this section,*
23 *the Secretary of the military department receiving such in-*
24 *formation shall, in accordance with such procedures as the*
25 *Secretary of Defense shall establish in such regulations, for-*

1 *ward such information to the authority in the military de-*
2 *partment having jurisdiction over such member designated*
3 *pursuant to such regulations.*

4 (g) *DEADLINE FOR REGULATIONS.*—*The regulations*
5 *required by subsection (a), including the requirement in*
6 *subsection (f), shall go into effect not later than January*
7 *1, 2006.*

8 **SEC. 556. SENSE OF SENATE ON APPLICABILITY OF UNI-**
9 **FORM CODE OF MILITARY JUSTICE TO RE-**
10 **SERVES ON INACTIVE-DUTY TRAINING OVER-**
11 **SEAS.**

12 *It is the sense of the Senate that—*

13 (1) *there should be no ambiguity about the ap-*
14 *plicability of the Uniform Code of Military Justice*
15 *(UCMJ) to members of the reserve components of the*
16 *Armed Forces while serving overseas under inactive-*
17 *duty training (IDT) orders for any period of time*
18 *under such orders; and*

19 (2) *the Secretary of Defense should—*

20 (A) *take action, not later than February 1,*
21 *2006, to clarify jurisdictional issues relating to*
22 *such applicability under section 802 of title 10,*
23 *United States Code (article 2 of the Uniform*
24 *Code of Military Justice); and*

1 (B) if necessary, submit to Congress a pro-
 2 posal for legislative action to ensure the applica-
 3 bility of the Uniform Code of Military Justice to
 4 members of the reserve components of the Armed
 5 Forces while serving overseas under inactive-
 6 duty training orders.

7 **Subtitle E—Military Service**
 8 **Academies**

9 **SEC. 561. AUTHORITY TO RETAIN PERMANENT MILITARY**
 10 **PROFESSORS AT THE NAVAL ACADEMY AFTER**
 11 **MORE THAN 30 YEARS OF SERVICE.**

12 (a) *AUTHORITY TO RETAIN.*—

13 (1) *IN GENERAL.*—Chapter 603 of title 10,
 14 United States Code, is amended by inserting after sec-
 15 tion 6952 the following new section:

16 **“§ 6952a. Faculty: retention of permanent military**
 17 **professors**

18 “(a) *RETIREMENT FOR YEARS OF SERVICE.*—(1) *Ex-*
 19 *cept as provided in subsection (b), an officer serving as a*
 20 *permanent military professor at the Naval Academy in the*
 21 *grade of commander who is not on a list of officers rec-*
 22 *ommended for promotion to the grade of captain shall, if*
 23 *not earlier retired, be retired on the first day of the month*
 24 *after the month in which the officer completes 28 years of*
 25 *active commissioned service.*

1 “(2) *Except as provided in subsection (b), an officer*
2 *-serving as a permanent military professor at the Naval*
3 *Academy in the grade of captain who is not on a list of*
4 *officers recommended for promotion to the grade of rear ad-*
5 *miral (lower half) shall, if not earlier retired, be retired*
6 *on the first day of the month after the month in which the*
7 *officer completes 30 years of active commissioned service.*

8 “(b) *CONTINUATION ON ACTIVE DUTY.—(1) An officer*
9 *subject to retirement under subsection (a) may be continued*
10 *on active duty by the Secretary of the Navy after the date*
11 *otherwise provided for retirement under such subsection—*

12 “(A) *upon the recommendation of the Super-*
13 *intendent of the Naval Academy; and*

14 “(B) *with the concurrence of the Chief of Naval*
15 *Operations.*

16 “(2) *The Secretary of the Navy shall determine the pe-*
17 *riod of continuation on active duty of an officer under this*
18 *subsection.*

19 “(c) *ELIGIBILITY FOR PROMOTION.—A permanent*
20 *military professor at the Naval Academy who has been re-*
21 *tained on active duty as a permanent military professor*
22 *after more than 28 years of active commissioned service in*
23 *the grade of commander under subsection (b) is eligible for*
24 *consideration for promotion to the grade of captain.”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 2 *tions at the beginning of such chapter is amended by*
 3 *inserting after the item relating to section 6952 the*
 4 *following new item:*

 “6952a. *Faculty: retention of permanent military professors.*”.

5 (b) *CONFORMING AMENDMENTS.*—

6 (1) *Section 633 of such title is amended—*

7 (A) *by striking “and an officer” and insert-*
 8 *ing “, an officer”; and*

9 (B) *by inserting “, and an officer who is a*
 10 *permanent military professor at the Naval Acad-*
 11 *emy to whom section 6952a of this title applies,”*
 12 *after “section 6383 of this title applies”.*

13 (2) *Section 634 of such title is amended by in-*
 14 *serting “and an officer who is a permanent military*
 15 *professor at the Naval Academy to whom section*
 16 *6952a of this title applies,” after “section 6383(a)(4)*
 17 *of this title”.*

18 ***Subtitle F—Administrative Matters***

19 ***SEC. 571. CLARIFICATION OF LEAVE ACCRUAL FOR MEM-*** 20 ***BERS ASSIGNED TO A DEPLOYABLE SHIP OR*** 21 ***MOBILE UNIT OR OTHER DUTY.***

22 *Subparagraph (B) of section 701(f)(1) of title 10,*
 23 *United States Code, is amended to read as follows:*

24 “*(B) This subsection applies to a member who—*

1 “(i) serves on active duty for a continuous pe-
2 riod of at least 120 days in an area in which the
3 member is entitled to special pay under section
4 310(a) of title 37;

5 “(ii) is assigned to a deployable ship or mobile
6 unit or to other duty designated for the purpose of
7 this section; or

8 “(iii) on or after August 29, 2005, performs duty
9 designated by the Secretary of Defense as qualifying
10 duty for purposes of this subsection.”.

11 **SEC. 572. LIMITATION ON CONVERSION OF MILITARY MED-**
12 **ICAL AND DENTAL BILLETS TO CIVILIAN PO-**
13 **SITIONS.**

14 (a) *LIMITATION.*—Commencing as of the date of the
15 enactment of this Act, no military medical or dental billet
16 may be converted to a civilian position until 90 days after
17 the date on which the Secretary of Defense certifies to the
18 congressional defense committees each of the following:

19 (1) That the conversion of military medical or
20 dental billets to civilian positions, whether before the
21 date of the enactment or as scheduled after the limita-
22 tion under this subsection no longer applies, will not
23 result in an increase in civilian health care costs.

24 (2) That the conversion of such billets to such po-
25 sitions meets the joint medical and dental readiness

1 *requirements of the uniformed services, as determined*
2 *jointly by all the uniformed services.*

3 (3) *That, as determined pursuant to market sur-*
4 *veys conducted under subsection (b), the civilian med-*
5 *ical and dental care providers available in each af-*
6 *ected area are adequate to fill the civilian positions*
7 *created by the conversion of such billets to such posi-*
8 *tions in such affected area.*

9 (b) *MARKET SURVEYS.—The Secretary of Defense shall*
10 *conduct in each affected area a survey of the availability*
11 *of civilian medical and dental care providers in such area*
12 *in order to determine, for purposes of subsection (a)(3),*
13 *whether or not the civilian medical and dental care pro-*
14 *viders available in such area are adequate to fill the civilian*
15 *positions created by the conversion of medical and dental*
16 *billets to civilian positions in such area.*

17 (c) *DEFINITIONS.—In this section:*

18 (1) *The term “affected area” means an area in*
19 *which the conversion of military medical or dental*
20 *billets to civilian positions has taken place as of the*
21 *date of the enactment of this Act or is scheduled to*
22 *take place after the limitation under subsection (a) no*
23 *longer applies.*

1 (2) *The term “uniformed services” has the mean-*
2 *ing given that term in section 1072(1) of title 10,*
3 *United States Code.*

4 **SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND SIMI-**
5 **LAR LEAVE.**

6 (a) *POLICY REQUIRED.—The Secretary of Defense*
7 *shall prescribe in regulations a uniform policy for the tak-*
8 *ing by members of the Armed Forces of parental leave to*
9 *cover leave to be used in connection with births or adop-*
10 *tions, as the Secretary shall designate under the policy.*

11 (b) *UNIFORMITY ACROSS ARMED FORCES.—The policy*
12 *prescribed under subsection (a) shall apply uniformly*
13 *across the Armed Forces.*

14 **SEC. 574. MENTAL HEALTH SCREENINGS OF MEMBERS OF**
15 **THE ARMED FORCES FOR POST TRAUMATIC**
16 **STRESS DISORDER AND OTHER MENTAL**
17 **HEALTH CONDITIONS.**

18 (a) *MENTAL HEALTH SCREENINGS.—*

19 (1) *IN GENERAL.—Under regulations prescribed*
20 *by the Secretary of Defense, the Secretary concerned*
21 *shall perform mental health screenings of each mem-*
22 *ber of the Armed Forces who is deployed in a combat*
23 *operation or to a combat zone.*

24 (b) *NATURE OF SCREENINGS.—The first mental health*
25 *screening of a member under this section shall be designed*

1 to determine the mental state of such member before deploy-
2 ment. Each other mental health screening of a member
3 under this section shall be designated to detect symptoms
4 or other evidence in such member of Post Traumatic Stress
5 Disorder (PTSD) or other mental health condition relating
6 to combat.

7 (c) *TIME OF SCREENINGS.*—A member shall receive a
8 mental health screening under this section at times as fol-
9 lows:

10 (1) *Prior to deployment in a combat operation*
11 *or to a combat zone.*

12 (2) *Not later than 30 days after the date of the*
13 *member's return from such deployment.*

14 (3) *Not later than 120 days after the date of the*
15 *member's return from such deployment.*

16 **SEC. 575. SENSE OF THE SENATE ON NOTICE TO CONGRESS**
17 **OF RECOGNITION OF MEMBERS OF THE**
18 **ARMED FORCES FOR EXTRAORDINARY ACTS**
19 **OF BRAVERY, HEROISM, AND ACHIEVEMENT.**

20 *It is the sense of the Senate that the Secretary of De-*
21 *fense or the Secretary of the military department concerned*
22 *should, upon awarding a medal to a member of the Armed*
23 *Forces or otherwise commending or recognizing a member*
24 *of the Armed Forces for an act of extraordinary heroism,*
25 *bravery, achievement, or other distinction, notify the Com-*

1 *mittees on Armed Services of the Senate and the House of*
2 *Representatives, the Senators from the State in which such*
3 *member resides, and the Member of the House of Represent-*
4 *atives from the district in which such member resides of*
5 *such extraordinary award, commendation, or recognition.*

6 **SEC. 576. NATIONAL CALL TO SERVICE PROGRAM.**

7 (a) *LIMITATION TO DOMESTIC NATIONAL SERVICE*
8 *PROGRAMS.—Subsection (c)(3)(D) of section 510 of title 10,*
9 *United States Code, is amended by striking “in the Peace*
10 *Corps, Americorps, or another national service program”*
11 *and inserting “in Americorps or another domestic national*
12 *service program”.*

13 (b) *ADMINISTRATION OF EDUCATION INCENTIVES BY*
14 *SECRETARY OF VETERANS AFFAIRS.—Paragraph (2) of*
15 *subsection (h) of such section is amended to read as follows:*

16 “(2)(A) *Educational assistance under paragraphs (3)*
17 *or (4) of subsection (e) shall be provided through the De-*
18 *partment of Veterans Affairs under an agreement to be en-*
19 *tered into by the Secretary of Defense and the Secretary*
20 *of Veterans Affairs. The agreements shall include adminis-*
21 *trative procedures to ensure the prompt and timely transfer*
22 *of funds from the Secretary concerned to the Secretary of*
23 *Veterans Affairs for the making of payments under this sec-*
24 *tion.*

1 “(B) *Except as otherwise provided in this section, the*
2 *provisions of sections 503, 511, 3470, 3471, 3474, 3476,*
3 *3482(g), 3483, and 3485 of title 38 and the provisions of*
4 *subchapters I and II of chapter 36 of such title (with the*
5 *exception of sections 3686(a), 3687, and 3692) shall be ap-*
6 *plicable to the provision of educational assistance under*
7 *this chapter. The term ‘eligible veteran’ and the term ‘per-*
8 *son’, as used in those provisions, shall be deemed for the*
9 *purpose of the application of those provisions to this section*
10 *to refer to a person eligible for educational assistance under*
11 *paragraph (3) or (4) of subsection (e).”.*

12 **SEC. 577. DESIGNATION OF IKE SKELTON EARLY COMMIS-**
13 **SIONING PROGRAM SCHOLARSHIPS.**

14 *Section 2107a of title 10, United States Code, is*
15 *amended by adding at the end the following new subsection:*

16 “(j) *Financial assistance provided under this section*
17 *to a cadet appointed at a military junior college is des-*
18 *ignated as, and shall be known as, an ‘Ike Skelton Early*
19 *Commissioning Program Scholarship’.”.*

1 ***Subtitle G—Defense Dependents***
2 ***Education Matters***

3 ***SEC. 581. EXPANSION OF AUTHORIZED ENROLLMENT IN DE-***
4 ***PARTMENT OF DEFENSE DEPENDENTS***
5 ***SCHOOLS OVERSEAS.***

6 *The Defense Dependents' Education Act of 1978 (20*
7 *U.S.C. 931 et seq.) is amended by inserting after section*
8 *1404 the following new section:*

9 ***“ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON***
10 ***TUITION-FREE BASIS***

11 ***“SEC. 1404A. (a) The Secretary of Defense may, under***
12 *regulations to be prescribed by the Secretary, authorize the*
13 *enrollment in schools of the defense dependents' education*
14 *system on a tuition-free basis the children of full-time, lo-*
15 *cally-hired employees of the Department of Defense in an*
16 *overseas area if such employees are citizens or nationals of*
17 *the United States.*

18 ***“(b) The Secretary may utilize funds available for the***
19 *defense dependents' education system, including funds for*
20 *construction, in order to provide for the education of chil-*
21 *dren enrolled in the defense dependents' education system*
22 *under subsection (a).”.*

1 **SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
2 **WITH SIGNIFICANT ENROLLMENT INCREASES**
3 **OR DECREASES IN MILITARY DEPENDENT**
4 **STUDENTS DUE TO TROOP RELOCATIONS,**
5 **CREATION OF NEW UNITS, AND REALIGN-**
6 **MENTS UNDER BRAC.**

7 (a) *AVAILABILITY OF ASSISTANCE.*—*To assist commu-*
8 *nities in making adjustments resulting from the creation*
9 *of new units and other large-scale relocations of members*
10 *of the Armed Forces between military installations, the Sec-*
11 *retary of Defense may make payments to local educational*
12 *agencies described in subsection (b) that, during the period*
13 *between the end of the school year preceding the fiscal year*
14 *for which the payments are authorized and the beginning*
15 *of the school year immediately preceding that school year,*
16 *had an overall increase or decrease in the number of mili-*
17 *tary dependent students enrolled in schools of such local*
18 *educational agencies equal to or greater than 250 military*
19 *dependent students.*

20 (b) *ELIGIBLE LOCAL EDUCATIONAL AGENCIES.*—*A*
21 *local educational agency is eligible for assistance under this*
22 *section for a fiscal year only if the Secretary of Defense*
23 *determines that—*

24 (1) *the local educational agency is eligible for*
25 *educational agencies assistance for the same fiscal*
26 *year; and*

1 (2) *the required overall increase or decrease in*
2 *the number of military dependent students enrolled in*
3 *schools of that local educational agency, as provided*
4 *in subsection (a), occurred as a result of the reloca-*
5 *tion of military personnel due to—*

6 (A) *the global rebasing plan of the Depart-*
7 *ment of Defense;*

8 (B) *the official creation or activation of one*
9 *or more new military units;*

10 (C) *the realignment of forces as a result of*
11 *the base closure process; or*

12 (D) *a change in the number of housing*
13 *units on a military installation.*

14 (c) *NOTIFICATION.—Not later than June 30, 2006, and*
15 *June 30 of each of the next two fiscal years, the Secretary*
16 *of Defense shall notify each local educational agency that*
17 *is eligible for assistance under this section for such fiscal*
18 *year of—*

19 (1) *the eligibility of the local educational agency*
20 *for the assistance; and*

21 (2) *the amount of the assistance for which that*
22 *local educational agency is eligible, as determined*
23 *under subsection (d).*

24 (d) *AMOUNT OF ASSISTANCE.—*

1 (1) *IN GENERAL.*—*In making assistance avail-*
2 *able to local educational agencies under this section,*
3 *the Secretary of Defense shall, in consultation with*
4 *the Secretary of Education, make assistance available*
5 *to such local educational agencies for a fiscal year on*
6 *a pro rata basis based on the size of the overall in-*
7 *crease or decrease in the number of military and De-*
8 *partment of Defense civilian dependent students en-*
9 *rolled in schools of those local educational agencies for*
10 *such fiscal year.*

11 (2) *LIMITATION.*—*No local educational agency*
12 *may receive more than \$1,000,000 in assistance under*
13 *this section for any fiscal year.*

14 (e) *DISBURSEMENT OF FUNDS.*—*The Secretary of De-*
15 *fense shall disburse assistance made available under this*
16 *section for a fiscal year not later than 30 days after the*
17 *date on which notification to the eligible local educational*
18 *agencies is provided pursuant to subsection (c) for that fis-*
19 *cal year.*

20 (f) *CONSULTATION.*—*The Secretary of Defense shall*
21 *carry out this section in consultation with the Secretary*
22 *of Education.*

23 (g) *REPORTS.*—

24 (1) *REPORTS REQUIRED.*—*Not later than May 1*
25 *of each of 2007, 2008, and 2009, the Secretary of De-*

1 *fense shall submit to the congressional defense com-*
2 *mittees a report on the assistance provided under this*
3 *section during the fiscal year preceding the date of*
4 *such report.*

5 (2) *ELEMENT.*—*Each report on the assistance*
6 *provided during a fiscal year under this section shall*
7 *include an assessment and description of the current*
8 *compliance of each local educational agency receiving*
9 *such assistance with the requirements of the No Child*
10 *Left Behind Act of 2001 (Public Law 107–110).*

11 (h) *FUNDING.*—*Of the amount authorized to be appro-*
12 *priated to the Department of Defense for fiscal years 2006,*
13 *2007, and 2008 for operation and maintenance for Defense-*
14 *wide activities, \$15,000,000 shall be available for each such*
15 *fiscal year only for the purpose of providing assistance to*
16 *local educational agencies under this section.*

17 (i) *TERMINATION.*—*The authority of the Secretary of*
18 *Defense to provide financial assistance under this section*
19 *shall expire on September 30, 2008.*

20 (j) *DEFINITIONS.*—*In this section:*

21 (1) *The term “base closure process” means the*
22 *2005 base closure and realignment process authorized*
23 *by Defense Base Closure and Realignment Act of 1990*
24 *(part A of title XXIX of Public Law 101–510; 10*
25 *U.S.C. 2687 note) or any base closure and realign-*

1 *ment process conducted after the date of the enact-*
2 *ment of this Act under section 2687 of title 10,*
3 *United States Code, or any other similar law enacted*
4 *after that date.*

5 (2) *The term “educational agencies assistance”*
6 *means assistance authorized under section 386(b) of*
7 *the National Defense Authorization Act for Fiscal*
8 *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*
9 *note).*

10 (3) *The term “local educational agency” has the*
11 *meaning given that term in section 8013(9) of the El-*
12 *ementary and Secondary Education Act of 1965 (20*
13 *U.S.C. 7713(9)).*

14 (4) *The term “military dependent students” re-*
15 *fers to—*

16 (A) *elementary and secondary school stu-*
17 *dents who are dependents of members of the*
18 *Armed Forces; and*

19 (B) *elementary and secondary school stu-*
20 *dents who are dependents of civilian employees*
21 *of the Department of Defense.*

1 **SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
2 **THAT BENEFIT DEPENDENTS OF MEMBERS**
3 **OF THE ARMED FORCES AND DEPARTMENT**
4 **OF DEFENSE CIVILIAN EMPLOYEES.**

5 (a) *CONTINUATION OF DEPARTMENT OF DEFENSE*
6 *PROGRAM FOR FISCAL YEAR 2006.*—Of the amount author-
7 ized to be appropriated pursuant to section 301(5) for oper-
8 ation and maintenance for Defense-wide activities,
9 \$30,000,000 shall be available only for the purpose of pro-
10 viding educational agencies assistance to local educational
11 agencies.

12 (b) *NOTIFICATION.*—Not later than June 30, 2006, the
13 Secretary of Defense shall notify each local educational
14 agency that is eligible for educational agencies assistance
15 for fiscal year 2006 of—

16 (1) that agency's eligibility for the assistance;
17 and

18 (2) the amount of the assistance for which that
19 agency is eligible.

20 (c) *DISBURSEMENT OF FUNDS.*—The Secretary of De-
21 fense shall disburse funds made available under subsection
22 (a) not later than 30 days after the date on which notifica-
23 tion to the eligible local educational agencies is provided
24 pursuant to subsection (b).

25 (d) *DEFINITIONS.*—In this section:

1 (1) *The term “educational agencies assistance”*
2 *means assistance authorized under section 386(b) of*
3 *the National Defense Authorization Act for Fiscal*
4 *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*
5 *note).*

6 (2) *The term “local educational agency” has the*
7 *meaning given that term in section 8013(9) of the El-*
8 *ementary and Secondary Education Act of 1965 (20*
9 *U.S.C. 7713(9)).*

10 (3) *The term “basic support payment” means a*
11 *payment authorized under section 8003(b)(1) of the*
12 *Elementary and Secondary Education Act of 1965*
13 *(20 U.S.C. 7703(b)(1)).*

14 **SEC. 584. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
15 **ABILITIES.**

16 *Of the amount authorized to be appropriated pursuant*
17 *to section 301(5) for operation and maintenance for De-*
18 *fense-wide activities, \$5,000,000 shall be available for pay-*
19 *ments under section 363 of the Floyd D. Spence National*
20 *Defense Authorization Act for Fiscal Year 2001 (as enacted*
21 *into law by Public Law 106–398; 114 Stat. 1654A–77; 20*
22 *U.S.C. 7703a).*

1 **SEC. 585. PILOT PROJECTS ON PEDIATRIC EARLY LITERACY**
2 **AMONG CHILDREN OF MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) *PILOT PROJECTS AUTHORIZED.*—*The Secretary of*
5 *Defense may conduct pilot projects to assess the feasibility,*
6 *advisability, and utility of encouraging pediatric literacy*
7 *among the children of members of the Armed Forces uti-*
8 *lizing the Reach Out and Read model of pediatric early*
9 *literacy.*

10 (b) *LOCATIONS.*—

11 (1) *IN GENERAL.*—*The pilot projects conducted*
12 *under subsection (a) shall be conducted at not more*
13 *than 20 military medical treatment facilities des-*
14 *ignated by the Secretary for purposes of this section.*

15 (2) *CO-LOCATION WITH CERTAIN INSTALLA-*
16 *TIONS.*—*In designating military medical treatment*
17 *facilities under paragraph (1), the Secretary shall, to*
18 *the extent practicable, designate facilities that are lo-*
19 *cated on, or co-located with, military installations at*
20 *which the mobilization or demobilization of members*
21 *of the Armed Forces occurs.*

22 (c) *ACTIVITIES.*—*Activities under the pilot projects*
23 *conducted under subsection (a) shall include activities in*
24 *accordance with the Reach Out and Read model of pediatric*
25 *early literacy as follows:*

1 (1) *The provision of training to health care pro-*
2 *viders and other appropriate personnel on early lit-*
3 *eracy promotion.*

4 (2) *The purchase and distribution of children's*
5 *books to members of the Armed Forces, their spouses,*
6 *and their children.*

7 (3) *The modification of treatment facility and*
8 *clinic waiting rooms to include a full selection of lit-*
9 *erature for children.*

10 (4) *The dissemination to members of the Armed*
11 *Forces and their spouses of parent education mate-*
12 *rials on pediatric early literacy.*

13 (5) *Such other activities as the Secretary con-*
14 *siders appropriate.*

15 (d) *CONSULTATION.*—*The Secretary shall consult with*
16 *the Reach Out and Read National Center in the develop-*
17 *ment and implementation of the pilot projects conducted*
18 *under this section, including in the designation of locations*
19 *of the pilot projects under subsection (b).*

20 (e) *REPORT.*—

21 (1) *IN GENERAL.*—*Not later than March 1, 2007,*
22 *the Secretary shall submit to the congressional defense*
23 *committees a report on the pilot projects conducted*
24 *under this section.*

1 (2) *ELEMENTS.*—*The report under paragraph*
 2 *(1) shall include—*

3 (A) *a description of the pilot projects con-*
 4 *ducted under this section, including the location*
 5 *of each pilot project and the activities conducted*
 6 *under each pilot project; and*

7 (B) *an assessment of the feasibility, advis-*
 8 *ability, and utility of encouraging pediatric*
 9 *early literacy among the children of members of*
 10 *the Armed Forces utilizing the Reach Out and*
 11 *Read model of pediatric early literacy.*

12 *(f) FUNDING.—*

13 (1) *IN GENERAL.*—*Of the amount authorized to*
 14 *be appropriated by section 301(5) for operation and*
 15 *maintenance for Defense-wide activities, up to*
 16 *\$2,000,000 may be available for the pilot projects au-*
 17 *thorized by this section.*

18 (2) *AVAILABILITY.*—*The amount available under*
 19 *paragraph (1) shall remain available until expended.*

20 ***Subtitle H—Other Matters***

21 ***SEC. 591. POLICY AND PROCEDURES ON CASUALTY ASSIST-*** 22 ***ANCE TO SURVIVORS OF MILITARY DECE-*** 23 ***DENTS.***

24 (a) *COMPREHENSIVE POLICY ON CASUALTY ASSIST-*
 25 *ANCE.—*

1 (1) *POLICY REQUIRED.*—Not later than January
2 1, 2006, the Secretary of Defense shall develop and
3 prescribe a comprehensive policy for the Department
4 of Defense on the provision of casualty assistance to
5 survivors and next of kin of members of the Armed
6 Forces who die during military service (in this sec-
7 tion referred to as “military decedents”).

8 (2) *CONSULTATION.*—The Secretary shall develop
9 the policy in consultation with the Secretaries of the
10 military departments, the Secretary of Veterans Af-
11 fairs, and the Secretary of Homeland Security with
12 respect to the Coast Guard

13 (3) *INCORPORATION OF PAST EXPERIENCE AND*
14 *PRACTICE.*—The policy shall be based on—

15 (A) the experience and best practices of the
16 military departments;

17 (B) the recommendations of nongovernment
18 organizations with demonstrated expertise in re-
19 sponding to the needs of survivors of military de-
20 cedents; and

21 (C) such other matters as the Secretary of
22 Defense considers appropriate.

23 (4) *PROCEDURES.*—The policy shall include pro-
24 cedures to be followed by the military departments in
25 the provision of casualty assistance to survivors and

1 *next of kin of military decedents. The procedures shall*
2 *be uniform across the military departments except to*
3 *the extent necessary to reflect the traditional practices*
4 *or customs of a particular military department.*

5 *(b) ELEMENTS OF POLICY.—The comprehensive policy*
6 *developed under subsection (a) shall address the following*
7 *matters:*

8 *(1) The initial notification of primary and sec-*
9 *ondary next of kin of the deaths of military decedents*
10 *and any subsequent notifications of next of kin war-*
11 *ranted by circumstances.*

12 *(2) The transportation and disposition of re-*
13 *mains of military decedents, including notification of*
14 *survivors of the performance of autopsies.*

15 *(3) The qualifications, assignment, training, du-*
16 *ties, supervision, and accountability for the perform-*
17 *ance of casualty assistance responsibilities.*

18 *(4) The relief or transfer of casualty assistance*
19 *officers, including notification to survivors and next*
20 *of kin of the reassignment of such officers to other du-*
21 *ties.*

22 *(5) Centralized, short-term and long-term case-*
23 *management procedures for casualty assistance by*
24 *each military department, including rapid access by*

1 survivors of military decedents and casualty assist-
2 ance officers to expert case managers and counselors.

3 (6) The provision, through a computer accessible
4 Internet website and other means and at no cost to
5 survivors of military decedents, of personalized, inte-
6 grated information on the benefits and financial as-
7 sistance available to such survivors from the Federal
8 Government.

9 (7) The provision, at no cost to survivors of mili-
10 tary decedents, of legal assistance by military attor-
11 neys on matters arising from the deaths of such dece-
12 dents, including tax matters, on an expedited,
13 prioritized basis.

14 (8) The provision of financial counseling to sur-
15 vivors of military decedents, particularly with respect
16 to appropriate disposition of death gratuity and in-
17 surance proceeds received by surviving spouses, minor
18 dependent children, and their representatives.

19 (9) The provision of information to survivors
20 and next of kin of military decedents on mechanisms
21 for registering complaints about, or requests for, addi-
22 tional assistance related to casualty assistance.

23 (10) Liaison with the Department of Veterans
24 Affairs and the Social Security Administration in
25 order to ensure prompt and accurate resolution of

1 *issues relating to benefits administered by those agen-*
2 *cies for survivors of military decedents.*

3 *(11) Data collection regarding the incidence and*
4 *quality of casualty assistance provided to survivors of*
5 *military decedents, including surveys of such sur-*
6 *vivors and military and civilian members assigned*
7 *casualty assistance duties.*

8 *(c) ADOPTION BY MILITARY DEPARTMENTS.—Not later*
9 *than March 1, 2006, the Secretary of each military depart-*
10 *ment shall prescribe regulations, or modify current regula-*
11 *tions, on the policies and procedures of such military de-*
12 *partment on the provision of casualty assistance to sur-*
13 *vivors and next of kin of military decedents in order to con-*
14 *form such policies and procedures to the policy developed*
15 *under subsection (a).*

16 *(d) REPORT ON IMPROVEMENT OF CASUALTY ASSIST-*
17 *ANCE PROGRAMS.—Not later than May 1, 2006, the Sec-*
18 *retary of Defense shall submit to the Committees on Armed*
19 *Services of the Senate and the House of Representatives a*
20 *report that includes—*

21 *(1) the assessment of the Secretary of the ade-*
22 *quacy and sufficiency of the current casualty assist-*
23 *ance programs of the military departments;*

24 *(2) a plan for a system for the uniform provision*
25 *to survivors of military decedents of personalized, ac-*

1 *curate, and integrated information on the benefits*
2 *and financial assistance available to such survivors*
3 *through the casualty assistance programs of the mili-*
4 *tary departments under subsection (c); and*

5 *(3) such recommendations for other legislative or*
6 *administrative action as the Secretary considers ap-*
7 *propriate to enhance and improve such programs to*
8 *achieve their intended purposes.*

9 *(e) GAO REPORT.—*

10 *(1) REPORT REQUIRED.—Not later than August*
11 *1, 2006, the Comptroller General of the United States*
12 *shall submit to the congressional defense committees a*
13 *report on the evaluation by the Comptroller General*
14 *of the casualty assistance programs of the Department*
15 *of Defense and of such other departments and agencies*
16 *of the Federal Government as provide casualty assist-*
17 *ance to survivors and next of kin of military dece-*
18 *dents.*

19 *(2) ASSESSMENT.—The report shall include the*
20 *assessment of the Comptroller General of the adequacy*
21 *of the current policies and procedures of, and funding*
22 *for, the casualty assistance programs covered by the*
23 *report to achieve their intended purposes.*

1 **SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION**
2 **AND AUTHORITIES OF THE NAVAL POST-**
3 **GRADUATE SCHOOL.**

4 (a) *COMBAT-RELATED FOCUS FOR NAVAL POST-*
5 *GRADUATE SCHOOL.—*

6 (1) *IN GENERAL.—Section 7041 of title 10,*
7 *United States Code, is amended by striking “for the*
8 *advanced instruction” and all that follows and insert-*
9 *ing “for the provision of advanced instruction, and*
10 *professional and technical education, to commissioned*
11 *officers of the naval service to enhance combat effec-*
12 *tiveness and the national security.”.*

13 (2) *CONFORMING AMENDMENT.—Section*
14 *7042(b)(1) of such title is amended by striking “and*
15 *technical education” and inserting “, and technical*
16 *and professional education,”.*

17 (b) *EXPANDED ELIGIBILITY OF ENLISTED PERSONNEL*
18 *FOR INSTRUCTION.—Section 7045 of such title is*
19 *amended—*

20 (1) *in subsection (a)(2)—*

21 (A) *by redesignating subparagraph (C) as*
22 *subparagraph (D);*

23 (B) *by inserting after subparagraph (B) the*
24 *following new subparagraph (C):*

25 “(C) *The Secretary may permit an eligible member of*
26 *the armed forces to receive instruction from the Post-*

1 graduate School in certificate programs and courses re-
 2 quired for the performance of the member's duties.”; and

3 (C) in subparagraph (D), as so redesign-
 4 nated, by striking “(A) and (B)” and inserting
 5 “(A), (B), and (C)”;

6 (2) in subsection (b)(2), by striking “(a)(2)(C)”
 7 and inserting “(a)(2)(D)”.

8 **SEC. 593. EXPANSION AND ENHANCEMENT OF AUTHORITY**
 9 **TO PRESENT RECOGNITION ITEMS FOR RE-**
 10 **CRUITMENT AND RETENTION PURPOSES.**

11 (a) *IN GENERAL.*—(1) Subchapter II of chapter 134
 12 of title 10, United States Code, is amended by adding at
 13 the end the following new section:

14 **“§ 2261. Presentation of recognition items for recruit-**
 15 **ment and retention purposes**

16 “(a) *EXPENDITURES FOR RECOGNITION ITEMS.*—
 17 Under regulations prescribed by the Secretary of Defense,
 18 appropriated funds may be expended—

19 “(1) to procure recognition items of nominal or
 20 modest value for recruitment or retention purposes;
 21 and

22 “(2) to present such items—

23 “(A) to members of the armed forces, includ-
 24 ing members of the reserve components of the
 25 armed forces; and

1 “(B) to members of the families of members
2 of the armed forces, and to other individuals rec-
3 ognized as providing support that substantially
4 facilitates service in the armed forces.

5 “(b) *PROVISION OF MEALS AND REFRESHMENTS.*—
6 For purposes of section 520c of this title and any regulation
7 prescribed to implement that section, functions conducted
8 for the purpose of presenting recognition items described in
9 subsection (a) shall be treated as recruiting functions, and
10 recipients of such items shall be treated as persons who are
11 the objects of recruiting efforts.

12 “(c) *DEFINITION.*—The term ‘recognition items of
13 nominal or modest value’ means commemorative coins,
14 medals, trophies, badges, flags, posters, paintings, or other
15 similar items that are valued at less than \$50 per item and
16 are designed to recognize or commemorate service in the
17 armed forces.

18 “(d) *TERMINATION OF AUTHORITY.*—The authority
19 under this section shall expire December 31, 2007.”.

20 (2) The table of sections at the beginning of subchapter
21 II of chapter 134 of such title is amended by adding at
22 the end the following new item:

 “2261. Presentation of recognition items for recruitment and retention purposes.”.

23 (b) *REPEAL OF SUPERSEDED AUTHORITIES.*—

24 (1) *ARMY RESERVE.*—(A) Section 18506 of title
25 10, United States Code, is repealed.

1 (B) *The table of sections at the beginning of*
 2 *chapter 1805 of such title is amended by striking the*
 3 *item relating to section 18506.*

4 (2) *NATIONAL GUARD.*—(A) *Section 717 of title*
 5 *32, United States Code, is repealed.*

6 (B) *The table of sections at the beginning of*
 7 *chapter 7 of such title is amended by striking the item*
 8 *relating to section 717.*

9 **SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES**
 10 **AND PROCEDURES ON PERSONAL COMMER-**
 11 **CIAL SOLICITATIONS ON DEPARTMENT OF**
 12 **DEFENSE INSTALLATIONS.**

13 (a) *REQUIREMENT.*—*Not later than January 1, 2006,*
 14 *the Secretary of Defense shall prescribe regulations, or mod-*
 15 *ify existing regulations, on the policies and procedures re-*
 16 *lating to personal commercial solicitations, including the*
 17 *sale of life insurance and securities, on Department of De-*
 18 *fense installations.*

19 (b) *REPEAL OF SUPERSEDED LIMITATIONS.*—*The fol-*
 20 *lowing provisions of law are repealed:*

21 (1) *Section 586 of the National Defense Author-*
 22 *ization Act for Fiscal Year 2004 (Public Law 108-*
 23 *136; 117 Stat. 1493).*

1 (2) *Section 8133 of the Department of Defense*
2 *Appropriations Act, 2005 (Public Law 108–287; 118*
3 *Stat. 1002).*

4 **SEC. 595. FEDERAL ASSISTANCE FOR STATE PROGRAMS**
5 **UNDER THE NATIONAL GUARD YOUTH CHAL-**
6 **LENGE PROGRAM.**

7 (a) *IN GENERAL.*—*Section 509(d) of title 32, United*
8 *States Code, is amended by striking paragraphs (1), (2),*
9 *(3), and (4) and inserting the following new paragraphs:*

10 “(1) *for fiscal year 2006, 65 percent of the costs*
11 *of operating the State program during that fiscal*
12 *year;*

13 “(2) *for fiscal year 2007, 70 percent of the costs*
14 *of operating the State program during that fiscal*
15 *year; and*

16 “(3) *for fiscal year 2008 and each subsequent fis-*
17 *cal year, 75 percent of the costs of operating the State*
18 *program during such fiscal year.”.*

19 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
20 *section (a) shall take effect on October 1, 2005.*

1 **SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVER-**
2 **SITY AWARD OF DEGREE OF MASTER OF**
3 **SCIENCE IN JOINT CAMPAIGN PLANNING AND**
4 **STRATEGY.**

5 (a) *JOINT FORCES STAFF COLLEGE PROGRAM.*—Sec-
6 *tion 2163 of title 10, United States Code, is amended to*
7 *read as follows:*

8 **“§2163. National Defense University: master of**
9 **science degrees**

10 *“(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—*
11 *The President of the National Defense University, upon the*
12 *recommendation of the faculty of the respective college or*
13 *other school within the University, may confer the master*
14 *of science degrees specified in subsection (b).*

15 *“(b) AUTHORIZED DEGREES.—The following degrees*
16 *may be awarded under subsection (a):*

17 *“(1) MASTER OF SCIENCE IN NATIONAL SECU-*
18 *RITY STRATEGY.—The degree of master of science in*
19 *national security strategy, to graduates of the Univer-*
20 *sity who fulfill the requirements of the program of the*
21 *National War College.*

22 *“(2) MASTER OF SCIENCE IN NATIONAL RE-*
23 *SOURCE STRATEGY.—The degree of master of science*
24 *in national resource strategy, to graduates of the Uni-*
25 *versity who fulfill the requirements of the program of*
26 *the Industrial College of the Armed Forces.*

1 “(3) *MASTER OF SCIENCE IN JOINT CAMPAIGN*
2 *PLANNING AND STRATEGY.*—*The degree of master of*
3 *science in joint campaign planning and strategy, to*
4 *graduates of the University who fulfill the require-*
5 *ments of the program of the Joint Advanced*
6 *Warfighting School at the Joint Forces Staff College.*

7 “(c) *REGULATIONS.*—*The authority provided by this*
8 *section shall be exercised under regulations prescribed by*
9 *the Secretary of Defense.”.*

10 (b) *CLERICAL AMENDMENT.*—*The item relating to sec-*
11 *tion 2163 in the table of sections at the beginning of chapter*
12 *108 of such title is amended to read as follows:*

 “2163. *National Defense University: master of science degrees.”.*

13 (c) *EFFECTIVE DATE.*—*Paragraph (3) of section*
14 *2163(b) of title 10, United States Code, as amended by sub-*
15 *section (a), shall take effect for degrees awarded after May*
16 *2005.*

17 **SEC. 597. CLARIFICATION OF CERTAIN AUTHORITIES RE-**
18 **LATING TO THE COMMISSION ON THE NA-**
19 **TIONAL GUARD AND RESERVES.**

20 (a) *NATURE OF COMMISSION.*—*Subsection (a) of sec-*
21 *tion 513 of the Ronald W. Reagan National Defense Author-*
22 *ization Act for Fiscal Year 2005 (Public Law 108–375; 118*
23 *Stat. 1880) is amended by inserting “in the legislative*
24 *branch” after “There is established”.*

1 (b) *PAY OF MEMBERS.*—Subsection (e)(1) of such sec-
 2 tion is amended striking “except that” and all that follows
 3 through the end and inserting “except that—

4 “(A) in applying the first sentence of subsection
 5 (a) of section 957 of such Act to the Commission,
 6 ‘may’ shall be substituted for ‘shall’; and

7 “(B) in applying subsections (a), (c)(2), and (e)
 8 of section 957 of such Act to the Commission, ‘level
 9 IV of the Executive Schedule’ shall be substituted for
 10 ‘level V of the Executive Schedule.’”.

11 (c) *TECHNICAL AMENDMENT.*—Subsection (c)(2)(C) of
 12 such section is amended by striking “section 404(a)(4)” and
 13 inserting “section 416(a)(4)”.

14 (d) *EFFECTIVE DATE.*—The amendments made by this
 15 section shall take effect on October 28, 2004, as if included
 16 in the enactment of the Ronald W. Reagan National Defense
 17 Authorization Act for Fiscal Year 2005.

18 **SEC. 598. CONSUMER EDUCATION FOR MEMBERS OF THE**
 19 **ARMED FORCES AND THEIR SPOUSES ON IN-**
 20 **SURANCE AND OTHER FINANCIAL SERVICES.**

21 (a) *EDUCATION AND COUNSELING REQUIREMENTS.*—

22 (1) *IN GENERAL.*—Chapter 50 of title 10, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing new section:

1 **“§ 992. Consumer education: financial services**

2 “(a) *REQUIREMENT FOR CONSUMER EDUCATION PRO-*
3 *GRAM FOR MEMBERS.—(1) The Secretary concerned shall*
4 *carry out a program to provide comprehensive education*
5 *to members of the armed forces under the jurisdiction of*
6 *the Secretary on—*

7 “(A) *financial services that are available under*
8 *law to members;*

9 “(B) *financial services that are routinely offered*
10 *by private sector sources to members;*

11 “(C) *practices relating to the marketing of pri-*
12 *vate sector financial services to members;*

13 “(D) *such other matters relating to financial*
14 *services available to members, and the marketing of*
15 *financial services to members, as the Secretary con-*
16 *siders appropriate; and*

17 “(E) *such other financial practices as the Sec-*
18 *retary considers appropriate.*

19 “(2) *Training under this subsection shall be provided*
20 *to members as—*

21 “(A) *a component of members initial entry ori-*
22 *entation training; and*

23 “(B) *a component of periodically recurring re-*
24 *quired training that is provided for the members at*
25 *military installations.*

1 “(3) *The training provided at a military installation*
2 *under paragraph (2)(B) shall include information on any*
3 *financial services marketing practices that are particularly*
4 *prevalent at that military installation and in the vicinity.*

5 “(b) *COUNSELING FOR MEMBERS AND SPOUSES.—(1)*
6 *The Secretary concerned shall, upon request, provide coun-*
7 *seling on financial services to each member of the armed*
8 *forces, and such member’s spouse, under the jurisdiction of*
9 *the Secretary.*

10 “(2)(A) *In the case of a military installation at which*
11 *at least 2,000 members of the armed forces on active duty*
12 *are assigned, the Secretary concerned—*

13 “(i) *shall provide counseling on financial serv-*
14 *ices under this subsection through a full-time finan-*
15 *cial services counselor at such installation; and*

16 “(ii) *may provide such counseling at such instal-*
17 *lation by any means elected by the Secretary from*
18 *among the following:*

19 “(I) *Through members of the armed forces*
20 *in grade E–7 or above, or civilians, who provide*
21 *such counseling as part of their other duties for*
22 *the armed forces or the Department of Defense.*

23 “(II) *By contract, including contract for*
24 *services by telephone and by the Internet.*

1 “(III) Through qualified representatives of
2 nonprofit organizations and agencies under for-
3 mal agreements with the Department of Defense
4 to provide such counseling.

5 “(B) In the case of any military installation not de-
6 scribed in subparagraph (A), the Secretary concerned shall
7 provide counseling on financial services under this sub-
8 section at such installation by any of the means set forth
9 in subparagraph (A)(ii), as elected by the Secretary con-
10 cerned.

11 “(3) Each financial services counselor under para-
12 graph (2)(A)(i), and any other individual providing coun-
13 seling on financial services under paragraph (2), shall be
14 an individual who, by reason of education, training, or ex-
15 perience, is qualified to provide helpful counseling to mem-
16 bers of the armed forces and their spouses on financial serv-
17 ices and marketing practices described in subsection (a)(1).
18 Such individual may be a member of the armed forces or
19 an employee of the Federal Government.

20 “(4) The Secretary concerned shall take such action as
21 is necessary to ensure that each financial services counselor
22 under paragraph (2)(A)(i), and any other individual pro-
23 viding counseling on financial services under paragraphs
24 (2), is free from conflicts of interest relevant to the perform-
25 ance of duty under this section. and, in the performance

1 of that duty, is dedicated to furnishing members of the
2 armed forces and their spouses with helpful information
3 and counseling on financial services and related marketing
4 practices.

5 “(c) *LIFE INSURANCE.*—(1) *In counseling a member*
6 *of the armed forces, or spouse of a member of the armed*
7 *forces, under this section regarding life insurance offered*
8 *by a private sector source, a financial services counselor*
9 *under subsection (b)(2)(A)(i), or another individual pro-*
10 *viding counseling on financial services under subsection*
11 *(b)(2), shall furnish the member or spouse, as the case may*
12 *be, with information on the availability of Servicemembers’*
13 *Group Life Insurance under subchapter III of chapter 19*
14 *of title 38, including information on the amounts of cov-*
15 *erage available and the procedures for electing coverage and*
16 *the amount of coverage.*

17 “(2)(A) *A covered member of the armed forces may not*
18 *authorize payment to be made for private sector life insur-*
19 *ance by means of an allotment of pay to which the member*
20 *is entitled under chapter 3 of title 37 unless the authoriza-*
21 *tion of allotment is accompanied by a written certification*
22 *by a commander of the member, a financial services coun-*
23 *selor referred to in subsection (b)(2)(A)(i), or another indi-*
24 *vidual providing counseling on financial services under*
25 *subsection (b)(2), as applicable, that the member has re-*

1 *ceived counseling under paragraph (1) regarding the pur-*
2 *chase of coverage under that private sector life insurance.*

3 “(B) Subject to subparagraph (C), a written certifi-
4 *cation described in subparagraph (A) may not be made*
5 *with respect to a member’s authorization of allotment as*
6 *described in subparagraph (A) until seven days after the*
7 *date of the member’s authorization of allotment in order*
8 *to facilitate the provision of counseling to the member under*
9 *paragraph (1).*

10 “(C) The commander of a member may waive the ap-
11 *plicability of subparagraph (B) to a member for good cause,*
12 *including the member’s imminent change of station.*

13 “(D) In this paragraph, the term ‘covered member of
14 *the armed forces’ means an active duty member of the*
15 *armed forces in grades E–1 through E–4.*

16 “(d) *FINANCIAL SERVICES DEFINED.—In this section,*
17 *the term ‘financial services’ includes the following:*

18 “(1) *Life insurance, casualty insurance, and*
19 *other insurance.*

20 “(2) *Investments in securities or financial in-*
21 *struments.*

22 “(3) *Banking, credit, loans, deferred payment*
23 *plans, and mortgages.”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
2 *tions at the beginning of such chapter is amended by*
3 *adding at the end the following new item:*

“992. Consumer education: financial services.”.

4 (b) *CONTINUING EFFECT OF EXISTING ALLOTMENTS*
5 *FOR LIFE INSURANCE.*—*Paragraph (c)(2) of section 992 of*
6 *title 10, United States Code (as added by subsection (a)),*
7 *shall not affect any allotment of pay authorized by a mem-*
8 *ber of the Armed Forces before the effective date of such sec-*
9 *tion.*

10 (c) *EFFECTIVE DATE.*—*The amendments made by this*
11 *section shall take effect on the first day of the first month*
12 *that begins more than 120 days after the date of the enact-*
13 *ment of this Act.*

14 **SEC. 599. REPORT ON PREDATORY LENDING PRACTICES DI-**
15 **RECTED AT MEMBERS OF THE ARMED**
16 **FORCES AND THEIR DEPENDENTS.**

17 (a) *FINDINGS.*—*The Senate makes the following find-*
18 *ings:*

19 (1) *Predatory lending practices harm members of*
20 *the Armed Forces and are an increasing problem for*
21 *the Armed Forces.*

22 (2) *Predatory lending practices not only hurt the*
23 *financial security of the members of the Armed Forces*
24 *but, according to the Under Secretary of Defense for*

1 *Personnel and Readiness, also threaten the oper-*
2 *ational readiness of the Armed Forces.*

3 (3) *The General Accountability Office found in*
4 *an April 2005 report that the Department of Defense*
5 *was not fully utilizing tools available to the Depart-*
6 *ment to curb the predatory lending practices directed*
7 *at members of the Armed Forces.*

8 (b) *SENSE OF SENATE.—It is the sense of the Senate*
9 *that—*

10 (1) *the Department of Defense should work with*
11 *financial service regulators to protect the members of*
12 *the Armed Forces from predatory lending practices;*
13 *and*

14 (2) *the Senate should consider and adopt*
15 *legislation—*

16 (A) *to strengthen disclosure, education, and*
17 *other protections for members of the Armed*
18 *Forces regarding predatory lending practices;*
19 *and*

20 (B) *to ensure greater cooperation between*
21 *financial services regulators and the Department*
22 *of Defense on the protection of members of the*
23 *Armed Forces from predatory lending practices.*

24 (c) *REPORT.—*

1 (1) *REPORT REQUIRED.*—Not later than 90 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall, in consultation with the Sec-
4 retary of the Treasury, the Chairman of the Federal
5 Reserve, the Chairman of the Federal Deposit Insur-
6 ance Corporation, and representatives of military
7 charity organizations and consumer organizations,
8 submit to the appropriate committees of Congress a
9 report on predatory lending practices directed at
10 members of the Armed Forces and their families.

11 (2) *ELEMENTS.*—The report under paragraph
12 (1) shall include—

13 (A) a description of the prevalence of preda-
14 tory lending practices directed at members of the
15 Armed Forces and their families;

16 (B) an assessment of the effects of predatory
17 lending practices on members of the Armed
18 Forces and their families;

19 (C) a description of the strategy of the De-
20 partment of Defense, and of any current or
21 planned programs of the Department, to educate
22 members of the Armed Forces and their families
23 regarding predatory lending practices;

24 (D) a description of the strategy of the De-
25 partment of Defense, and of any current or

1 *planned programs of the Department, to reduce*
2 *or eliminate—*

3 *(i) the prevalence of predatory lending*
4 *practices directed at members of the Armed*
5 *Forces and their families; and*

6 *(ii) the negative effect of such practices*
7 *on members of the Armed Forces and their*
8 *families; and*

9 *(E) recommendations for additional legisla-*
10 *tive and administrative action to reduce or*
11 *eliminate predatory lending practices directed at*
12 *members of the Armed Forces and their families.*

13 *(3) DEFINITIONS.—In this subsection:*

14 *(A) The term “appropriate committees of*
15 *Congress” means—*

16 *(i) the Committees on Armed Services*
17 *and Banking, Housing, and Urban Affairs*
18 *of the Senate; and*

19 *(ii) the Committees on Armed Services*
20 *and Financial Services of the House of Rep-*
21 *resentatives.*

22 *(B) The term “predatory lending practice”*
23 *means an unfair or abusive loan or credit sale*
24 *transition or collection practice.*

1 **SEC. 599A. PARTICIPATION OF MEMBERS OF THE ARMED**
2 **FORCES IN THE PARALYMPIC GAMES.**

3 *Section 717(a)(1) of title 10, United States Code, is*
4 *amended by striking “and Olympic Games” and inserting*
5 *“, Olympic Games, and Paralympic Games,”.*

6 **SEC. 599B. MODIFICATION OF ELIGIBILITY FOR POSITION**
7 **OF PRESIDENT OF THE NAVAL POST-**
8 **GRADUATE SCHOOL.**

9 *Subsection (a) of section 7042 of title 10, United States*
10 *Code, is amended to read as follows:*

11 *“(a)(1) The President of the Naval Postgraduate*
12 *School shall be one of the following:*

13 *“(A) An officer of the Navy not below the grade*
14 *of rear admiral (lower half) who is detailed to such*
15 *position.*

16 *“(B) A civilian individual having qualifications*
17 *appropriate to the position of President of the Naval*
18 *Postgraduate School who is appointed to such posi-*
19 *tion.*

20 *“(2) The President of the Naval Postgraduate School*
21 *shall be detailed or assigned to such position under para-*
22 *graph (1) by the Secretary of the Navy, upon the rec-*
23 *ommendation of the Chief of Naval Operations.*

24 *“(3) An individual assigned as President of the Naval*
25 *Postgraduate School under paragraph (1)(B) shall serve in*
26 *such position for a term of not more than five years.”.*

1 **TITLE VI—COMPENSATION AND**
 2 **OTHER PERSONNEL BENEFITS**
 3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. ELIGIBILITY FOR ADDITIONAL PAY OF PERMA-**
 5 **NENT MILITARY PROFESSORS AT THE**
 6 **UNITED STATES NAVAL ACADEMY WITH OVER**
 7 **36 YEARS OF SERVICE.**

8 *Section 203(b) of title 37, United States Code, is*
 9 *amended by inserting “, the United States Naval Acad-*
 10 *emy,” after “the United States Military Academy”.*

11 **SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBU-**
 12 **TIONS FOR MEMBERS OF THE ARMED FORCES**
 13 **PARTICIPATING IN THE THRIFT SAVINGS**
 14 **PLAN.**

15 *(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR CER-*
 16 *TAIN FIRST-TIME ENLISTEES.—Section 211(d) of title 37,*
 17 *United States Code, is amended—*

18 *(1) in paragraph (1)—*

19 *(A) in subparagraph (A), by inserting “(i)”*
 20 *after “(A)”;*

21 *(B) by redesignating subparagraph (B) as*
 22 *clause (ii) of subparagraph (A);*

23 *(C) in clause (ii) of subparagraph (A), as*
 24 *so redesignated, by striking the period at the end*
 25 *and inserting “; or”; and*

1 (D) by adding at the end the following new
2 subparagraph (B):

3 “(B) in the case of a member first enlisting in
4 the armed forces, the period of the member’s enlist-
5 ment is not less than two years.”;

6 (2) in paragraph (2), by striking “paragraph
7 (1)” the first place it appears and inserting “para-
8 graph (1)(A)”;

9 (3) by adding at the end the following new para-
10 graph:

11 “(3) In the case of a member described by paragraph
12 (1)(B), the Secretary shall make contributions to the Fund
13 for the benefit of the member for each pay period of the
14 enlistment of the member described in that paragraph for
15 which the member makes a contribution to the Fund under
16 section 8440e of title 5 (other than under subsection (d)(2)
17 thereof). The second sentence of paragraph (2) applies to
18 the Secretary’s obligation to make contributions under this
19 paragraph to the same extent as such paragraph applies
20 to the Secretary’s obligation to make contributions under
21 such paragraph.”.

22 (b) *EFFECTIVE DATE.*—The amendments made by this
23 section shall take effect on October 1, 2005.

1 **SEC. 603. PERMANENT AUTHORITY FOR SUPPLEMENTAL**
2 **SUBSISTENCE ALLOWANCE FOR LOW-INCOME**
3 **MEMBERS WITH DEPENDENTS.**

4 *Section 402a of title 37, United States Code, is amend-*
5 *ed by striking subsection (i).*

6 **SEC. 604. MODIFICATION OF PAY CONSIDERED AS SAVED**
7 **PAY UPON APPOINTMENT OF AN ENLISTED**
8 **MEMBER AS AN OFFICER.**

9 *(a) IN GENERAL.—Section 907(d) of title 37, United*
10 *States Code, is amended to read as follows:*

11 *“(d) In determining the amount of the pay and allow-*
12 *ances of a grade formerly held by an officer, the following*
13 *special and incentive pays may be considered only so long*
14 *as the officer continues to perform the duty creating the*
15 *entitlement to or eligibility for such pay and would other-*
16 *wise be eligible to receive such pay in the officer’s former*
17 *grade:*

18 *“(1) Incentive pay for hazardous duty under sec-*
19 *tion 301 of this title.*

20 *“(2) Submarine duty incentive pay under sec-*
21 *tion 301c of this title.*

22 *“(3) Diving duty special pay under section 304*
23 *of this title.*

24 *“(4) Hardship duty special pay under section*
25 *305 of this title.*

1 “(5) *Career sea pay under section 305a of this*
2 *title.*

3 “(6) *Special pay for service as a member of a*
4 *Weapons of Mass Destruction Civil Support Team*
5 *under section 305b of this title.*

6 “(7) *Assignment incentive pay under section*
7 *307a of this title.*

8 “(8) *Hostile fire pay or imminent danger pay*
9 *under section 310 of this title.*

10 “(9) *Special pay for extension of overseas tour of*
11 *duty under section 314 of this title.*

12 “(10) *Foreign language proficiency pay under*
13 *section 316 of this title.*

14 “(11) *Critical skill retention bonus under section*
15 *323 of this title, if payable in periodic installments.”.*

16 **(b) EFFECTIVE DATE.**—*The amendment made by this*
17 *section shall take effect on the date of the enactment of this*
18 *Act, and shall apply with respect to acceptances of enlisted*
19 *members of appointments as officers on or after that date.*

1 **SEC. 605. PERMANENT EXTENSION OF PERIOD OF TEM-**
2 **PORARY CONTINUATION OF BASIC ALLOW-**
3 **ANCE FOR HOUSING FOR DEPENDENTS OF**
4 **MEMBERS OF THE ARMED FORCES WHO DIE**
5 **ON ACTIVE DUTY.**

6 *Effective immediately after the termination, pursuant*
7 *to subsection (b) of section 1022 of the Emergency Supple-*
8 *mental Appropriations Act for Defense, the Global War on*
9 *Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119*
10 *Stat. 251), of the amendments made by subsection (a) of*
11 *such section, section 403(l) of title 37, United States Code,*
12 *is amended by striking “180 days” each place it appears*
13 *and inserting “365 days”.*

14 **SEC. 606. BASIC ALLOWANCE FOR HOUSING FOR RESERVE**
15 **MEMBERS.**

16 *(a) EQUAL TREATMENT OF RESERVE MEMBERS.—*
17 *Subsection (g) of section 403 of title 37, United States Code,*
18 *is amended—*

19 *(1) by redesignating paragraph (3) as para-*
20 *graph (4);*

21 *(2) by inserting after paragraph (2) the fol-*
22 *lowing new paragraph (3):*

23 *“(3) The rate of basic allowance for housing to be paid*
24 *to the following members of a reserve component shall be*
25 *equal to the rate in effect for similarly situated members*
26 *of a regular component of the uniformed services:*

1 “(A) A member who is called or ordered to active
2 duty for a period of more than 30 days.

3 “(B) A member who is called or ordered to active
4 duty for a period of 30 days or less in support of a
5 contingency operation.”; and

6 (3) in paragraph (4), as so redesignated, by
7 striking “less than 140 days” and inserting “30 days
8 or less”.

9 (b) **CONFORMING AMENDMENT REGARDING MEMBERS**
10 **WITHOUT DEPENDENTS.**—Paragraph (1) of such subsection
11 is amended by inserting “or for a period of more than 30
12 days” after “in support of a contingency operation” both
13 places it appears.

14 **SEC. 607. INCOME REPLACEMENT PAYMENTS FOR RE-**
15 **SERVES EXPERIENCING EXTENDED AND FRE-**
16 **QUENT MOBILIZATION FOR ACTIVE DUTY**
17 **SERVICE.**

18 (a) **IN GENERAL.**—Chapter 19 of title 37, United
19 States Code, is amended by adding at the end the following
20 new section:

1 **“§910. Replacement of lost income: involuntarily mo-**
2 **bilized reserve component members sub-**
3 **ject to extended and frequent active duty**
4 **service**

5 “(a) *PAYMENT REQUIRED.*—*The Secretary concerned*
6 *shall pay to an eligible member of a reserve component of*
7 *the armed forces an amount equal to the monthly active-*
8 *duty income differential of the member, as determined by*
9 *the Secretary. The payments shall be made on a monthly*
10 *basis.*

11 “(b) *ELIGIBILITY.*—*Subject to subsection (c), a reserve*
12 *component member is entitled to a payment under this sec-*
13 *tion for any full month of active duty of the member, while*
14 *on active duty under an involuntary mobilization order,*
15 *following the date on which the member—*

16 “(1) *completes 180 continuous days of service on*
17 *active duty under such an order;*

18 “(2) *completes 24 months on active duty during*
19 *the previous 60 months under such an order; or*

20 “(3) *is involuntarily mobilized for service on ac-*
21 *tive duty six months or less following the member’s*
22 *separation from the member’s previous period of ac-*
23 *tive duty.*

24 “(c) *MINIMUM AND MAXIMUM PAYMENT AMOUNTS.*—
25 (1) *A payment under this section shall be made to a member*

1 *for a month only if the amount of the monthly active-duty*
2 *income differential for the month is greater than \$50.*

3 “(2) *Notwithstanding the amount determined under*
4 *subsection (d) for a member for a month, the monthly pay-*
5 *ment to a member under this section may not exceed \$3,000.*

6 “(d) *MONTHLY ACTIVE-DUTY INCOME DIFFEREN-*
7 *TIAL.—For purposes of this section, the monthly active-duty*
8 *income differential of a member is the difference between—*

9 “(1) *the average monthly civilian income of the*
10 *member; and*

11 “(2) *the member’s total monthly military com-*
12 *penetration.*

13 “(e) *DEFINITIONS.—In this section:*

14 “(1) *The term ‘average monthly civilian income’,*
15 *with respect to a member of a reserve component,*
16 *means the amount, determined by the Secretary con-*
17 *cerned, of the earned income of the member for either*
18 *the 12 months preceding the member’s mobilization or*
19 *the 12 months covered by the member’s most recent*
20 *Federal income tax filing, divided by 12.*

21 “(2) *The term ‘total monthly military compensa-*
22 *tion’ means the amount, computed on a monthly*
23 *basis, of the sum of—*

24 “(A) *the amount of the regular military*
25 *compensation (RMC) of the member; and*

1 “(B) any amount of special pay or incen-
2 tive pay and any allowance (other than an al-
3 lowance included in regular military compensa-
4 tion) that is paid to the member on a monthly
5 basis.”.

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

 “910. Replacement of lost income: involuntarily mobilized reserve component
 members subject to extended and frequent active duty service.”.

9 (c) *EFFECTIVE DATE.*—Section 910 of title 37, United
10 States Code, as added by subsection (a), shall apply for
11 months after December 2005.

12 (d) *LIMITATION ON FISCAL YEAR 2006 OBLIGA-*
13 *TIONS.*—During fiscal year 2006, obligations incurred
14 under section 910 of title 37, United States Code, to provide
15 income replacement payments to involuntarily mobilized
16 members of a reserve component who are subject to extended
17 and frequent active duty service may not exceed
18 \$60,000,000.

1 ***Subtitle B—Bonuses and Special***
2 ***and Incentive Pays***

3 ***SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND***
4 ***SPECIAL PAY AUTHORITIES FOR RESERVE***
5 ***FORCES.***

6 ***(a) SELECTED RESERVE REENLISTMENT BONUS.—***
7 *Section 308b(g) of title 37, United States Code, is amended*
8 *by striking “December 31, 2005” and inserting “December*
9 *31, 2006”.*

10 ***(b) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED***
11 ***TO CERTAIN HIGH PRIORITY UNITS.—****Section 308d(c) of*
12 *such title is amended by striking “December 31, 2005” and*
13 *inserting “December 31, 2006”.*

14 ***(c) READY RESERVE NON-PRIOR SERVICE ENLIST-***
15 ***MENT BONUS.—****Section 308g(h) of such title is amended by*
16 *striking “an enlistment after September 30, 1992.” and in-*
17 *serting “an enlistment—*

18 ***“(1) during the period beginning on October 1,***
19 ***1992, and ending on September 30, 2005; or***

20 ***“(2) after September 30, 2006.”.***

21 ***(d) READY RESERVE ENLISTMENT AND REENLIST-***
22 ***MENT BONUS.—****Section 308h(g) of such title is amended by*
23 *striking “December 31, 2005” and inserting “December 31,*
24 *2006”.*

1 (e) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
2 308i(f) of such title is amended by striking “December 31,
3 2005” and inserting “December 31, 2006”.

4 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
5 **SPECIAL PAY AUTHORITIES FOR CERTAIN**
6 **HEALTH CARE PROFESSIONALS.**

7 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
8 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,
9 is amended by striking “December 31, 2005” and inserting
10 “December 31, 2006”.

11 (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
12 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
13 *RESERVE.*—Section 16302(d) of such title is amended by
14 striking “before January 1, 2006” and inserting “on or be-
15 fore December 31, 2006”.

16 (c) *ACCESSION BONUS FOR REGISTERED NURSES.*—
17 Section 302d(a)(1) of title 37, United States Code, is
18 amended by striking “December 31, 2005” and inserting
19 “December 31, 2006”.

20 (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
21 *THETISTS.*—Section 302e(a)(1) of such title is amended by
22 striking “December 31, 2005” and inserting “December 31,
23 2006”.

24 (e) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*
25 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*

1 TIES.—Section 302g(f) of such title is amended by striking
2 “December 31, 2005” and inserting “December 31, 2006”.

3 (f) *ACCESSION BONUS FOR DENTAL OFFICERS.*—Sec-
4 tion 302h(a)(1) of such title is amended by striking “De-
5 cember 31, 2005” and inserting “December 31, 2006”.

6 (g) *ACCESSION BONUS FOR PHARMACY OFFICERS.*—
7 Section 302j(a) of such title is amended by striking “the
8 date of the enactment of the Floyd D. Spence National De-
9 fense Authorization Act for Fiscal Year 2001 and ending
10 on September 30, 2005” and inserting “October 30, 2000,
11 and ending on December 31, 2006”.

12 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
13 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
14 **CERS.**

15 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
16 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
17 of title 37, United States Code, is amended by striking “De-
18 cember 31, 2005” and inserting “December 31, 2006”.

19 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section
20 312b(c) of such title is amended by striking “December 31,
21 2005” and inserting “December 31, 2006”.

22 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
23 Section 312c(d) of such title is amended by striking “De-
24 cember 31, 2005” and inserting “December 31, 2006”.

1 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**
2 **SPECIAL PAY AUTHORITIES.**

3 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
4 301b(a) of title 37, United States Code, is amended by strik-
5 ing “December 31, 2005” and inserting “December 31,
6 2006”.

7 (b) *ASSIGNMENT INCENTIVE PAY.*—Section 307a(f) of
8 such title is amended by striking “December 31, 2006” and
9 inserting “December 31, 2007”.

10 (c) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
11 Section 308(g) of such title is amended by striking “Decem-
12 ber 31, 2005” and inserting “December 31, 2006”.

13 (d) *ENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
14 Section 309(e) of such title is amended by striking “Decem-
15 ber 31, 2005” and inserting “December 31, 2006”.

16 (e) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*
17 *MILITARY SKILLS.*—Section 323(i) of such title is amended
18 by striking “December 31, 2005” and inserting “December
19 31, 2006”.

20 (f) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*
21 *ICAL SKILLS.*—Section 324(g) of such title is amended by
22 striking “December 31, 2005” and inserting “December 31,
23 2006”.

1 **SEC. 615. PAYMENT AND REPAYMENT OF ASSIGNMENT IN-**
2 **CENTIVE PAY.**

3 (a) *FLEXIBLE PAYMENT.*—Section 307a of title 37,
4 *United States Code, is amended—*

5 (1) *in subsection (a)—*

6 (A) *by striking “monthly”; and*

7 (B) *by adding at the end the following new*
8 *sentence: “Incentive pay payable under this sec-*
9 *tion may be paid on a monthly basis, in a lump*
10 *sum, or in installments.”;*

11 (2) *in subsection (b)—*

12 (A) *by inserting “(1)” before “The Sec-*
13 *retary concerned”;*

14 (B) *in paragraph (1), as so designated, by*
15 *striking “incentive pay” in the first sentence and*
16 *inserting “the payment of incentive pay on a*
17 *monthly basis”; and*

18 (C) *by adding at the end the following new*
19 *paragraph:*

20 “(2) *The Secretary concerned shall require a member*
21 *performing service in an assignment designated under sub-*
22 *section (a) to enter into a written agreement with the Sec-*
23 *retary in order to qualify for the payment of incentive pay*
24 *on a lump sum or installment basis under this section. The*
25 *written agreement shall specify the period for which the in-*
26 *centive pay will be paid to the member and, subject to sub-*

1 *section (c), the amount of the lump sum, or each install-*
2 *ment, of the incentive pay.”; and*

3 *(3) by striking subsection (c) and inserting the*
4 *following new subsection (c):*

5 *“(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum*
6 *monthly rate of incentive pay payable to a member on a*
7 *monthly basis under this section is \$1,500.*

8 *“(2) The amount of the lump sum payment of incen-*
9 *tive pay payable to a member on a lump sum basis under*
10 *this section may not exceed an amount equal to the product*
11 *of—*

12 *“(A) the maximum monthly rate authorized*
13 *under paragraph (1) at the time of the written agree-*
14 *ment of the member under subsection (b)(2); and*

15 *“(B) the number of months in the period for*
16 *which incentive pay will be paid pursuant to the*
17 *agreement.*

18 *“(3) The amount of each installment payment of in-*
19 *centive pay payable to a member on an installment basis*
20 *under this section shall be the amount equal to—*

21 *“(A) the product of (i) a monthly rate specified*
22 *in the written agreement of the member under sub-*
23 *section (b)(2) (which monthly rate may not exceed the*
24 *maximum monthly rate authorized under paragraph*
25 *(1) at the time of the written agreement), and (ii) the*

1 *number of months in the period for which incentive*
2 *pay will be paid; divided by*

3 “(B) *the number of installments over such pe-*
4 *riod.*”

5 “(4) *If a member extends an assignment specified in*
6 *an agreement with the Secretary under subsection (b), in-*
7 *centive pay for the period of the extension may be paid*
8 *under this section on a monthly basis, in a lump sum, or*
9 *in installments in accordance with this section.*”.

10 (b) *REPAYMENT.*—*Such section is further amended—*

11 (1) *by redesignating subsections (d), (e), and (f)*
12 *as subsections (e), (f), and (g), respectively; and*

13 (2) *by inserting after subsection (c), as amended*
14 *by subsection (a)(3) of this section, the following new*
15 *subsection (d):*

16 “(d) *REPAYMENT OF INCENTIVE PAY.*—(1)(A) *A mem-*
17 *ber who, pursuant to an agreement under subsection (b)(2),*
18 *receives a lump sum or installment payment of incentive*
19 *pay under this section and who fails to complete the total*
20 *period of service or other conditions specified in the agree-*
21 *ment voluntarily or because of misconduct, shall refund to*
22 *the United States an amount equal to the percentage of in-*
23 *centive pay paid which is equal to the unexpired portion*
24 *of the service divided by the total period of service.*”

1 “(B) *The Secretary concerned may waive repayment*
2 *of an amount of incentive pay under subparagraph (A),*
3 *whether in whole or in part, if the Secretary determines*
4 *that conditions and circumstances warrant.*

5 “(2) *An obligation to repay the United States imposed*
6 *under paragraph (1) is for all purposes a debt owed to the*
7 *United States.*

8 “(3) *A discharge in bankruptcy under title 11 that is*
9 *entered less than 5 years after the termination of the agree-*
10 *ment does not discharge the member signing the agreement*
11 *from a debt arising under paragraph (1).”.*

12 **SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLIST-**
13 **MENT BONUS FOR CERTAIN SENIOR SUPER-**
14 **VISORY NUCLEAR QUALIFIED ENLISTED PER-**
15 **SONNEL.**

16 (a) *IN GENERAL.*—Section 308 of title 37, United
17 States Code, is amended—

18 (1) *by redesignating subsections (b) through (g)*
19 *as subsections (c) through (h), respectively; and*

20 (2) *by inserting after subsection (a) the following*
21 *new subsection (b):*

22 “(b)(1) *An enlisted member of the naval service who—*

23 “(A) *has completed at least ten, but not more*
24 *than fourteen, years of active duty;*

1 “(B) is currently qualified for duty in connec-
2 tion with the supervision, operation, and mainte-
3 nance of naval nuclear propulsion plants;

4 “(C) is qualified in a military skill designated
5 as critical by the Secretary of Defense; and

6 “(D) reenlists or voluntarily extends the mem-
7 ber’s enlistment for a period of at least three years in
8 the regular component of the naval service,
9 may be paid a bonus as provided in paragraph (2).

10 “(2) The bonus to be paid a member under paragraph
11 (1) may not exceed the lesser of the following amounts:

12 “(A) The amount determined with respect to the
13 member in accordance with subsection (a)(2)(A).

14 “(B) \$75,000.

15 “(3) Subsection (a)(3) applies to the computation
16 under paragraph (2)(A) of any bonus payable under this
17 subsection.

18 “(4) Subsection (a)(4) applies to the payment of any
19 bonus payable under this subsection.”.

20 (b) *EFFECTIVE DATE.*—The amendments made by this
21 section shall take effect on October 1, 2005, and shall apply
22 with respect to reenlistments or voluntary extensions of en-
23 listments that occur on or after that date.

1 **SEC. 617. CONSOLIDATION AND MODIFICATION OF BO-**
 2 **NUSES FOR AFFILIATION OR ENLISTMENT IN**
 3 **THE SELECTED RESERVE.**

4 (a) CONSOLIDATION AND MODIFICATION OF BO-
 5 NUSES.—Section 308c of title 37, United States Code, is
 6 amended to read as follows:

7 **“§ 308c. Special pay: bonus for affiliation or enlist-**
 8 **ment in the Selected Reserve**

9 “(a) AFFILIATION BONUS AUTHORIZED.—Under regu-
 10 lations prescribed by the Secretary of Defense, the Secretary
 11 concerned may pay an affiliation bonus to an enlisted
 12 member of an armed force who—

13 “(1) has completed fewer than 20 years of mili-
 14 tary service; and

15 “(2) executes a written agreement to serve in the
 16 Selected Reserve of the Ready Reserve of an armed
 17 force for a period of not less than three years in a
 18 skill, unit, or pay grade designated under subsection
 19 (b) after being discharged or released from active duty
 20 under honorable conditions.

21 “(b) DESIGNATION OF SKILLS, UNITS, AND PAY
 22 GRADES.—The Secretary concerned shall designate the
 23 skills, units, and pay grades for which an affiliation bonus
 24 may be paid under subsection (a). Any skill, unit, or pay
 25 grade so designated shall be a skill, unit, or pay grade for
 26 which there is a critical need for personnel in the Selected

1 *Reserve of the Ready Reserve of an armed force, as deter-*
2 *mined by the Secretary concerned.*

3 “(c) *ACCESSION BONUS AUTHORIZED.*—*Under regula-*
4 *tions prescribed by the Secretary of Defense, the Secretary*
5 *concerned may pay an accession bonus to a person who—*

6 “(1) *has not previously served in the armed*
7 *forces; and*

8 “(2) *executes a written agreement to serve as an*
9 *enlisted member in the Selected Reserve of the Ready*
10 *Reserve of an armed force for a period of not less than*
11 *three years upon acceptance of the agreement by the*
12 *Secretary concerned.*

13 “(d) *LIMITATION ON AMOUNT OF BONUS.*—*The*
14 *amount of a bonus under subsection (a) or (c) may not ex-*
15 *ceed \$10,000.*

16 “(e) *PAYMENT METHOD.*—*Upon acceptance of a writ-*
17 *ten agreement by the Secretary concerned, the total amount*
18 *of the bonus payable under the agreement becomes fixed. The*
19 *agreement shall specify whether the bonus shall be paid by*
20 *the Secretary concerned in a lump sum or in installments.*

21 “(f) *CONTINUED ENTITLEMENT TO BONUS PAY-*
22 *MENTS.*—*A member entitled to a bonus under this section*
23 *who is called or ordered to active duty shall be paid, during*
24 *that period of active duty, any amount of the bonus that*

1 *becomes payable to the member during that period of active*
2 *duty.*

3 “(g) *REPAYMENT FOR FAILURE TO COMMENCE OR*
4 *COMPLETE OBLIGATED SERVICE.—(1) An individual who,*
5 *after being paid all or part of a bonus under an agreement*
6 *under subsection (a) or (c), does not commence to serve in*
7 *the Selected Reserve or does not satisfactorily participate*
8 *in the Selected Reserve for the total period of service speci-*
9 *fied in such agreement shall repay to the United States the*
10 *amount of such bonus so paid, except as otherwise pre-*
11 *scribed under paragraph (2).*

12 “(2) *The Secretary concerned shall prescribe in regula-*
13 *tions whether repayment of an amount otherwise required*
14 *under paragraph (1) shall be made in whole or in part,*
15 *the method for computing the amount of such repayment,*
16 *and any conditions under which an exception to required*
17 *repayment would apply.*

18 “(3) *An obligation to repay the United States imposed*
19 *under paragraph (1) is for all purposes a debt owed to the*
20 *United States. A discharge in bankruptcy under title 11*
21 *that is entered less than five years after the termination*
22 *of an agreement entered into under subsection (a) or (c)*
23 *does not discharge the individual signing the agreement*
24 *from a debt arising under such agreement or under para-*
25 *graph (1).*

1 “(h) *TERMINATION OF BONUS AUTHORITY.*—No bonus
2 may be paid under this section with respect to any agree-
3 ment entered into under subsection (a) or (c) after December
4 31, 2006.”.

5 (b) *REPEAL OF SUPERSEDED AFFILIATION BONUS AU-*
6 *THORITY.*—Section 308e of such title is repealed.

7 (c) *CLERICAL AMENDMENTS.*—The table of sections at
8 the beginning of chapter 5 of such title is amended—

9 (1) by striking the item relating to section 308c
10 and inserting the following new item:

“308c. *Special pay: bonus for affiliation or enlistment in the Selected Reserve.*”;

11 and

12 (B) by striking the item relating to section 308e.

13 (d) *EFFECTIVE DATE.*—The amendments made by this
14 section shall take effect on October 1, 2005, and shall apply
15 with respect to agreements entered into under section 308c
16 of title 37, United States Code (as amended by subsection
17 (a)), on or after that date.

18 **SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY**
19 **FOR ENLISTED MEMBERS OF THE SELECTED**
20 **RESERVE ASSIGNED TO CERTAIN HIGH PRI-**
21 **ORITY UNITS.**

22 (a) *ELIGIBILITY FOR PAY.*—Subsection (a) of section
23 308d of title 37, United States Code, is amended by striking
24 “an enlisted member” and inserting “a member”.

1 (b) *AMOUNT OF PAY.*—Such subsection is further
2 amended by striking “\$10” and inserting “\$50”.

3 (c) *CONFORMING AND CLERICAL AMENDMENTS.*—

4 (1) *CONFORMING AMENDMENT.*—The heading of
5 such section is amended to read as follows:

6 **“§ 308d. Special pay: members of the Selected Reserve**
7 **assigned to certain high priority units”.**

8 (2) *CLERICAL AMENDMENT.*—The table of sec-
9 tions at the beginning of chapter 5 of such title is
10 amended by striking the item relating to section 308d
11 and inserting the following new item:

“308d. Special pay: members of the Selected Reserve assigned to certain high pri-
ority units.”.

12 (d) *EFFECTIVE DATE.*—The amendments made by this
13 section shall take effect on October 1, 2005, and shall apply
14 to inactive-duty training performed on or after that date.

15 **SEC. 619. RETENTION INCENTIVE AND ASSIGNMENT BONUS**
16 **FOR MEMBERS OF THE SELECTED RESERVE**
17 **QUALIFIED IN A CRITICAL MILITARY SKILL**
18 **OR WHO VOLUNTEER FOR ASSIGNMENT TO A**
19 **HIGH PRIORITY UNIT.**

20 (a) *BONUS AUTHORIZED.*—

21 (1) *IN GENERAL.*—Chapter 5 of title 37, United
22 States Code, is amended by inserting after section
23 308j the following new section:

1 **“§308k. Special pay: retention incentive bonus for**
2 **members of the Selected Reserve qualified**
3 **in a critical military skill; assignment**
4 **bonus for members of the Selected Reserve**
5 **who volunteer for assignment to a high**
6 **priority unit**

7 “(a) *BONUSES AUTHORIZED.—(1) An eligible officer*
8 *or enlisted member of the armed forces may be paid a reten-*
9 *tion bonus as provided in this section if—*

10 “(A) *in the case of an officer or warrant officer,*
11 *the member executes a written agreement to remain*
12 *in the Selected Reserve for at least 2 years;*

13 “(B) *in the case of an enlisted member, the mem-*
14 *ber reenlists or voluntarily extends the member’s en-*
15 *listment in the Selected Reserve for a period of at*
16 *least 2 years; or*

17 “(C) *in the case of an enlisted member serving*
18 *on an indefinite reenlistment, the member executes a*
19 *written agreement to remain in the Selected Reserve*
20 *for at least 2 years.*

21 “(2) *An officer or enlisted member of the armed forces*
22 *may be paid an assignment bonus as provided in this sec-*
23 *tion if the member voluntarily agrees to an assignment to*
24 *a high priority unit of the Selected Reserve of the Ready*
25 *Reserve of an armed force for at least 2 years.*

1 “(b) *MEMBERS ELIGIBLE FOR RETENTION BONUS.*—
2 *Subject to subsection (d), an officer or enlisted member is*
3 *eligible under subsection (a)(1) for a retention bonus under*
4 *this section if the member—*

5 “(1) *is qualified in a military skill or specialty*
6 *designated as critical for purposes of this section*
7 *under subsection (c); or*

8 “(2) *agrees to train or retrain in a military skill*
9 *or specialty so designated as critical.*

10 “(c) *DESIGNATION OF CRITICAL SKILLS OR SPECIAL-*
11 *TIES AND HIGH PRIORITY UNITS.*—*The Secretary con-*
12 *cerned shall—*

13 “(1) *designate the military skills and specialties*
14 *that shall be treated as critical military skills and*
15 *specialties for purposes of this section; and*

16 “(2) *designate the units that shall be treated as*
17 *high priority units for purposes of this section.*

18 “(d) *CERTAIN MEMBERS INELIGIBLE.*—*A bonus may*
19 *not be paid under subsection (a) to a member of the armed*
20 *forces who—*

21 “(1) *has completed more than 25 years of quali-*
22 *fying service under section 12732 of title 10; or*

23 “(2) *will complete the member’s twenty-fifth year*
24 *of qualifying service under section 12732 of title 10*

1 *before the end of the period of service for which the*
2 *bonus is being offered.*

3 “(e) *MAXIMUM BONUS AMOUNT.*—*A member may*
4 *enter into an agreement under this section, or reenlist or*
5 *voluntarily extend the member’s enlistment, more than once*
6 *to receive a bonus under this section. However, a member*
7 *may not receive a total of more than \$100,000 in payments*
8 *under this section.*

9 “(f) *PAYMENT METHODS.*—(1) *A bonus under sub-*
10 *section (a) may be paid in a single lump sum or in install-*
11 *ments.*

12 “(2) *In the case of a member who agrees to train or*
13 *retrain in a military skill or specialty designated as critical*
14 *under subsection (b)(2), no payment may be made until the*
15 *member successfully completes the training or retraining*
16 *and is qualified in such skill or specialty.*

17 “(g) *RELATIONSHIP TO OTHER INCENTIVES.*—*A bonus*
18 *paid to a member under subsection (a) is in addition to*
19 *any other pay and allowances to which the member is enti-*
20 *tled under any other provision of law.*

21 “(h) *REPAYMENT FOR FAILURE TO COMMENCE OR*
22 *COMPLETE OBLIGATED SERVICE.*—(1) *An individual who,*
23 *after receiving all or part of the bonus under an agreement,*
24 *or a reenlistment or voluntary extension of enlistment, re-*
25 *ferred to in subsection (a), does not commence to serve in*

1 *the Selected Reserve, or does not satisfactorily participate*
2 *in the Selected Reserve for the total period of service speci-*
3 *fied in the agreement, or under such reenlistment or vol-*
4 *untary extension of enlistment, as applicable, shall repay*
5 *to the United States such bonus, except under conditions*
6 *established by the Secretary concerned.*

7 “(2) *The Secretary concerned shall establish, in accord-*
8 *ance with the regulations prescribed under subsection (i)—*

9 “(A) *whether repayment of a bonus under para-*
10 *graph (1) is required in whole or in part;*

11 “(B) *the method for computing the amount of*
12 *such repayment; and*

13 “(C) *the conditions under which an exception to*
14 *repayment otherwise required under that paragraph*
15 *would apply.*

16 “(3) *An obligation to repay the United States imposed*
17 *under paragraph (1) is for all purposes a debt owed to the*
18 *United States. A discharge in bankruptcy under title 11*
19 *that is entered less than 5 years after the termination of*
20 *an agreement under subsection (a), or a reenlistment or vol-*
21 *untary extension of enlistment under subsection (a), does*
22 *not discharge the individual signing the agreement, re-*
23 *enlisting, or voluntarily extending enlistment, as applica-*
24 *ble, from a debt arising under paragraph (1).*

1 “(i) *REGULATIONS*ction shall be administered under
2 regulations prescribed by the Secretary of Defense.

3 “(j) *TERMINATION OF AUTHORITY*.—No bonus may be
4 paid under this section with respect to any agreement, reen-
5 listment, or voluntary extension of enlistment in the armed
6 forces entered into after December 31, 2006.”.

7 (2) *CLERICAL AMENDMENT*.—The table of sec-
8 tions at the beginning of chapter 5 of such title is
9 amended by inserting after the item relating to sec-
10 tion 308j the following new item:

“308k. *Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit.*”.

11 (b) *EFFECTIVE DATE*.—The amendments made by this
12 section shall take effect on October 1, 2005.

13 **SEC. 620. TERMINATION OF LIMITATION ON DURATION OF**
14 **PAYMENT OF IMMINENT DANGER SPECIAL**
15 **PAY DURING HOSPITALIZATION.**

16 (a) *TERMINATION OF LIMITATION*.—Section 310(b) of
17 title 37, United States Code, is amended by striking “not
18 more than three additional months” and inserting “any
19 month, or any portion of a month,”.

20 (b) *EFFECTIVE DATE*.—The amendment made by sub-
21 section (a) shall take effect on the date of the enactment
22 of this Act, and shall apply with respect to months begin-
23 ning on or after that date.

1 **SEC. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IM-**
2 **MINENT DANGER SPECIAL PAY.**

3 *Section 310 of title 37, United States Code, is*
4 *amended—*

5 *(1) by redesignating subsections (b), (c), and (d)*
6 *as subsections (c), (d), and (e), respectively; and*

7 *(2) by inserting after subsection (a) the following*
8 *new subsection:*

9 *“(b) DATE OF COMMENCEMENT OF PAYMENT OF IMMI-*
10 *NENT DANGER PAY.—Payment of special pay under this*
11 *section to a member covered by subsection (a)(2)(D) may*
12 *be made from any date, as determined by the Secretary of*
13 *Defense, on or after which such member was assigned to*
14 *duty in a foreign area determined by the Secretary to be*
15 *covered by such subsection.”.*

16 **SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PRO-**
17 **FICIENCY PAY TO MEMBERS ON ACTIVE DUTY**
18 **AS A BONUS.**

19 *(a) AUTHORITY TO PAY.—Section 316 of title 37,*
20 *United States Code, is amended—*

21 *(1) in subsection (a)—*

22 *(A) by inserting “OR BONUS” after “SPE-*
23 *CIAL PAY”; and*

24 *(B) by inserting “or a bonus” after “month-*
25 *ly special pay”;*

26 *(2) in subsection (d)—*

1 (A) by redesignating paragraph (2) as
2 paragraph (3); and

3 (B) by inserting after paragraph (1) the fol-
4 lowing new paragraph (2):

5 “(2) The amount of the bonus paid under subsection
6 (a) may not exceed \$12,000 for the one-year period covered
7 by the certification of the member. The Secretary concerned
8 may pay the bonus in a single lump sum at the beginning
9 of the certification period or in installments during the cer-
10 tification period.”; and

11 (3) in subsection (f)(1)(C), by inserting “or a
12 bonus” after “special pay”.

13 (b) *EFFECTIVE DATE*.—The amendments made by this
14 section shall take effect on October 1, 2005.

15 **SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE**
16 **ARMED FORCES.**

17 (a) *IN GENERAL*.—Chapter 5 of title 37, United States
18 Code, is amended by adding at the end the following new
19 section:

20 **“§ 327. Incentive bonus: transfer between armed forces**

21 “(a) *INCENTIVE BONUS AUTHORIZED*.—A bonus under
22 this section may be paid to an eligible member of a regular
23 component or reserve component of an armed force who exe-
24 cutes a written agreement—

1 “(1) to transfer from such regular component or
2 reserve component to a regular component or reserve
3 component of another armed force; and

4 “(2) to serve pursuant to such agreement for a
5 period of not less than three years in the component
6 to which transferred.

7 “(b) *ELIGIBLE MEMBERS*.—A member is eligible to
8 enter into an agreement under subsection (a) if, as of the
9 date of the agreement, the member—

10 “(1) has not failed to satisfactorily complete any
11 term of enlistment in the armed forces;

12 “(2) is eligible for reenlistment in the armed
13 forces or, in the case of an officer, is eligible to con-
14 tinue in service in a regular or reserve component of
15 the armed forces; and

16 “(3) has fulfilled such requirements for transfer
17 to the component of the armed force to which the
18 member will transfer as the Secretary having juris-
19 diction over such armed force shall establish.

20 “(c) *LIMITATION*.—A member may enter into an agree-
21 ment under subsection (a) to transfer to a regular compo-
22 nent or reserve component of another armed force only if
23 the Secretary having jurisdiction over such armed force de-
24 termines that there is shortage of trained and qualified per-
25 sonnel in such component.

1 “(d) *AMOUNT AND PAYMENT OF BONUS.*—(1) *A bonus*
2 *under this section may not exceed \$2,500.*

3 “(2) *A bonus under this section shall be paid by the*
4 *Secretary having jurisdiction of the armed force to which*
5 *the member to be paid the bonus is transferring.*

6 “(3) *A bonus under this section shall, at the election*
7 *of the Secretary paying the bonus—*

8 “(A) *be disbursed to the member in one lump*
9 *sum when the transfer for which the bonus is paid is*
10 *approved by the chief personnel officer of the armed*
11 *force to which the member is transferring; or*

12 “(B) *be paid to the member in annual install-*
13 *ments in such amounts as may be determined by the*
14 *Secretary paying the bonus.*

15 “(e) *RELATIONSHIP TO OTHER PAY AND ALLOW-*
16 *ANCES.*—*A bonus paid to a member under this section is*
17 *in addition to any other pay and allowances to which the*
18 *member is entitled.*

19 “(f) *REPAYMENT OF BONUS.*—(1) *A member who is*
20 *paid a bonus under an agreement under this section and*
21 *who, voluntarily or because of misconduct, fails to serve for*
22 *the period covered by such agreement shall refund to the*
23 *United States an amount which bears the same ratio to the*
24 *amount of the bonus paid such member as the period which*

1 *such member failed to serve bears to the total period for*
2 *which the bonus was paid.*

3 “(2) *An obligation to reimburse the United States im-*
4 *posed under paragraph (1) is for all purposes a debt owed*
5 *to the United States.*

6 “(3) *A discharge in bankruptcy under title 11 that is*
7 *entered less than 5 years after the termination of an agree-*
8 *ment under this section does not discharge the person sign-*
9 *ing such agreement from a debt arising under paragraph*
10 *(1).*

11 “(g) *REGULATIONS.—The Secretaries concerned shall*
12 *prescribe regulations to carry out this section. Regulations*
13 *prescribed by the Secretary of a military department under*
14 *this subsection shall be subject to the approval of the Sec-*
15 *retary of Defense.*

16 “(h) *TERMINATION OF AUTHORITY.—No agreement*
17 *under this section may be entered into after December 31,*
18 *2006.”.*

19 “(b) *CLERICAL AMENDMENT.—The table of sections at*
20 *the beginning of chapter 5 of such title is amended by add-*
21 *ing at the end the following new item:*

“327. Incentive bonus: transfer between armed forces.”.

1 **SEC. 624. ELIGIBILITY OF ORAL AND MAXILLOFACIAL SUR-**
2 **GEONS FOR INCENTIVE SPECIAL PAY FOR**
3 **MEDICAL OFFICERS OF THE ARMED FORCES.**

4 (a) *IN GENERAL.*—For purposes of eligibility for in-
5 centive special pay payable under section 302(b) of title 37,
6 United States Code, oral and maxillofacial surgeons shall
7 be treated as medical officers of the Armed Forces who may
8 be paid variable special pay under section 302(a)(2) of such
9 title.

10 (b) *EFFECTIVE DATE.*—Subsection (a) shall take effect
11 on October 1, 2005, and shall apply with respect to incen-
12 tive special pay payable under section 302(b) of title 37,
13 United States Code, on or after that date.

14 **Subtitle C—Travel and**
15 **Transportation Allowances**

16 **SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CON-**
17 **NECTION WITH THE REPATRIATION OF**
18 **SERVICEMEMBERS OR CIVILIAN EMPLOYEES**
19 **HELD CAPTIVE.**

20 (a) *MILITARY CAPTIVES.*—(1) Chapter 7 of title 37,
21 United States Code, is amended by inserting after section
22 411i the following new section:

1 **“§411j. Travel and transportation allowances: trans-**
2 **portation of family members incident to**
3 **the repatriation of members held captive**

4 “(a) ALLOWANCE FOR FAMILY MEMBERS AND CER-
5 TAIN OTHERS.—(1) Under uniform regulations prescribed
6 by the Secretaries concerned, travel and transportation de-
7 scribed in subsection (d) may be provided for not more than
8 3 family members of a member described in subsection (b).

9 “(2) In addition to the family members authorized to
10 be provided travel and transportation under paragraph (1),
11 the Secretary concerned may provide travel and transpor-
12 tation described in subsection (d) to an attendant to accom-
13 pany a family member described in that paragraph if the
14 Secretary determines that—

15 “(A) the family member to be accompanied is
16 unable to travel unattended because of age, physical
17 condition, or other reason determined by the Sec-
18 retary; and

19 “(B) no other family member who is eligible for
20 travel and transportation under paragraph (1) is able
21 to serve as an attendant for the family member.

22 “(3) If no family member of a member described in
23 subsection (b) is able to travel to the repatriation site of
24 the member, travel and transportation described in sub-
25 section (d) may be provided to not more than 2 persons
26 related to and selected by the member.

1 “(b) *COVERED MEMBERS*.—A member described in
2 this subsection is a member of the uniformed services who—

3 “(1) is serving on active duty;

4 “(2) was held captive, as determined by the Sec-
5 retary concerned; and

6 “(3) is repatriated to a site inside or outside the
7 United States.

8 “(c) *ELIGIBLE FAMILY MEMBERS*.—In this section, the
9 term ‘family member’ has the meaning given the term in
10 section 411h(b) of this title.

11 “(d) *TRAVEL AND TRANSPORTATION AUTHORIZED*.—

12 (1) The transportation authorized by subsection (a) is
13 round-trip transportation between the home of the family
14 member (or home of the attendant or person provided trans-
15 portation under paragraph (2) or (3) of subsection (a), as
16 the case may be) and the location of the repatriation site
17 at which the member is located.

18 “(2) In addition to the transportation authorized by
19 subsection (a), the Secretary concerned may provide a per
20 diem allowance or reimbursement for the actual and nec-
21 essary expenses of the travel, or a combination thereof, but
22 not to exceed the rates established for such allowances and
23 expenses under section 404(d) of this title.

1 “(3) *The transportation authorized by subsection (a)*
2 *may be provided by any of the means described in section*
3 *411h(d)(1) of this title.*

4 “(4) *An allowance under this subsection may be paid*
5 *in advance.*

6 “(5) *Reimbursement payable under this subsection*
7 *may not exceed the cost of government-procured round-trip*
8 *air travel.”.*

9 (2) *The table of sections at the beginning of chapter*
10 *7 of such title is amended by inserting after the item relat-*
11 *ing to section 411i the following new item:*

*“411j. Travel and transportation allowances: transportation of family members
incident to the repatriation of members held captive.”.*

12 (b) *CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5,*
13 *United States Code, is amended by adding at the end the*
14 *following new section:*

15 “**§ 5760. Travel and transportation allowances: trans-**
16 **portation of family members incident to**
17 **the repatriation of employees held captive**

18 “(a) *ALLOWANCE FOR FAMILY MEMBERS AND CER-*
19 *TAIN OTHERS.—(1) Under uniform regulations prescribed*
20 *by the heads of agencies, travel and transportation described*
21 *in subsection (d) may be provided for not more than 3 fam-*
22 *ily members of an employee described in subsection (b).*

23 “(2) *In addition to the family members authorized to*
24 *be provided travel and transportation under paragraph (1),*

1 *the head of an agency may provide travel and transpor-*
2 *tation described in subsection (d) to an attendant to accom-*
3 *pany a family member described in subsection (b) if the*
4 *head of an agency determines—*

5 “(A) *the family member to be accompanied is*
6 *unable to travel unattended because of age, physical*
7 *condition, or other reason determined by the head of*
8 *the agency; and*

9 “(B) *no other family member who is eligible for*
10 *travel and transportation under subsection (a) is able*
11 *to serve as an attendant for the family member.*

12 “(3) *If no family member of an employee described in*
13 *subsection (b) is able to travel to the repatriation site of*
14 *the employee, travel and transportation described in sub-*
15 *section (d) may be provided to not more than 2 persons*
16 *related to and selected by the employee.*

17 “(b) *COVERED EMPLOYEES.—An employee described*
18 *in this subsection is an employee (as defined in section 2105*
19 *of this title) who—*

20 “(1) *was held captive, as determined by the head*
21 *of an agency concerned; and*

22 “(2) *is repatriated to a site inside or outside the*
23 *United States.*

1 “(c) *ELIGIBLE FAMILY MEMBERS.*—*In this section, the*
2 *term ‘family member’ has the meaning given the term in*
3 *section 411h(b) of title 37.*

4 “(d) *TRAVEL AND TRANSPORTATION AUTHORIZED.*—
5 (1) *The transportation authorized by subsection (a) is*
6 *round-trip transportation between the home of the family*
7 *member (or home of the attendant or person provided trans-*
8 *portation under paragraph (2) or (3) of subsection (a), as*
9 *the case may be) and the location of the repatriation site*
10 *at which the employee is located.*

11 “(2) *In addition to the transportation authorized by*
12 *subsection (a), the head of an agency may provide a per*
13 *diem allowance or reimbursement for the actual and nec-*
14 *essary expenses of the travel, or a combination thereof, but*
15 *not to exceed the rates established for such allowances and*
16 *expenses under section 404(d) of title 37.*

17 “(3) *The transportation authorized by subsection (a)*
18 *may be provided by any of the means described in section*
19 *411h(d)(1) of title 37.*

20 “(4) *An allowance under this subsection may be paid*
21 *in advance.*

22 “(5) *Reimbursement payable under this subsection*
23 *may not exceed the cost of government-procured round-trip*
24 *air travel.”.*

1 (2) *The table of sections at the beginning of chapter*
2 *57 of such title is amended by adding at the end the fol-*
3 *lowing new item:*

*“5760. Travel and transportation allowances: transportation of family members
incident to the repatriation of employees held captive.”.*

4 (a) *AUTHORITY TO CONTINUE ALLOWANCE.—Effective*
5 *as of September 30, 2005, section 1026 of division A of the*
6 *Emergency Supplemental Appropriations Act for Defense,*
7 *the Global War on Terror, and Tsunami Relief, 2005 (Pub-*
8 *lic Law 109–13), is amended by striking subsections (d)*
9 *and (e).*

10 (b) *CODIFICATION OF REPORTING REQUIREMENT.—*
11 *Section 411h of title 37, United States Code, is amended*
12 *by adding at the end the following new subsection:*

13 *“(e) If the amount of travel and transportation allow-*
14 *ances provided in a fiscal year under clause (ii) of sub-*
15 *section (a)(2)(B) exceeds \$20,000,000, the Secretary of De-*
16 *fense shall submit to Congress a report specifying the total*
17 *amount of travel and transportation allowances provided*
18 *under such clause in such fiscal year.”.*

19 (c) *CONFORMING AMENDMENT.—Subsection*
20 *(a)(2)(B)(ii) of such section, as added by section 1026 of*
21 *division A of the Emergency Supplemental Appropriations*
22 *Act for Defense, the Global War on Terror, and Tsunami*
23 *Relief, 2005 (Public Law 109–13), is amended by striking*
24 *“under section 1967(c)(1)(A) of title 38”.*

1 (d) *FUNDING.*—*Funding shall be provided out of exist-*
2 *ing funds.*

3 ***Subtitle D—Retired Pay and***
4 ***Survivor Benefits***

5 ***SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND EN-***
6 ***HANCEMENT OF LIFE INSURANCE BENEFITS***
7 ***FOR CERTAIN COMBAT RELATED DEATHS.***

8 (a) *INCREASED AMOUNT OF DEATH GRATUITY.*—

9 (1) *INCREASED AMOUNT.*—*Section 1478(a) of*
10 *title 10, United States Code, is amended by striking*
11 *“\$12,000” and inserting “\$100,000”.*

12 (2) *EFFECTIVE DATE.*—*The amendment made by*
13 *this subsection shall take effect on October 7, 2001,*
14 *and shall apply with respect to deaths occurring on*
15 *or after that date.*

16 (3) *COORDINATION WITH OTHER ENHANCE-*
17 *MENTS.*—*If the date of the enactment of this Act oc-*
18 *curs before October 1, 2005—*

19 (A) *effective as of such date of enactment,*
20 *the amendments made to section 1478 of title 10,*
21 *United States Code, by the Emergency Supple-*
22 *mental Appropriations Act for Defense, the Glob-*
23 *al War on Terror, and Tsunami Relief, 2005*
24 *(Public Law 109–13) are repealed; and*

1 (B) effective immediately before the execu-
2 tion of the amendment made by paragraph (1),
3 the provisions of section 1478 of title 10, United
4 States Code, as in effect on the date before the
5 date of the enactment of the Act referred to in
6 subparagraph (A), shall be revived.

7 (b) *SERVICEMEMBERS' GROUP LIFE INSURANCE EN-*
8 *HANCEMENTS.—*

9 (1) *INCREASED MAXIMUM AMOUNT OF SGLI.—*
10 Section 1967 of title 38, United States Code, is
11 amended—

12 (A) in subsection (a)(3)(A), by striking
13 clause (i) and inserting the following new clause:

14 “(i) In the case of a member—

15 “(I) \$400,000 or such lesser amount as the
16 member may elect as provided in subparagraph
17 (B);

18 “(II) in the case of a member covered by
19 subsection (e), the amount provided for or elected
20 by the member under subclause (I) plus the addi-
21 tional amount of insurance provided for the
22 member by subsection (e); or

23 “(III) in the case of a member covered by
24 subsection (e) who has made an election under
25 paragraph (2)(A) not to be insured under this

1 subchapter, the amount of insurance provided for
2 the member by subsection (e).”; and

3 (B) in subsection (d), by striking
4 “\$250,000” and inserting “\$400,000”.

5 (2) *INCREMENTS OF DECREASED AMOUNTS*
6 *ELECTABLE BY MEMBERS.*—Subsection (a)(3)(B) of
7 such section is amended by striking “member or
8 spouse” in the last sentence and inserting “member,
9 be evenly divisible by \$50,000 and, in the case of a
10 member’s spouse”.

11 (3) *ADDITIONAL AMOUNT FOR MEMBERS SERVING*
12 *IN CERTAIN AREAS OR OPERATIONS.*—

13 (A) *INCREASED AMOUNT.*—Section 1967 of
14 such title is further amended—

15 (i) by redesignating subsection (e) as
16 subsection (f); and

17 (ii) by inserting after subsection (d)
18 the following new subsection (e):

19 “(e)(1) A member covered by this subsection is any
20 member as follows:

21 “(A) Any member who dies as a result of one or
22 more wounds, injuries, or illnesses incurred while
23 serving in an operation or area that the Secretary of
24 Defense designates, in writing, as a combat operation

1 or a zone of combat, respectively, for purposes of this
2 subsection.

3 “(B) Any member who formerly served in an op-
4 eration or area so designated and whose death is de-
5 termined (under regulations prescribed by the Sec-
6 retary of Defense) to be the direct result of injury or
7 illness incurred or aggravated while so serving.

8 “(2) The additional amount of insurance under this
9 subchapter that is provided for a member by this subsection
10 is \$150,000, except that in a case in which the amount pro-
11 vided for or elected by the member under subsection
12 (a)(3)(A)(i)(I) exceeds \$250,000, the additional amount of
13 insurance under this subchapter that is provided for the
14 member by this subsection shall be reduced to such amount
15 as is necessary to comply with the limitation in paragraph
16 (3).

17 “(3) The total amount of insurance payable for a mem-
18 ber under this subchapter may not exceed \$400,000.

19 “(4) While a member is serving in an operation or
20 area designated as described in paragraph (1), the cost of
21 insurance of the member under this subchapter that is at-
22 tributable to \$150,000 of insurance coverage shall, at the
23 election of the Secretary concerned—

1 “(A) be contributed as provided in section
2 1969(b)(2) of this title, rather through deduction or
3 withholding from the member’s pay; or

4 “(B) if deducted or withheld from the member’s
5 pay, be reimbursed to the member through such mech-
6 anism as the Secretary concerned determines appro-
7 priate.”.

8 (B) FUNDING.—Section 1969(b) of such title
9 is amended—

10 (i) by inserting “(1)” after “(b)”; and

11 (ii) by adding at the end the following

12 new paragraph:

13 “(2) For each month for which a member insured
14 under this subchapter is serving in an operation or area
15 designated as described by paragraph (1)(A) of section
16 1967(e) of this title, there may, at the election of the Sec-
17 retary concerned under paragraph (4)(A) of such section,
18 be contributed from the appropriation made for active duty
19 pay of the uniformed service concerned an amount deter-
20 mined by the Secretary and certified to the Secretary con-
21 cerned to be the cost of Servicemembers’ Group Life Insur-
22 ance which is traceable to the cost of providing insurance
23 for the member under section 1967 of this title in the
24 amount of \$150,000.”.

1 (4) CONFORMING AMENDMENT.—Section
2 1967(a)(2)(A) of such title is amended by inserting
3 before the period at the end the following: “, except
4 with respect to insurance provided under paragraph
5 (3)(A)(i)(III)”.

6 (5) COORDINATION WITH VGLI.—Section 1977(a)
7 of such title is amended—

8 (A) by striking “\$250,000” each place it
9 appears and inserting “\$400,000”; and

10 (B) by adding at the end of paragraph (1)
11 the following new sentence: “Any additional
12 amount of insurance provided a member under
13 section 1967(e) of this title may not be treated
14 as an amount for which Veterans’ Group Life
15 Insurance shall be issued under this section.”.

16 (6) REQUIREMENTS REGARDING ELECTIONS OF
17 MEMBERS TO REDUCE OR DECLINE INSURANCE.—Sec-
18 tion 1967(a) of such title is further amended—

19 (A) in paragraph (2), by adding at the end
20 the following new subparagraph:

21 “(C) Pursuant to regulations prescribed by the Sec-
22 retary of Defense, notice of an election of a member with
23 a spouse not to be insured under this subchapter, or to be
24 insured under this subchapter in an amount less than the

1 *maximum amount provided under paragraph (3)(A)(i)(I),*
2 *shall be provided to the spouse of the member.”; and*

3 *(B) in paragraph (3), by adding at the end*
4 *the following new subparagraph:*

5 *“(D) Whenever a member who is not married elects*
6 *not to be insured under this subchapter, or to be insured*
7 *under this subchapter in an amount less than the maximum*
8 *amount provided for under subparagraph (A)(i)(I), the Sec-*
9 *retary concerned shall provide a notice of such election to*
10 *any person designated by the member as a beneficiary or*
11 *designated as the member’s next-of-kin for the purpose of*
12 *emergency notification, as determined under regulations*
13 *prescribed by the Secretary of Defense.”.*

14 *(7) REQUIREMENT REGARDING REDESIGNATION*
15 *OF BENEFICIARIES.—Section 1970 of such title is*
16 *amended by adding at the end the following new sub-*
17 *section:*

18 *“(j) A member with a spouse may not modify the bene-*
19 *ficiary or beneficiaries designated by the member under*
20 *subsection (a) without providing written notice of such*
21 *modification to the spouse.”.*

22 *(8) EFFECTIVE DATE.—This subsection and the*
23 *amendments made by this subsection shall take effect*
24 *on October 1, 2005, immediately after the termination*
25 *of the amendments made to sections 1967, 1969, 1970,*

1 *and 1977 of title 38, United States Code, by the*
2 *Emergency Supplemental Appropriations Act for De-*
3 *fense, the Global War on Terror, and Tsunami Relief,*
4 *2005 (Public Law 109–13).*

5 **SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED**
6 **FORCES RETIREMENT HOME.**

7 *(a) REDESIGNATION OF CHIEF OPERATING OFFICER*
8 *AS CHIEF EXECUTIVE OFFICER.—*

9 *(1) IN GENERAL.—Section 1515 of the Armed*
10 *Forces Retirement Home Act of 1991 (24 U.S.C. 415)*
11 *is amended—*

12 *(A) by striking “Chief Operating Officer”*
13 *each place it appears and inserting “Chief Exec-*
14 *utive Officer”; and*

15 *(B) in subsection (e)(1), by striking “Chief*
16 *Operating Officer’s” and inserting “Chief Execu-*
17 *tive Officer’s”.*

18 *(2) CONFORMING AMENDMENTS.—Such Act is*
19 *further amended by striking “Chief Operating Offi-*
20 *cer” each place it appears in a provision as follows*
21 *and inserting “Chief Executive Officer”:*

22 *(A) In section 1511 (24 U.S.C. 411).*

23 *(B) In section 1512 (24 U.S.C. 412).*

24 *(C) In section 1513(a) (24 U.S.C. 413(a)).*

1 (D) *In section 1514(c)(1) (24 U.S.C.*
2 *414(c)(1)).*

3 (E) *In section 1516(b) (24 U.S.C. 416(b)).*

4 (F) *In section 1517 (24 U.S.C. 417).*

5 (G) *In section 1518(c) (24 U.S.C. 418(c)).*

6 (H) *In section 1519(c) (24 U.S.C. 419(c)).*

7 (I) *In section 1521(a) (24 U.S.C. 421(a)).*

8 (J) *In section 1522 (24 U.S.C. 422).*

9 (K) *In section 1523(b) (24 U.S.C. 423(b)).*

10 (L) *In section 1531 (24 U.S.C. 431).*

11 (3) *CLERICAL AMENDMENTS.—(A) The heading*
12 *of section 1515 of such Act is amended to read as fol-*
13 *lows:*

14 **“SEC. 1515. CHIEF EXECUTIVE OFFICER.”**

15 (B) *The table of contents for such Act is amended*
16 *by striking the item relating to section 1515 and in-*
17 *serting the following new item:*

 “*Sec. 1515 Chief Executive Officer.*”

18 (4) *REFERENCES.—Any reference in any law,*
19 *regulation, document, record, or other paper of the*
20 *United States to the Chief Operating Officer of the*
21 *Armed Forces Retirement Home shall be considered to*
22 *be a reference to the Chief Executive Officer of the*
23 *Armed Forces Retirement Home.*

1 (b) *PHYSICIANS AND DENTISTS FOR EACH RETIRE-*
2 *MENT HOME FACILITY.*—Section 1513 of such Act (24
3 *U.S.C. 413)* is amended—

4 (1) *in subsection (a), by striking “subsection (b)”*
5 *and inserting “subsections (b), (c), and (d)”*; and

6 (2) *by adding at the end the following new sub-*
7 *section:*

8 “(c) *PHYSICIANS AND DENTISTS FOR EACH RETIRE-*
9 *MENT HOME FACILITY.*—(1) *In providing for the health*
10 *care needs of residents under subsection (c), the Retirement*
11 *Home shall have in attendance at each facility of the Retire-*
12 *ment Home, during the daily business hours of such facil-*
13 *ity, a physician and a dentist, each of whom shall have*
14 *skills and experience suited to residents of such facility.*

15 “(2) *In providing for the health care needs of residents,*
16 *the Retirement shall also have available to residents of each*
17 *facility of the Retirement Home, on an on-call basis during*
18 *hours other than the daily business hours of such facility,*
19 *a physician and a dentist each of whom have skills and*
20 *experience suited to residents of such facility.*

21 “(3) *In this subsection, the term ‘daily business hours’*
22 *means the hours between 9 o’clock ante meridian and 5*
23 *o’clock post meridian, local time, on each of Monday*
24 *through Friday.’.*

1 (c) *TRANSPORTATION TO MEDICAL CARE OUTSIDE RE-*
2 *TIREMENT HOME FACILITIES.*—Section 1513 of such Act
3 *is further amended—*

4 (1) *in the third sentence of subsection (b), by in-*
5 *serting “, except as provided in subsection (d),” after*
6 *“shall not”; and*

7 (2) *by adding at the end the following new sub-*
8 *section:*

9 “(d) *TRANSPORTATION TO MEDICAL CARE OUTSIDE*
10 *RETIREMENT HOME FACILITIES.*—*The Retirement Home*
11 *shall provide to any resident of a facility of the Retirement*
12 *Home, upon request of such resident, transportation to any*
13 *medical facility located not more than 30 miles from such*
14 *facility for the provision of medical care to such resident.*
15 *The Retirement Home may not collect a fee from a resident*
16 *for transportation provided under this subsection.”.*

17 (d) *MILITARY DIRECTOR FOR EACH RETIREMENT*
18 *HOME.*—Section 1517(b)(1) of such Act (24 U.S.C.
19 417(b)(1)) *is amended by striking “a civilian with experi-*
20 *ence as a continuing care retirement community profes-*
21 *sional or”.*

1 **SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF**
2 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**
3 **AND INDEMNITY COMPENSATION.**

4 (a) *REPEAL.*—Subchapter II of chapter 73 of title 10,
5 *United States Code* is amended—

6 (1) in section 1450(c)(1), by inserting after “to
7 whom section 1448 of this title applies” the following:
8 “(except in the case of a death as described in sub-
9 section (d) or (f) of such section)”; and

10 (2) in section 1451(c)—

11 (A) by striking paragraph (2); and

12 (B) by redesignating paragraphs (3) and
13 (4) as paragraphs (2) and (3), respectively.

14 (b) *PROHIBITION ON RETROACTIVE BENEFITS.*—No
15 benefits may be paid to any person for any period before
16 the effective date provided under subsection (e) by reason
17 of the amendments made by subsection (a).

18 (c) *PROHIBITION ON RECOUPMENT OF CERTAIN*
19 *AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.*—
20 A surviving spouse who is or has been in receipt of an an-
21 nuity under the Survivor Benefit Plan under subchapter
22 II of chapter 73 of title 10, *United States Code*, that is in
23 effect before the effective date provided under subsection (e)
24 and that is adjusted by reason of the amendments made
25 by subsection (a) and who has received a refund of retired
26 pay under section 1450(e) of title 10, *United States Code*,

1 *shall not be required to repay such refund to the United*
2 *States.*

3 (d) *RECONSIDERATION OF OPTIONAL ANNUITY.*—Sec-
4 *tion 1448(d)(2) of title 10, United States Code, is amended*
5 *by adding at the end the following new sentences: “The sur-*
6 *living spouse, however, may elect to terminate an annuity*
7 *under this subparagraph in accordance with regulations*
8 *prescribed by the Secretary concerned. Upon such an elec-*
9 *tion, payment of an annuity to dependent children under*
10 *this subparagraph shall terminate effective on the first day*
11 *of the first month that begins after the date on which the*
12 *Secretary concerned receives notice of the election, and, be-*
13 *ginning on that day, an annuity shall be paid to the sur-*
14 *living spouse under paragraph (1) instead.”.*

15 (e) *EFFECTIVE DATE.*—*The amendments made by this*
16 *section shall take effect on the later of—*

17 (1) *the first day of the first month that begins*
18 *after the date of the enactment of this Act; or*

19 (2) *the first day of the fiscal year that begins in*
20 *the calendar year in which this Act is enacted.*

21 **SEC. 644. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER**
22 **SURVIVOR BENEFIT PLAN.**

23 Section 1452(j) of title 10, United States Code, is
24 amended by striking “October 1, 2008” and inserting “Oc-
25 tober 1, 2005”.

1 **SEC. 645. INCLUSION OF VETERANS WITH SERVICE-CON-**
2 **NECTED DISABILITIES RATED AS TOTAL BY**
3 **REASON OF UNEMPLOYABILITY UNDER TER-**
4 **MINATION OF PHASE-IN OF CONCURRENT RE-**
5 **CEIPT OF RETIRED PAY AND VETERANS' DIS-**
6 **ABILITY COMPENSATION.**

7 (a) *INCLUSION OF VETERANS.*—Section 1414(a)(1) of
8 title 10, United States Code, is amended by inserting “or
9 a qualified retiree receiving veterans’ disability compensa-
10 tion for a disability rated as total (within the meaning of
11 subsection (e)(3)(B))” after “rated as 100 percent”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
13 section (a) shall take effect on December 31, 2004.

14 (c) *ADDITIONAL DEATH GRATUITY.*—In the case of an
15 active duty member of the armed forces who died between
16 October 7, 2001, and May 11, 2005, and was not eligible
17 for an additional death gratuity under section
18 1478(e)(3)(A) of title 10, United States Code (as added by
19 section 1013(b) of Public Law 109–13), the eligible sur-
20 vivors of such decedent shall receive, in addition to the death
21 gratuity available to such survivors under section 1478(a)
22 of such title, an additional death gratuity of \$150,000
23 under the same conditions as provided under section
24 1478(e)(4) of such title.

1 **Subtitle E—Other Matters**

2 **SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE**
3 **ARMED FORCES TO OBTAIN PROFESSIONAL**
4 **CREDENTIALS.**

5 (a) *PAYMENT AUTHORIZED.*—Chapter 101 of title 10,
6 *United States Code*, is amended by inserting after section
7 2007 the following new section:

8 **“§2007a. Payment of expenses of members of the**
9 **armed forces to obtain professional cre-**
10 **dentials**

11 “(a) *PAYMENT AUTHORIZED.*—Except as provided in
12 *subsection (b)*, the Secretary of Defense may pay for—

13 “(1) *expenses of members of the armed forces to*
14 *obtain professional credentials, including expenses of*
15 *professional accreditation, State-imposed and profes-*
16 *sional licenses, and professional certification; and*

17 “(2) *examinations to obtain such credentials.*

18 “(b) *EXCEPTION.*—The authority in subsection (a)
19 *may not be exercised on behalf of any member of the armed*
20 *forces for expenses to obtain the basic qualifications for*
21 *membership in a profession or officer community.*

22 “(c) *FUNDS AVAILABLE.*—Funds appropriated or oth-
23 *erwise made available to the Secretary of Defense may be*
24 *used to pay expenses under subsection (a).”.*

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

“2007a. Payment of expenses of members of the armed forces to obtain professional credentials.”.

4 **SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT**
 5 **SAVINGS PLAN FOR INITIAL ENLISTEES IN**
 6 **THE ARMED FORCES.**

7 (a) *PILOT PROGRAM REQUIRED.*—*During fiscal year*
 8 *2006, the Secretary of the Army shall carry out within the*
 9 *Army a pilot program in order to assess the extent to which*
 10 *contributions by the military departments to the Thrift*
 11 *Savings Fund on behalf of members of the Armed Forces*
 12 *described in subsection (b) would—*

13 (1) *assist the Armed Forces in recruiting efforts;*
 14 *and*

15 (2) *assist such members in establishing habits of*
 16 *financial responsibility during their initial enlist-*
 17 *ments in the Armed Forces.*

18 (b) *COVERED MEMBERS.*—*A member of the Armed*
 19 *Forces described in this subsection is a member of the*
 20 *Armed Forces who is serving in the Armed Forces under*
 21 *an initial enlistment for a period of not less than two years.*

22 (c) *CONTRIBUTIONS TO THRIFT SAVINGS FUND.*—

23 (1) *IN GENERAL.*—*The Secretary of the Army*
 24 *may make contributions to the Thrift Savings Fund*

1 *on behalf of any participant in the pilot program*
2 *under subsection (a) for any pay period during the*
3 *period of the pilot program.*

4 (2) *LIMITATIONS.*—*The amount of any contribu-*
5 *tions made with respect to a member under para-*
6 *graph (1) shall be subject to the provisions of section*
7 *8432(c) of title 5, United States Code.*

8 (d) *REPORT.*—

9 (1) *IN GENERAL.*—*Not later than February 1,*
10 *2007, the Secretary of Defense shall submit to the con-*
11 *gressional defense committees a report on the pilot*
12 *program under subsection (a).*

13 (2) *ELEMENTS.*—*The report shall include the fol-*
14 *lowing:*

15 (A) *A description of the pilot program, in-*
16 *cluding the number of members of the Army who*
17 *participated in the pilot program and the con-*
18 *tributions made by the Army to the Thrift Sav-*
19 *ings Fund on behalf of such members during the*
20 *period of the pilot program.*

21 (B) *An assessment, based on the pilot pro-*
22 *gram and taking into account the views of offi-*
23 *cers and senior enlisted personnel of the Army,*
24 *and of field recruiters, of the extent to which con-*
25 *tributions by the military departments to the*

1 *Thrift Savings Fund on behalf of members of the*
2 *Armed Forces similar to the participants in the*
3 *pilot program—*

4 *(i) would enhance the recruiting efforts*
5 *of the Armed Forces; and*

6 *(ii) would assist such members in es-*
7 *tablishing habits of financial responsibility*
8 *during their initial enlistments in the*
9 *Armed Forces.*

10 **SEC. 653. EXTENSION OF EFFECTIVE DATE.**

11 *Section 6 of the Higher Education Relief Opportuni-*
12 *ties for Students Act of 2003 (20 U.S.C. 1070 note) is*
13 *amended by striking “September 30, 2005” and inserting*
14 *“September 30 2007”.*

15 **SEC. 654. OUTREACH TO MEMBERS OF THE ARMED FORCES**
16 **AND THEIR DEPENDENTS ON THE**
17 **SERVICEMEMBERS CIVIL RELIEF ACT.**

18 *(a) OUTREACH TO MEMBERS OF THE ARMED*
19 *FORCES.—*

20 *(1) IN GENERAL.—The Secretary concerned shall*
21 *provide to each member of the Armed Forces under*
22 *the jurisdiction of the Secretary pertinent informa-*
23 *tion on the rights and protections available to*
24 *servicemembers and their dependents under the*

1 *Servicemembers Civil Relief Act (50 U.S.C. App. 501*
2 *et seq.).*

3 (2) *TIME OF PROVISION.*—*Information shall be*
4 *provided to a member of the Armed Forces under*
5 *paragraph (1) at times as follows:*

6 (A) *During initial orientation training.*

7 (B) *In the case of a member of a reserve*
8 *component of the Armed Forces, during initial*
9 *orientation training and when the member is*
10 *mobilized or otherwise individually called or or-*
11 *dered to active duty for a period of more than*
12 *one year.*

13 (C) *At such other times as the Secretary*
14 *concerned considers appropriate.*

15 (b) *OUTREACH TO DEPENDENTS.*—*The Secretary con-*
16 *cerned may provide to the adult dependents of members of*
17 *the Armed Forces under the jurisdiction of the Secretary*
18 *pertinent information on the rights and protections avail-*
19 *able to servicemembers and their dependents under the*
20 *Servicemembers Civil Relief Act.*

21 (c) *DEFINITIONS.*—*In this section, the terms “depend-*
22 *ent” and “Secretary concerned” have the meanings given*
23 *such terms in section 101 of the Servicemembers Civil Relief*
24 *Act (50 U.S.C. App. 511).*

1 **Subtitle F—Enhancement of Au-**
2 **thorities for Recruitment and**
3 **Retention**

4 **SEC. 671. INCREASE IN MAXIMUM RATE OF ASSIGNMENT IN-**
5 **CENTIVE PAY.**

6 (a) *INCREASE IN MAXIMUM RATE.*—Section 307a(c) of
7 title 37, United States Code, is amended by striking
8 “\$1,500” and inserting “\$3,000”.

9 (b) *EFFECTIVE DATE.*—The amendment made by sub-
10 section (a) shall take effect on the date of the enactment
11 of this Act, and shall apply with respect to months begin-
12 ning on or after that date.

13 **SEC. 672. TEMPORARY INCREASE IN BASIC ALLOWANCE FOR**
14 **HOUSING IN AREAS SUBJECT TO DECLARA-**
15 **TION OF A MAJOR DISASTER.**

16 (a) *TEMPORARY INCREASE AUTHORIZED.*—Section
17 403(b) of title 37, United States Code, is amended—

18 (1) by redesignating paragraphs (6) and (7) as
19 paragraphs (7) and (8), respectively; and

20 (2) by inserting after paragraph (4) the fol-
21 lowing new paragraph (5):

22 “(5)(A) The Secretary of Defense may prescribe a tem-
23 porary increase in rates of basic allowance for housing in
24 a military housing area located in an area for which a
25 major disaster has been declared in accordance with section

1 401 of the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5170).

3 “(B) The amount of the increase under this paragraph
4 in rates of basic allowance for housing in an area by reason
5 of a disaster shall be based on a determination by the Sec-
6 retary of the amount by which the costs of adequate housing
7 for civilians have increased in the area by reason of the
8 disaster.

9 “(C) The amount of any increase under this para-
10 graph in a rate of basic allowance for housing may not
11 exceed the amount equal to 20 percent of such rate of basic
12 allowance for housing.

13 “(D) A member may be paid a basic allowance for
14 housing at a rate increased under this paragraph by reason
15 of a disaster only if the member certifies to the Secretary
16 concerned that the member has incurred increased housing
17 costs in the area concerned by reason of the disaster.

18 “(E) An increase in rates of basic allowance for hous-
19 ing in an area under this paragraph shall remain in effect
20 until the effective date of the first adjustment in rates of
21 basic allowance for housing made for the area pursuant to
22 a redetermination of housing costs in the area under para-
23 graph (4) that occurs after the date of the increase under
24 this paragraph.”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
2 *section (a) shall take effect on September 1, 2005, and shall*
3 *apply with respect to months beginning on or after that*
4 *date.*

5 **SEC. 673. TEMPORARY AUTHORITY FOR INCENTIVES FOR**
6 **RECRUITMENT OF MILITARY PERSONNEL.**

7 (a) *AUTHORITY TO PROVIDE INCENTIVES.*—*The Sec-*
8 *retary of Defense may, in consultation with the Director*
9 *of the Office of Management and Budget, develop and pro-*
10 *vide incentives (in addition to any other incentives author-*
11 *ized by law) for the recruitment of individuals as officers*
12 *and enlisted members of the Armed Forces.*

13 (b) *CONSTRUCTION WITH OTHER PERSONNEL AU-*
14 *THORITIES.*—

15 (1) *IN GENERAL.*—*Incentives may be provided*
16 *under subsection (a)—*

17 (A) *without regard to the lack of specific*
18 *authority for such incentives under title 10,*
19 *United States Code, or title 37, United States*
20 *Code; and*

21 (B) *notwithstanding any provision of title*
22 *10, United States Code, or title 37, United*
23 *States Code, or any rule or regulation prescribed*
24 *under such provision, relating to methods of—*

1 (i) *determining requirements for, and*
2 *the compensation of, members of the Armed*
3 *Forces who are assigned duty as military*
4 *recruiters; or*

5 (ii) *providing incentives to individuals*
6 *to accept commissions or enlist in the*
7 *Armed Forces, including the provision of*
8 *group or individual bonuses, pay, or other*
9 *incentives.*

10 (2) *WAIVER OF OTHERWISE APPLICABLE*
11 *LAWS.—No provision of title 10, United States Code,*
12 *or title 37, United States Code, may be waived with*
13 *respect to, or otherwise determined to be inapplicable*
14 *to, the provision of incentives under subsection (a) ex-*
15 *cept with the approval of the Secretary.*

16 (c) *PLANS.—*

17 (1) *DEVELOPMENT OF PLANS.—Before providing*
18 *an incentive under subsection (a), or entering into*
19 *any agreement or contract with respect to the provi-*
20 *sion of such incentive, the Secretary shall develop a*
21 *plan that includes—*

22 (A) *a description of such incentive, includ-*
23 *ing the purpose of such project and the members*
24 *(or potential recruits) of the Armed Forces to be*
25 *addressed by such incentive;*

1 (B) a statement of the anticipated outcomes
2 of such incentive; and

3 (C) the method of evaluating the effective-
4 ness of such incentive.

5 (2) *SUBMITTAL OF PLANS.*—Not later than 30
6 days before the provision of an incentive under sub-
7 section (a), the Secretary shall submit a copy of the
8 plan developed under paragraph (1) on such
9 incentive—

10 (A) to the elements of the Department of De-
11 fense to be affected by the provision of such in-
12 centive; and

13 (B) to Congress.

14 (d) *LIMITATIONS.*—

15 (1) *NUMBER OF INDIVIDUALS.*—The number of
16 individuals provided incentives under subsection (a)
17 may not exceed the number of individuals equal to 20
18 percent of the accession mission of the Armed Force
19 concerned for the fiscal year in which such incentives
20 are first provided.

21 (2) *DURATION OF PROVISION.*—The provision of
22 incentives under subsection (a) shall terminate not
23 later than the end of the three-year period beginning
24 on the date on which the provision of such incentives
25 commences (except that such incentives may continue

1 to be provided beyond the date otherwise provided in
2 this paragraph to the extent necessary to evaluate the
3 effectiveness of such incentives).

4 (e) *REPORTS.*—

5 (1) *IN GENERAL.*—*The Secretary shall submit to*
6 *Congress on an annual basis a report on the incen-*
7 *tives provided under subsection (a) during the pre-*
8 *ceding year.*

9 (2) *ELEMENTS.*—*Each report under this sub-*
10 *section shall include—*

11 (A) *a description of the incentives provided*
12 *under subsection (a) during the fiscal year cov-*
13 *ered by such report; and*

14 (B) *an assessment of the impact of such in-*
15 *centives on the recruitment of individuals as offi-*
16 *cers or enlisted members of the Armed Forces.*

17 **SEC. 674. PAY AND BENEFITS TO FACILITATE VOLUNTARY**
18 **SEPARATION OF TARGETED MEMBERS OF**
19 **THE ARMED FORCES.**

20 (a) *PAY AND BENEFITS AUTHORIZED.*—

21 (1) *IN GENERAL.*—*Chapter 59 of title 10, United*
22 *States Code, is amended by inserting after section*
23 *1175 the following new section:*

1 **“§ 1175a. Voluntary separation pay and benefits**

2 “(a) *IN GENERAL.*—Under regulations approved by
3 the Secretary of Defense, the Secretary concerned may pro-
4 vide voluntary separation pay and benefits in accordance
5 with this section to eligible members of the armed forces
6 who are voluntarily separated from active duty in the
7 armed forces.

8 “(b) *ELIGIBLE MEMBERS.*—(1) Except as provided in
9 paragraph (2), a member of the armed forces is eligible for
10 voluntary separation pay and benefits under this section
11 if the member—

12 “(A) has served on active duty for more than 6
13 years but not more than 20 years;

14 “(B) has served at least 5 years of continuous ac-
15 tive duty immediately preceding the date of the mem-
16 ber’s separation from active duty;

17 “(C) has not been approved for payment of a vol-
18 untary separation incentive under section 1175 of
19 this title;

20 “(D) meets such other requirements as the Sec-
21 retary concerned may prescribe, which may include
22 requirements relating to—

23 “(i) years of service, skill, rating, military
24 specialty, or competitive category;

25 “(ii) grade or rank;

1 “(iii) remaining period of obligated service;

2 or

3 “(iv) any combination of these factors; and

4 “(E) requests separation from active duty.

5 “(2) The following members are not eligible for vol-
6 untary separation pay and benefits under this section:

7 “(A) Members discharged with disability sever-
8 ance pay under section 1212 of this title.

9 “(B) Members transferred to the temporary dis-
10 ability retired list under section 1202 or 1205 of this
11 title.

12 “(C) Members being evaluated for disability re-
13 tirement under chapter 61 of this title.

14 “(D) Members who have been previously dis-
15 charged with voluntary separation pay.

16 “(E) Members who are subject to pending dis-
17 ciplinary action or who are subject to administrative
18 separation or mandatory discharge under any other
19 provision of law or regulations.

20 “(3) The Secretary concerned shall determine each
21 year the number of members to be separated, and provided
22 separation pay and benefits, under this section during the
23 fiscal year beginning in such year.

24 “(c) SEPARATION.—Each eligible member of the armed
25 forces whose request for separation from active duty under

1 subsection (b)(1)(E) is approved shall be separated from ac-
2 tive duty.

3 “(d) *ADDITIONAL SERVICE IN READY RESERVE.*—Of
4 the number of members of the armed forces to be separated
5 from active duty in a fiscal year, as determined under sub-
6 section (b)(3), the Secretary concerned shall determine a
7 number of such members, in such skill and grade combina-
8 tions as the Secretary concerned shall designate, who shall
9 serve in the Ready Reserve, after separation from active
10 duty, for a period of not less than three years, as a condi-
11 tion of the receipt of voluntary separation pay and benefits
12 under this section.

13 “(e) *SEPARATION PAY AND BENEFITS.*—(1) A member
14 of the armed forces who is separated from active duty under
15 subsection (c) shall be paid voluntary separation pay in
16 accordance with subsection (g) in an amount determined
17 by the Secretary concerned pursuant to subsection (f).

18 “(2) A member who is not entitled to retired or re-
19 tainer pay upon separation shall be entitled to the benefits
20 and services provided under—

21 “(A) chapter 58 of this title during the 180-day
22 period beginning on the date the member is separated
23 (notwithstanding any termination date for such bene-
24 fits and services otherwise applicable under the provi-
25 sions of such chapter); and

1 “(B) sections 404 and 406 of title 37.

2 “(f) COMPUTATION OF VOLUNTARY SEPARATION
3 PAY.—The Secretary concerned shall specify the amount of
4 voluntary separation pay that an individual or defined
5 group of members of the armed forces may be paid under
6 subsection (e)(1). No member may receive as voluntary sep-
7 aration pay an amount greater than three times the full
8 amount of separation pay for a member of the same pay
9 grade and years of service who is involuntarily separated
10 under section 1174 of this title.

11 “(g) PAYMENT OF VOLUNTARY SEPARATION PAY.—(1)
12 Voluntary separation pay under this section may be paid
13 in a single lump sum.

14 “(2) In the case of a member of the armed forces who,
15 at the time of separation under subsection (c), has com-
16 pleted at least 15 years, but less than 20 years, of active
17 service, voluntary separation pay may be paid, at the elec-
18 tion of the Secretary concerned, in—

19 “(A) a single lump sum;

20 “(B) installments over a period not to exceed 10
21 years; or

22 “(C) a combination of lump sum and such in-
23 stallments.

24 “(h) COORDINATION WITH RETIRED OR RETAINER
25 PAY AND DISABILITY COMPENSATION.—(1) A member who

1 *is paid voluntary separation pay under this section and*
2 *who later qualifies for retired or retainer pay under this*
3 *title or title 14 shall have deducted from each payment of*
4 *such retired or retainer pay an amount, in such schedule*
5 *of monthly installments as the Secretary concerned shall*
6 *specify, until the total amount deducted from such retired*
7 *or retainer pay is equal to the total amount of voluntary*
8 *separation pay so paid.*

9 “(2)(A) *Except as provided in subparagraphs (B) and*
10 *(C), a member who is paid voluntary separation pay under*
11 *this section shall not be deprived, by reason of the member’s*
12 *receipt of such pay, of any disability compensation to which*
13 *the member is entitled under the laws administered by the*
14 *Secretary of Veterans Affairs, but there shall be deducted*
15 *from such disability compensation an amount, in such*
16 *schedule of monthly installments as the Secretary concerned*
17 *shall specify, until the total amount deducted from such dis-*
18 *ability compensation is equal to the total amount of vol-*
19 *untary separation pay so paid.*

20 “(B) *No deduction shall be made from the disability*
21 *compensation paid to an eligible disabled uniformed serv-*
22 *ices retiree under section 1413, or to an eligible combat-*
23 *related disabled uniformed services retiree under section*
24 *1413a of this title, who is paid voluntary separation pay*
25 *under this section.*

1 “(C) No deduction may be made from the disability
2 compensation paid to a member for the amount of vol-
3 untary separation pay received by the member because of
4 an earlier discharge or release from a period of active duty
5 if the disability which is the basis for that disability com-
6 pensation was incurred or aggravated during a later period
7 of active duty.

8 “(3) The requirement under this subsection to repay
9 voluntary separation pay following retirement from the
10 armed forces does not apply to a member who was eligible
11 to retire at the time the member applied and was accepted
12 for voluntary separation pay and benefits under this sec-
13 tion.

14 “(4) The Secretary concerned may waive the require-
15 ment to repay voluntary separation pay under paragraphs
16 (1) and (2) if the Secretary determines that recovery would
17 be against equity and good conscience or would be contrary
18 to the best interests of the United States.

19 “(i) *RETIREMENT DEFINED.*—In this section, the term
20 ‘retirement’ includes a transfer to the Fleet Reserve or Fleet
21 Marine Corps Reserve.

22 “(j) *REPAYMENT FOR MEMBERS WHO RETURN TO AC-*
23 *TIVE DUTY.*—(1) Except as provided in paragraphs (2) and
24 (3), a member of the armed forces who, after having received
25 all or part of voluntary separation pay under this section,

1 *returns to active duty shall have deducted from each pay-*
2 *ment of basic pay, in such schedule of monthly installments*
3 *as the Secretary concerned shall specify, until the total*
4 *amount deducted from such basic pay equals the total*
5 *amount of voluntary separation pay received.*

6 “(2) *Members who are involuntarily recalled to active*
7 *duty or full-time National Guard duty in accordance with*
8 *section 12301(a), 12301(b), 12301(g), 12302, 12303, or*
9 *12304 of this title or section 502(f)(1) of title 32 shall not*
10 *be subject to this subsection.*

11 “(3) *Members who are recalled or perform active duty*
12 *or full-time National Guard duty in accordance with sec-*
13 *tion 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as*
14 *the period served is less than 180 consecutive days with the*
15 *consent of the member), 12319, or 12503 of title 10, or sec-*
16 *tion 114, 115, or 502(f)(2) of title 32 (insofar as the period*
17 *served is less than 180 consecutive days with consent of the*
18 *member), shall not be subject to this subsection.*

19 “(4) *The Secretary of Defense may waive, in whole or*
20 *in part, repayment required under paragraph (1) if the*
21 *Secretary determines that recovery would be against equity*
22 *and good conscience or would be contrary to the best inter-*
23 *ests of the United States. The authority in this paragraph*
24 *may be delegated only to the Undersecretary of Defense for*

1 *Personnel and Readiness and the Principal Deputy Under-*
2 *secretary of Defense for Personnel and Readiness.*

3 “(k) *TERMINATION OF AUTHORITY.*—(1) *The authority*
4 *to separate a member of the armed forces from active duty*
5 *under subsection (c) shall terminate on December 31, 2008.*

6 “(2) *A member who separates by the date specified in*
7 *paragraph (1) may continue to be provided voluntary sepa-*
8 *ration pay and benefits under this section until the member*
9 *has received the entire amount of pay and benefits to which*
10 *the member is entitled under this section.*”.

11 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
12 *tions at the beginning of chapter 59 of such title is*
13 *amended by inserting after the item relating to sec-*
14 *tion 1175 the following new item:*

“1175a. *Voluntary separation pay and benefits.*”.

15 (b) *LIMITATION ON APPLICABILITY.*—*During the pe-*
16 *riod beginning on the date of the enactment of this Act and*
17 *ending on December 31, 2008, the members of the Armed*
18 *Forces who are eligible for separation, and for the provision*
19 *of voluntary separation pay and benefits, under section*
20 *1175a of title 10, United States Code (as added by sub-*
21 *section (a)), shall be limited to officers of the Armed Forces*
22 *who meet the eligibility requirements of section 1175a(b)*
23 *of title 10, United States Code (as so added), but have not*
24 *completed more than 12 years of active service as of the*
25 *date of separation from active duty.*

1 (c) *OFFICER SELECTIVE EARLY RETIREMENT.*—Sec-
 2 tion 638a(a) of title 10, United States Code, is amended
 3 by adding at the end the following new sentence: “During
 4 the period beginning on October 1, 2005, and ending on
 5 December 31, 2011, the Secretary of Defense may also au-
 6 thorize the Secretary of the Navy and the Secretary of the
 7 Air Force to take any of the actions set forth in such sub-
 8 section with respect to officers of the armed forces under
 9 the jurisdiction of such Secretary.”.

10 **SEC. 675. EDUCATION LOAN REPAYMENT PROGRAM FOR**
 11 **CHAPLAINS IN THE SELECTED RESERVE.**

12 (a) *IN GENERAL.*—Chapter 1609 of title 10, United
 13 States Code, is amended by adding at the end the following
 14 new section:

15 **“§ 16303. Education loan repayment program: chap-**
 16 **lains serving in the Selected Reserve**

17 “(a) *AUTHORITY TO REPAY EDUCATION LOANS.*—
 18 Under regulations prescribed by the Secretary of Defense
 19 and subject to the provisions of this section, the Secretary
 20 concerned may, for purposes of maintaining adequate num-
 21 bers of chaplains in the Selected Reserve, repay a loan
 22 that—

23 “(1) was used by a person described in sub-
 24 section (b) to finance education resulting in a Masters
 25 of Divinity degree; and

1 “(2) was obtained from an accredited theological
2 seminary as listed in the Association of Theological
3 Schools (ATS) handbook.

4 “(b) *ELIGIBLE PERSONS*.—(1) Except as provided in
5 paragraph (2), a person described in this subsection is a
6 person who—

7 “(A) satisfies the requirements specified in sub-
8 section (c);

9 “(B) holds, or is fully qualified for, an appoint-
10 ment as a chaplain in a reserve component of an
11 armed force; and

12 “(C) signs a written agreement to serve not less
13 than three years in the Selected Reserve.

14 “(2) A person accessioned into the Chaplain Candidate
15 Program is not eligible for the repayment of loans under
16 subsection (a).

17 “(c) *ACADEMIC AND PROFESSIONAL REQUIRE-*
18 *MENTS*.—The requirements specified in this subsection are
19 such requirements for accessioning and commissioning of
20 chaplains as are prescribed by the Secretary concerned in
21 regulations.

22 “(d) *LOAN REPAYMENT*.—(1) Subject to paragraph
23 (2), the repayment of a loan under this section may consist
24 of payment of the principal, interest, and related expenses
25 of such loan.

1 “(2) *The amount of any repayment of a loan made*
2 *under this section on behalf of a person may not exceed*
3 *\$20,000 for each three year period of obligated service that*
4 *the person agrees to serve in an agreement described in sub-*
5 *section (b)(3). Of such amount, not more than an amount*
6 *equal to 50 percent of such amount may be paid before the*
7 *completion by the person of the first year of obligated service*
8 *pursuant to such agreement. The balance of such amount*
9 *shall be payable at such time or times as are prescribed*
10 *by the Secretary concerned in regulations.*

11 “(e) *EFFECT OF FAILURE TO COMPLETE OBLIGA-*
12 *TION.—A person on behalf of whom repayment of a loan*
13 *is made under this section who fails, during the period of*
14 *obligated service the person agrees to serve in an agreement*
15 *described in subsection (b)(3), to serve satisfactorily in the*
16 *Selected Reserve may, at the election of the Secretary con-*
17 *cerned, be required to pay the United States an amount*
18 *equal to any amount of repayments made on behalf of the*
19 *person in connection with the agreement.”.*

20 “(b) *CLERICAL AMENDMENT.—The table of sections at*
21 *the beginning of chapter 1609 of such title is amended by*
22 *adding at the end the following new item:*

“16303. *Education loan repayment program: chaplains serving in the Selected Reserve.”.*

1 **SEC. 676. SERVICEMEMBERS RIGHTS UNDER THE HOUSING**
2 **AND URBAN DEVELOPMENT ACT OF 1968.**

3 (a) *IN GENERAL.*—Section 106(c)(5)(A)(ii) of the
4 *Housing and Urban Development Act of 1968 (12 U.S.C.*
5 *1701x(c)(5)(A)(ii)) is amended—*

6 (1) *in subclause (II), by striking “; and” and in-*
7 *serting a semicolon;*

8 (2) *in subclause (III), by striking the period and*
9 *inserting “; and”; and*

10 (3) *by adding at the end the following:*

11 “(IV) *notify the homeowner by a*
12 *statement or notice, written in plain*
13 *English by the Secretary of Housing*
14 *and Urban Development, in consulta-*
15 *tion with the Secretary of Defense and*
16 *the Secretary of the Treasury, explain-*
17 *ing the mortgage and foreclosure rights*
18 *of servicemembers, and the dependents*
19 *of such servicemembers, under the*
20 *Servicemembers Civil Relief Act (50*
21 *U.S.C. App. 501 et seq.), including the*
22 *toll-free military one source number to*
23 *call if servicemembers, or the depend-*
24 *ents of such servicemembers, require*
25 *further assistance.”.*

1 (b) *NO EFFECT ON OTHER LAWS.*—Nothing in this
2 section shall relieve any person of any obligation imposed
3 by any other Federal, State, or local law.

4 (c) *DISCLOSURE FORM.*—Not later than 150 days after
5 the date of enactment of this Act, the Secretary of Housing
6 and Urban Development shall issue a final disclosure form
7 to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of
8 the Housing and Urban Development Act of 1968 (12
9 U.S.C. 1701x(c)(5)(A)(ii)).

10 (d) *EFFECTIVE DATE.*—The amendments made under
11 subsection (a) shall take effect 150 days after the date of
12 enactment of this Act.

13 **SEC. 677. EXTENSION OF ELIGIBILITY FOR SSI FOR CER-**
14 **TAIN INDIVIDUALS IN FAMILIES THAT IN-**
15 **CLUDE MEMBERS OF THE RESERVE AND NA-**
16 **TIONAL GUARD.**

17 Section 1631(j)(1)(B) of the Social Security Act (42
18 U.S.C. 1383(j)(1)(B)) is amended by inserting “(24 con-
19 secutive months, in the case of such an individual whose
20 ineligibility for benefits under or pursuant to both such sec-
21 tions is a result of being called to active duty pursuant to
22 section 12301(d) or 12302 of title 10, United States Code,
23 or section 502(f) of title 32, United States Code)” after “for
24 a period of 12 consecutive months”.

1 **SEC. 678. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS**
2 **FOR INDIVIDUALS WHO COMMITTED A CAP-**
3 **ITAL OFFENSE.**

4 (a) *PROHIBITION AGAINST INTERMENT IN NATIONAL*
5 *CEMETERY.*—Section 2411 of title 38, United States Code,
6 *is amended—*

7 (1) *in subsection (b)—*

8 (A) *by amending paragraph (1) to read as*
9 *follows:*

10 “(1) *A person whose conviction of a Federal cap-*
11 *ital crime is final.*”; and

12 (B) *by amending paragraph (2) to read as*
13 *follows:*

14 “(2) *A person whose conviction of a State cap-*
15 *ital crime is final.*”; and

16 (2) *in subsection (d)—*

17 (A) *in paragraph (1), by striking “the*
18 *death penalty or life imprisonment” and insert-*
19 *ing “a life sentence or the death penalty”; and*

20 (B) *in paragraph (2), by striking “the*
21 *death penalty or life imprisonment without pa-*
22 *role may be imposed” and inserting “a life sen-*
23 *tence or the death penalty may be imposed”.*

24 (b) *DENIAL OF CERTAIN BURIAL-RELATED BENE-*
25 *FITS.*—Section 985 of title 10, United States Code, *is*
26 *amended—*

1 (1) *in subsection (a), by striking “who has been*
2 *convicted of a capital offense under Federal or State*
3 *law for which the person was sentenced to death or*
4 *life imprisonment without parole.” and inserting “de-*
5 *scribed in section 2411(b) of title 38.”;*

6 (2) *in subsection (b), by striking “convicted of a*
7 *capital offense under Federal law” and inserting “de-*
8 *scribed in section 2411(b) of title 38”;* and

9 (3) *by amending subsection (c) to read as fol-*
10 *lows:*

11 “(c) *DEFINITION.—In this section, the term ‘burial’ in-*
12 *cludes inurnment.”.*

13 (c) *DENIAL OF FUNERAL HONORS.—Section 1491(h)*
14 *of title 10, United States Code, is amended—*

15 (1) *by redesignating paragraphs (1) and (2) as*
16 *subparagraphs (A) and (B), respectively;*

17 (2) *by striking “ means a decedent who—” and*
18 *inserting the following: “—*

19 *“(1) means a decedent who—”;*

20 (3) *in subparagraph (B), as redesignated, by*
21 *striking the period at the end and inserting “; and”;*
22 *and*

23 (4) *by adding at the end the following:*

24 *“(2) does not include any person described in*
25 *section 2411(b) of title 38.”.*

1 (d) *RULEMAKING.*—

2 (1) *DEPARTMENT OF DEFENSE.*—*The Secretary*
3 *of Defense shall prescribe regulations to ensure that a*
4 *person is not interred in any military cemetery under*
5 *the authority of the Secretary or provided funeral*
6 *honors under section 1491 of title 10, United States*
7 *Code, unless a good faith effort has been made to de-*
8 *termine whether such person is described in section*
9 *2411(b) of title 38, United States Code, or is other-*
10 *wise ineligible for such interment or honors under*
11 *Federal law.*

12 (2) *DEPARTMENT OF VETERANS AFFAIRS.*—*The*
13 *Secretary of Veterans Affairs shall prescribe regula-*
14 *tions to ensure that a person is not interred in any*
15 *cemetery in the National Cemetery System unless a*
16 *good faith effort has been made to determine whether*
17 *such person is described in section 2411(b) of title 38,*
18 *United States Code, or is otherwise ineligible for such*
19 *interment under Federal law.*

20 (e) *SAVINGS PROVISION.*—*The amendments made by*
21 *subsections (a), (b), and (c) shall not apply to any person*
22 *whose sentence for a Federal capital crime or a State cap-*
23 *ital crime (as such terms are defined in section 2411(d)*
24 *of title 38, United States Code) was commuted by the Presi-*
25 *dent or the Governor of a State.*

1 **SEC. 679. VETERANS PREFERENCE ELIGIBILITY FOR MILI-**
2 **TARY RESERVISTS.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“Reservist Access to Veterans Preference Act”.*

5 (b) *VETERANS PREFERENCE ELIGIBILITY.*—*Section*
6 *2108(1) of title 5, United States Code, is amended by strik-*
7 *ing “separated from” and inserting “discharged or released*
8 *from active duty in”.*

9 (c) *SAVINGS PROVISION.*—*Nothing in the amendment*
10 *made by subsection (b) may be construed to affect a deter-*
11 *mination made before the date of enactment of this Act that*
12 *an individual is preference eligible (as defined in section*
13 *2108(3) of title 5, United States Code).*

14 **TITLE VII—HEALTH CARE**
15 **Subtitle A—Benefits Matters**

16 **SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OF-**
17 **FICERS FOR HEALTH CARE PENDING ACTIVE**
18 **DUTY FOLLOWING ISSUANCE OF ORDERS TO**
19 **ACTIVE DUTY.**

20 *Section 1074(a)(2)(B)(iii) of title 10, United States*
21 *Code, is amended by inserting before the semicolon the fol-*
22 *lowing: “, or the orders have been issued but the member*
23 *has not entered on active duty”.*

1 **SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT**
 2 **REQUIREMENTS FOR NURSING HOME RESI-**
 3 **DENTS UNDER THE PHARMACY BENEFITS**
 4 **PROGRAM.**

5 *Section 1074g(a)(6) of title 10, United States Code, is*
 6 *amended by adding at the end the following new subpara-*
 7 *graph:*

8 *“(C) In the case of a beneficiary who is a resident of*
 9 *a nursing home and who is required, by State law, to use*
 10 *nursing home pharmacy services utilizing pre-packaged*
 11 *pharmaceuticals, any deductible or copayment require-*
 12 *ments for such pharmaceuticals under the cost sharing re-*
 13 *quirements may not exceed such deductible or copayment*
 14 *requirements as are applicable under the cost sharing re-*
 15 *quirements to a beneficiary who uses a network provider*
 16 *pharmacy under the pharmacy benefits program.”.*

17 **SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY**
 18 **SPOUSES OF DECEASED MEMBERS FOR EN-**
 19 **ROLLMENT AS DEPENDENTS IN A TRICARE**
 20 **DENTAL PLAN.**

21 *Section 1076a(k)(2) of title 10, United States Code, is*
 22 *amended—*

23 *(1) by striking “under subsection (f), or” and in-*
 24 *serting “under subsection (f),”; and*

25 *(2) by inserting after “is not enrolled because the*
 26 *dependent is a child under the minimum age for en-*

1 *rollment,” the following: “or is not enrolled because*
 2 *the dependent is a spouse who did not qualify for en-*
 3 *rollment on the date of the member’s death because the*
 4 *spouse was also on active duty for a period of more*
 5 *than 30 days on the date of the member’s death,”.*

6 **SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE**
 7 **PRIME COVERAGE OF CHILDREN OF MEM-**
 8 **BERS OF THE UNIFORMED SERVICES WHO**
 9 **DIE WHILE SERVING ON ACTIVE DUTY FOR A**
 10 **PERIOD OF MORE THAN 30 DAYS.**

11 *(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title*
 12 *10, United States Code, is amended—*

13 *(1) by inserting “(1)” after “(g)”;*

14 *(2) by striking the second sentence; and*

15 *(3) by adding at the end the following new para-*
 16 *graph:*

17 *“(2) In addition to any continuation of eligibility for*
 18 *benefits under paragraph (1), when a member dies while*
 19 *on active duty for a period of more than 30 days, the mem-*
 20 *ber’s dependents who are receiving benefits under a plan*
 21 *covered by subsection (a) shall continue to be eligible for*
 22 *benefits under TRICARE Prime during the three-year pe-*
 23 *riod beginning on the date of the member’s death, except*
 24 *that, in the case of such a dependent of the deceased who*
 25 *is described by subparagraph (D) or (I) of section 1072(2)*

1 *of this title, the period of continued eligibility shall be the*
2 *longer of the following periods beginning on such date:*

3 “(A) *Three years.*

4 “(B) *The period ending on the date on which*
5 *such dependent attains 21 years of age.*

6 “(C) *In the case of such a dependent who, at 21*
7 *years of age, is enrolled in a full-time course of study*
8 *in a secondary school or in a full-time course of study*
9 *in an institution of higher education approved by the*
10 *administering Secretary and was, at the time of the*
11 *member’s death, in fact dependent on the member for*
12 *over one-half of such dependent’s support, the period*
13 *ending on the earlier of the following dates:*

14 “(i) *The date on which such dependent*
15 *ceases to pursue such a course of study, as deter-*
16 *mined by the administering Secretary.*

17 “(ii) *The date on which such dependent at-*
18 *tains 23 years of age.*

19 “(3) *For the purposes of paragraph (2)(C), a depend-*
20 *ent shall be treated as being enrolled in a full-time course*
21 *of study in an institution of higher education during any*
22 *reasonable period of transition between the dependent’s*
23 *completion of a full-time course of study in a secondary*
24 *school and the commencement of an enrollment in a full-*

1 *time course of study in an institution of higher education,*
2 *as determined by the administering Secretary.*

3 “(4) *The terms and conditions under which health ben-*
4 *efits are provided under this chapter to a dependent of a*
5 *deceased member under paragraph (2) shall be the same as*
6 *those that would apply to the dependent under this chapter*
7 *if the member were living and serving on active duty for*
8 *a period of more than 30 days.*

9 “(5) *In this subsection, the term ‘TRICARE Prime’*
10 *means the managed care option of the TRICARE pro-*
11 *gram.’.*”

12 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
13 *section (a) shall take effect on October 7, 2001, and shall*
14 *apply with respect to deaths occurring on or after that date.*

15 **SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SE-**
16 **LECTED RESERVE UNDER THE TRICARE PRO-**
17 **GRAM.**

18 (a) *GENERAL ELIGIBILITY.*—*Subsection (a) of section*
19 *1076d of title 10, United States Code, is amended—*

20 (1) *by striking “(a) ELIGIBILITY.—A member”*
21 *and inserting “(a) ELIGIBILITY.—(1) Except as pro-*
22 *vided in paragraph (2), a member”;*

23 (2) *by striking “after the member completes” and*
24 *all that follows through “one or more whole years fol-*
25 *lowing such date”; and*

1 (3) by adding at the end the following new para-
2 graph:

3 “(2) Paragraph (1) does not apply to a member who
4 is enrolled, or is eligible to enroll, in a health benefits plan
5 under chapter 89 of title 5.”.

6 (b) *CONDITION FOR TERMINATION OF ELIGIBILITY.*—
7 Subsection (b) of such section is amended by striking “(b)
8 *PERIOD OF COVERAGE.*—(1) *TRICARE Standard*” and all
9 that follows through “(3) *Eligibility*” and inserting “(b)
10 *TERMINATION OF ELIGIBILITY UPON TERMINATION OF*
11 *SERVICE.*—*Eligibility*”.

12 (c) *CONFORMING AMENDMENTS.*—

13 (1) Such section is further amended—

14 (A) by striking subsection (e); and

15 (B) by redesignating subsection (g) as sub-
16 section (e) and transferring such subsection with-
17 in such section so as to appear following sub-
18 section (d).

19 (2) The heading for such section is amended to
20 read as follows:

21 “**§ 1076d. TRICARE program: TRICARE Standard cov-**
22 **erage for members of the Selected Re-**
23 **serve**”.

24 (d) *REPEAL OF OBSOLETE PROVISION.*—Section
25 1076b of title 10, United States Code, is repealed.

1 (e) *CLERICAL AMENDMENTS.*—*The table of sections at*
 2 *the beginning of chapter 55 of title 10, United States Code,*
 3 *is amended—*

4 (1) *by striking the item relating to section*
 5 *1076b; and*

6 (2) *by striking the item relating to section 1076d*
 7 *and inserting the following:*

“1076d. TRICARE program: TRICARE Standard coverage for members of the Se-
lected Reserve.”.

8 (f) *SAVINGS PROVISION.*—*Enrollments in TRICARE*
 9 *Standard that are in effect on the day before the date of*
 10 *the enactment of this Act under section 1076d of title 10,*
 11 *United States Code, as in effect on such day, shall be contin-*
 12 *ued until terminated after such day under such section*
 13 *1076d as amended by this section.*

14 ***Subtitle B—Planning,***
 15 ***Programming, and Management***

16 ***SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE***
 17 ***REGIONAL OFFICES.***

18 (a) *COORDINATOR IN EACH REGIONAL OFFICE.*—

19 (1) *IN GENERAL.*—*In each TRICARE Regional*
 20 *Office there shall be a position the responsibilities of*
 21 *which shall be the monitoring, oversight, and im-*
 22 *provement of the TRICARE Standard option in the*
 23 *TRICARE region concerned.*

1 (2) *DESIGNATION.*—*The position under para-*
2 *graph (1) in a TRICARE Regional Office shall be*
3 *filled by an individual in such Regional Office des-*
4 *ignated for that purpose.*

5 **(b) DUTIES OF POSITION.**—

6 (1) *IN GENERAL.*—*The specific duties of the posi-*
7 *tions required under subsection (a) shall be as set*
8 *forth in regulations prescribed by the Secretary of De-*
9 *fense, in consultation with the other administering*
10 *Secretaries.*

11 (2) *ELEMENTS.*—*The duties shall include—*

12 (A) *identifying health care providers who*
13 *will participate in the TRICARE program and*
14 *provide the TRICARE Standard option under*
15 *that program;*

16 (B) *communicating with beneficiaries who*
17 *receive the TRICARE Standard option;*

18 (C) *outreach to community health care pro-*
19 *viders to encourage their participation in the*
20 *TRICARE program; and*

21 (D) *publication of information that identi-*
22 *fies health care providers in the TRICARE re-*
23 *gion concerned who provide the TRICARE*
24 *Standard option.*

1 (c) *REPORT.*—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary shall submit to
3 the congressional defense committees a report setting forth
4 the plans to implement the requirements of the section.

5 (d) *DEFINITIONS.*—In this section:

6 (1) The terms “administering Secretaries” and
7 “TRICARE program” have the meaning given such
8 terms in section 1072 of title 10, United States Code.

9 (2) The term “TRICARE Standard” means the
10 Civilian Health and Medical Program of the Uni-
11 formed Services option under the TRICARE program.

12 **SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENE-**
13 **FITS THROUGH MILITARY HEALTH CARE SYS-**
14 **TEM.**

15 (a) *REPORT REQUIRED.*—Not later than February 1,
16 2007, the Secretary of Defense shall submit to the congres-
17 sional defense committees a report on the delivery of health
18 care benefits through the military health care system.

19 (b) *ELEMENTS.*—The report under subsection (a) shall
20 include the following:

21 (1) An analysis of the organization and costs of
22 delivering health care benefits to current and retired
23 members of the Armed Forces and their families.

1 (2) *An analysis of the costs of ensuring medical*
2 *readiness throughout the Armed Forces in support of*
3 *national security objectives.*

4 (3) *An assessment of the role of health benefits in*
5 *the recruitment and retention of members of the*
6 *Armed Forces, whether in the regular components or*
7 *the reserve components of the Armed Forces.*

8 (4) *An assessment of the experience of the mili-*
9 *tary departments during fiscal years 2003, 2004, and*
10 *2005 in recruitment and retention of military and ci-*
11 *vilian medical and dental personnel, whether in the*
12 *regular components or the reserve components of the*
13 *Armed Forces, in light of military and civilian med-*
14 *ical manpower requirements.*

15 (5) *A description of requirements for graduate*
16 *medical education for military medical care providers*
17 *and options for meeting such requirements, including*
18 *civilian medical training programs.*

19 (c) *RECOMMENDATIONS.*—*In addition to the matters*
20 *specified in subsection (b), the report under subsection (a)*
21 *shall also include such recommendations for legislative or*
22 *administrative action as the Secretary considers necessary*
23 *to improve efficiency and quality in the provision of health*
24 *care benefits through the military health care system, in-*
25 *cluding recommendations on—*

1 (1) *the organization and delivery of health care*
2 *benefits;*

3 (2) *mechanisms required to measure costs more*
4 *accurately;*

5 (3) *mechanisms required to measure quality of*
6 *care, and access to care, more accurately;*

7 (4) *Department of Defense participation in the*
8 *Medicare Advantage Program, formerly Medicare plus*
9 *Choice;*

10 (5) *the use of flexible spending accounts and*
11 *health savings accounts for military retirees under the*
12 *age of 65;*

13 (6) *incentives for eligible beneficiaries of the*
14 *military health care system to retain private em-*
15 *ployer-provided health care insurance;*

16 (7) *means of improving integrated systems of*
17 *disease management, including chronic illness man-*
18 *agement;*

19 (8) *means of improving the safety and efficiency*
20 *of pharmacy benefits management;*

21 (9) *the management of enrollment options for*
22 *categories of eligible beneficiaries in the military*
23 *health care system;*

24 (10) *reform of the provider payment system, in-*
25 *cluding the potential for use of a pay-for-performance*

1 *system in order to reward quality and efficiency in*
2 *the TRICARE System;*

3 *(11) means of improving efficiency in the ad-*
4 *ministration of the TRICARE program, to include*
5 *the reduction of headquarters and redundant manage-*
6 *ment layers, and maximizing efficiency in the claims*
7 *processing system;*

8 *(12) other improvements in the efficiency of the*
9 *military health care system; and*

10 *(13) any other matters the Secretary considers*
11 *appropriate to improve the efficiency and quality of*
12 *military health care benefits.*

13 **SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFEREN-**
14 **TIAL PAYMENTS TO CHILDREN'S HOSPITALS**
15 **FOR HEALTH CARE FOR CHILDREN DEPEND-**
16 **ENTS UNDER TRICARE.**

17 *(a) STUDY.—The Comptroller General of the United*
18 *States shall conduct a study of the effectiveness of the cur-*
19 *rent system of differential payments to children's hospitals*
20 *for health care services for severely ill dependent children*
21 *of members of the uniformed services under the TRICARE*
22 *program in achieving the objective of securing adequate*
23 *health care services for such dependent children under that*
24 *program.*

1 (b) *ELEMENTS OF STUDY.*—*The study required by sub-*
2 *section (a) shall include the following:*

3 (1) *A description of the current participation of*
4 *children’s hospitals in the TRICARE program.*

5 (2) *An assessment of the current system of dif-*
6 *ferential payments to children’s hospitals for health*
7 *care services described in that subsection, including*
8 *an assessment of—*

9 (A) *the extent to which the calculation of*
10 *such differential payments takes into account the*
11 *complexity and extraordinary resources required*
12 *for the provision of such health care services;*

13 (B) *the extent to which such differential*
14 *payments provide appropriate compensation to*
15 *such hospitals for the provision of such services;*
16 *and*

17 (C) *any obstacles or challenges to the devel-*
18 *opment of future modifications to the system of*
19 *differential payments.*

20 (3) *An assessment of the adequacy of the access*
21 *of dependent children described in that subsection to*
22 *specialized hospital services for their illnesses under*
23 *the TRICARE program.*

24 (c) *REPORTS.*—*Not later than May 1, 2006, the Comp-*
25 *troller General shall submit to the Secretary of Defense and*

1 *the congressional defense committees a report on the study*
2 *required by subsection (a), together with such recommenda-*
3 *tions, if any, as the Comptroller General considers appro-*
4 *priate for modifications of the current system of differential*
5 *payments to children's hospitals in order to achieve the ob-*
6 *jective described in that subsection.*

7 *(d) TRANSMITTAL TO CONGRESS.—*

8 *(1) IN GENERAL.—Not later than November 1,*
9 *2006, the Secretary of Defense shall transmit to the*
10 *congressional defense committees the report submitted*
11 *by the Comptroller General to the Secretary under*
12 *subsection (c).*

13 *(2) IMPLEMENTATION OF MODIFICATIONS.—If the*
14 *report under paragraph (1) includes recommenda-*
15 *tions of the Comptroller General for modifications of*
16 *the current system of differential payments to chil-*
17 *dren's hospitals, the Secretary shall transmit with the*
18 *report—*

19 *(A) a proposal for such legislative or ad-*
20 *ministration action as may be required to imple-*
21 *ment such modifications; and*

22 *(B) an assessment and estimate of the costs*
23 *associated with the implementation of such*
24 *modifications.*

25 *(e) DEFINITIONS.—In this section:*

1 (1) *DIFFERENTIAL PAYMENTS TO CHILDREN’S*
2 *HOSPITALS.*—*The term “differential payments to chil-*
3 *dren’s hospitals” means the additional amounts paid*
4 *to children’s hospitals under the TRICARE program*
5 *for health care procedures for severely ill children in*
6 *order to take into account the additional costs associ-*
7 *ated with such procedures for such children when*
8 *compared with the costs associated with such proce-*
9 *dures for adults and other children.*

10 (2) *TRICARE PROGRAM.*—*The term “TRICARE*
11 *program” has the meaning given that term in section*
12 *1072(7) of title 10, United States Code.*

13 **SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER**
14 **GENERAL REVIEWS OF CERTAIN DEPART-**
15 **MENT OF DEFENSE-DEPARTMENT OF VET-**
16 **ERANS AFFAIRS PROJECTS ON SHARING OF**
17 **HEALTH CARE RESOURCES.**

18 (a) *JOINT INCENTIVES PROGRAM.*—*Section 8111(d) of*
19 *title 38, United States Code, is amended—*

20 (1) *by striking paragraph (3); and*

21 (2) *by redesignating paragraph (4) as para-*
22 *graph (3).*

23 (b) *HEALTH CARE RESOURCES SHARING AND CO-*
24 *ORDINATION PROJECT.*—*Section 722 of the Bob Stump Na-*
25 *tional Defense Authorization Act for Fiscal Year 2003 (Pub-*

1 *lic Law 107–314; 116 Stat. 2595; 38 U.S.C. 8111 note) is*
2 *amended—*

3 *(1) by striking subsection (h);*

4 *(2) by redesignating subsection (i) as subsection*
5 *(h); and*

6 *(3) in paragraph (2) of subsection (h), as so re-*
7 *designated, by striking “based on recommendations”*
8 *and all that follows and inserting “as determined by*
9 *the Secretaries based on information available to the*
10 *Secretaries to warrant such action.”.*

11 **SEC. 715. SURVEYS ON TRICARE STANDARD.**

12 *Section 723(a) of the National Defense Authorization*
13 *Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.*
14 *1532; 10 U.S.C. 1073 note) is amended by adding at the*
15 *end the following new paragraph:*

16 *“(4) The surveys required by paragraph (1) shall in-*
17 *clude questions designed to determine from health care pro-*
18 *viders participating in such surveys whether such providers*
19 *are aware of the TRICARE program, what percentage of*
20 *the current patient population of such providers receive any*
21 *benefit option under the TRICARE program, and whether*
22 *such providers accept patients under the medicare program*
23 *or new patients under the medicare program.”.*

1 **SEC. 716. MODIFICATION OF HEALTH CARE QUALITY INFOR-**
 2 **MATION AND TECHNOLOGY ENHANCEMENT**
 3 **REPORT REQUIREMENTS.**

4 *Section 723(e) of the National Defense Authorization*
 5 *Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended*
 6 *by striking paragraphs (1) through (4) and inserting the*
 7 *following new paragraphs:*

8 *“(1) Quality measures, including structure, proc-*
 9 *ess, and outcomes concerning—*

10 *“(A) patient safety;*

11 *“(B) timeliness and accessibility of care;*

12 *“(C) patient satisfaction; and*

13 *“(D) the use of evidence-based practices.*

14 *“(2) Population health.*

15 *“(3) Biosurveillance.”.*

16 **SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO**
 17 **PATIENT CARE REPORTING AND MANAGE-**
 18 **MENT SYSTEM.**

19 *(a) REPEAL OF REQUIREMENT TO LOCATE DEPART-*
 20 *MENT OF DEFENSE PATIENT SAFETY CENTER WITHIN*
 21 *ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection*
 22 *(c)(3) of section 754 of the Floyd D. Spence National De-*
 23 *fense Authorization Act for Fiscal Year 2001 (as enacted*
 24 *into law by Public Law 106–398; 114 Stat. 1654A–196) is*
 25 *amended by striking “within the Armed Forces Institute*
 26 *of Pathology”.*

1 (b) *RENAMING OF MEDTEAMS PROGRAM.*—*The cap-*
2 *tion of subsection (d) of such section is amended by striking*
3 *“MEDTEAMS” and inserting “MEDICAL TEAM TRAINING”.*

4 **SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS**
5 **TRICARE REGIONAL DIRECTORS.**

6 (a) *QUALIFICATIONS.*—*Effective as of the date of the*
7 *enactment of this Act, no individual may serve in the posi-*
8 *tion of Regional Director under the TRICARE program un-*
9 *less the individual—*

10 (1) *is—*

11 (A) *an officer of the Armed Forces in a gen-*
12 *eral or flag officer grade; or*

13 (B) *a civilian employee of the Department*
14 *of Defense in the Senior Executive Service; and*

15 (2) *has at least 10 years of experience, or equiva-*
16 *lent expertise or training, in the military health care*
17 *system, managed care, and health care policy and ad-*
18 *ministration.*

19 (b) *TRICARE PROGRAM DEFINED.*—*In this section,*
20 *the term “TRICARE program” has the meaning given such*
21 *term in section 1072(7) of title 10, United States Code.*

22 **SEC. 719. REPORT ON THE DEPARTMENT OF DEFENSE COM-**
23 **POSITE HEALTH CARE SYSTEM II.**

24 (a) *REPORT REQUIRED.*—*Not later than six months*
25 *after the date of the enactment of this Act, the Secretary*

1 of Defense shall submit to the appropriate committees of
2 Congress a report on the Department of Defense Composite
3 Health Care System II (CHCS II).

4 (b) *REPORT ELEMENTS.*—The report under subsection
5 (a) shall include the following:

6 (1) A chronology and description of previous ef-
7 forts undertaken to develop an electronic medical
8 records system capable of maintaining a two-way ex-
9 change of data between the Department of Defense
10 and the Department of Veterans Affairs.

11 (2) The plans as of the date of the report, includ-
12 ing any projected commencement dates, for the imple-
13 mentation of the Composite Health Care System II.

14 (3) A statement of the amounts obligated and ex-
15 pended as of the date of the report on the development
16 of a system for the two-way exchange of data between
17 the Department of Defense and the Department of
18 Veterans Affairs, including the Composite Health
19 Care System II.

20 (4) An estimate of the amounts that will be re-
21 quired for the completion of the Composite Health
22 Care System II.

23 (5) A description of the software and hardware
24 being considered as of the date of the report for use
25 in the Composite Health Care System II.

1 (6) *A description of the management structure*
2 *used in the development of the Composite Health Care*
3 *System II.*

4 (7) *A description of the accountability measures*
5 *utilized during the development of the Composite*
6 *Health Care System II in order to evaluate progress*
7 *made in the development of that System.*

8 (8) *The schedule for the remaining development*
9 *of the Composite Health Care System II.*

10 (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
11 *FINED.—In this section, the term “appropriate committees*
12 *of Congress” means—*

13 (1) *the Committees on Armed Services, Appro-*
14 *riations, Veterans’ Affairs, and Health, Education,*
15 *Labor, and Pensions of the Senate; and*

16 (2) *the Committees on Armed Services, Appro-*
17 *riations, Veterans’ Affairs, and Energy and Com-*
18 *merce of the House of Representatives.*

19 **SEC. 720. RESPONSE TO MEDICAL NEEDS ARISING FROM**
20 **MANDATORY MILITARY VACCINATIONS.**

21 (a) *IN GENERAL.—The Secretary of Defense shall*
22 *maintain a joint military medical center of excellence focus-*
23 *ing on the medical needs arising from mandatory military*
24 *vaccinations.*

1 (b) *ELEMENTS.*—*The joint military medical center of*
2 *excellence under subsection (a) shall consist of the following:*

3 (1) *The Vaccine Health Care Centers of the De-*
4 *partment of Defense, which shall be the principle ele-*
5 *ments of the center.*

6 (2) *Any other elements that the Secretary con-*
7 *siders appropriate.*

8 (c) *AUTHORIZED ACTIVITIES.*—*In acting as the prin-*
9 *ciple elements of the joint military medical center under*
10 *subsection (a), the Vaccine Health Care Centers referred to*
11 *in subsection (b)(1) may carry out the following:*

12 (1) *Medical assistance and care to individuals*
13 *receiving mandatory military vaccines and their de-*
14 *pendents, including long-term case management for*
15 *adverse events where necessary.*

16 (2) *Evaluations to identify and treat potential*
17 *and actual health effects from vaccines before and*
18 *after their use in the field.*

19 (3) *The development and sustainment of a long-*
20 *term vaccine safety and efficacy registry.*

21 (4) *Support for an expert clinical advisory*
22 *board for case reviews related to disability assessment*
23 *questions.*

1 (5) *Long-term and short-term studies to identify*
2 *unanticipated benefits and adverse events from vac-*
3 *cines.*

4 (6) *Educational outreach for immunization pro-*
5 *viders and those requiring immunizations.*

6 (7) *The development, dissemination, and valida-*
7 *tion of educational materials for Department of De-*
8 *fense healthcare workers relating to vaccine safety, ef-*
9 *ficacy, and acceptability.*

10 **SEC. 721. MENTAL HEALTH COUNSELORS UNDER TRICARE.**

11 (a) *IN GENERAL.*—*Section 1079(a) of title 10, United*
12 *States Code, is amended by adding at the end the following*
13 *new paragraph:*

14 “(17) *Services of mental health counselors, except*
15 *that—*

16 “(A) *such services are limited to services*
17 *provided by counselors who are licensed under*
18 *applicable State law to provide mental health*
19 *services;*

20 “(B) *such services may be provided inde-*
21 *pendently of medical oversight and supervision*
22 *only in areas identified by the Secretary as*
23 *‘medically underserved areas’ where the Sec-*
24 *retary determines that 25 percent or more of the*
25 *residents are located in primary shortage areas*

1 *designated pursuant to section 332 of the Public*
2 *Health Services Act (42 U.S.C. 254e); and*

3 “(C) *the provision of such services shall be*
4 *consistent with such rules as may be prescribed*
5 *by the Secretary of Defense, including criteria*
6 *applicable to credentialing or certification of*
7 *mental health counselors and a requirement that*
8 *mental health counselors accept payment under*
9 *this section as full payment for all services pro-*
10 *vided pursuant to this paragraph.”.*

11 ***(b) AUTHORITY TO ENTER INTO PERSONAL SERVICES***
12 ***CONTRACTS.***—*Section 704(c)(2) of the National Defense*
13 *Authorization Act for Fiscal Year 1995 (Public Law 103–*
14 *337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by*
15 *inserting “mental health counselors,” after “psychologists,”.*

16 ***SEC. 722. PANDEMIC AVIAN FLU PREPAREDNESS.***

17 ***(a) REPORT.***—*The Secretary of Defense shall report to*
18 *the Committees on Armed Services of the Senate and the*
19 *House of Representatives efforts within the Department of*
20 *Defense to prepare for pandemic influenza, including pan-*
21 *demic avian influenza. The Secretary shall address the fol-*
22 *lowing, with respect to military and civilian personnel—*

23 ***(1) the procurement of vaccines, antivirals and***
24 ***other medicines, and medical supplies, including per-***

1 *sonal protective equipment, particularly those that*
2 *must be imported;*

3 (2) *protocols for the allocation and distribution*
4 *of vaccines and medicines among high priority popu-*
5 *lations;*

6 (3) *public health containment measures that*
7 *may be implemented on military bases and other fa-*
8 *cilities, including quarantine, travel restrictions and*
9 *other isolation precautions;*

10 (4) *communication with Department of Defense*
11 *affiliated health providers about pandemic prepared-*
12 *ness and response;*

13 (5) *surge capacity for the provision of medical*
14 *care during pandemics;*

15 (6) *the availability and delivery of food and*
16 *basic supplies and services;*

17 (7) *surveillance efforts domestically and inter-*
18 *nationally, including those utilizing the Global*
19 *Emerging Infections Systems (GEIS), and how such*
20 *efforts are integrated with other ongoing surveillance*
21 *systems;*

22 (8) *the integration of pandemic and response*
23 *planning with those of other Federal departments, in-*
24 *cluding the Department of Health and Human Serv-*

1 ices, Department of the Veterans Affairs, Department
2 of State, and USAID; and

3 (9) collaboration (as appropriate) with inter-
4 national entities engaged in pandemic preparedness
5 and response.

6 (b) *SUBMISSION OF REPORT.*—Not later than 120 days
7 after the date of enactment of this Act, the Secretary of De-
8 fense shall submit the report to the Committees on Armed
9 Services of the Senate and the House of Representatives.

10 **SEC. 723. COMPTROLLER GENERAL REPORT ON EXPANDED**
11 **PARTNERSHIP BETWEEN THE DEPARTMENT**
12 **OF DEFENSE AND THE DEPARTMENT OF VET-**
13 **ERANS AFFAIRS ON THE PROVISION OF**
14 **HEALTH CARE SERVICES.**

15 (a) *REPORT REQUIRED.*—Not later than 180 days
16 after the date of the enactment of this Act, the Comptroller
17 General of the United States shall submit to the appropriate
18 committees of Congress a report on the feasibility of an ex-
19 panded partnership between the Department of Defense and
20 the Department of Veterans Affairs for the provision of
21 health care services.

22 (b) *REPORT ELEMENTS.*—The report required by sub-
23 section (a) shall include the following:

1 (1) *An overview of the current health care sys-*
2 *tems of the Department of Defense and the Depart-*
3 *ment of Veterans Affairs, including—*

4 (A) *the total number of eligible beneficiaries*
5 *in each system as of September 30, 2005;*

6 (B) *the total number of current consumers*
7 *of health care services in each system as of that*
8 *date;*

9 (C) *the total cost of each system in the most*
10 *recent fiscal year for which complete cost data*
11 *for both systems exists;*

12 (D) *the annual workload or production of*
13 *health care by beneficiary category in each sys-*
14 *tem in the most recent fiscal year for which com-*
15 *plete data on workload or production of health*
16 *care for both systems exists;*

17 (E) *the total cost of health care by bene-*
18 *ficiary category in each system in the most re-*
19 *cent fiscal year for which complete cost data for*
20 *both systems exists;*

21 (F) *the total staffing of medical and admin-*
22 *istrative personnel in each system as of Sep-*
23 *tember 30, 2005;*

1 (G) *the number and location of facilities,*
2 *including both hospitals and clinics, operated by*
3 *each system as of that date; and*

4 (H) *the size, capacity, and production of*
5 *graduate medical education programs in each*
6 *system as of that date.*

7 (2) *A comparative analysis of the characteristics*
8 *of each health care system, including a determination*
9 *and comparative analysis of—*

10 (A) *the mission of such systems;*

11 (B) *the demographic characteristics of the*
12 *populations served by such systems;*

13 (C) *the categories of eligibility for health*
14 *care services in such systems;*

15 (D) *the nature of benefits available by bene-*
16 *ficiary category in such systems;*

17 (E) *access to and quality of health care*
18 *services in such systems;*

19 (F) *the out-of-pocket expenses for health care*
20 *by beneficiary category in such systems;*

21 (G) *the structure and methods of financing*
22 *the care for all categories of beneficiaries in such*
23 *systems;*

24 (H) *the management and acquisition of*
25 *medical equipment and supplies in such systems,*

1 *including pharmaceuticals and prosthetic and*
2 *other medical assistive devices;*

3 *(I) the mix of health care services available*
4 *in such systems;*

5 *(J) the current inpatient and outpatient ca-*
6 *capacity of such systems; and*

7 *(K) the human resource systems for medical*
8 *personnel in such systems, including the rates of*
9 *compensation for civilian employees.*

10 *(3) A summary of current sharing efforts be-*
11 *tween the health care systems of the Department of*
12 *Defense and the Department of Veterans Affairs.*

13 *(4) An assessment of the advantages and dis-*
14 *advantages for military retirees and their dependents*
15 *participating in the health care system of the Depart-*
16 *ment of Veterans Affairs of an expanded partnership*
17 *between the health care systems of the Department of*
18 *Defense and the Department of Veterans Affairs, with*
19 *a separate assessment to be made for—*

20 *(A) military retirees and dependents under*
21 *the age of 65; and*

22 *(B) military retirees and dependents over*
23 *the age of 65.*

24 *(5) Projections for the future growth of health*
25 *care costs for retirees and veterans in the health care*

1 *systems of the Department of Defense and the Depart-*
2 *ment of Veterans Affairs, including recommendations*
3 *on mechanisms to ensure more effective and higher*
4 *quality services in the future for military retirees and*
5 *veterans now served by both systems.*

6 *(6) Options for means of achieving a more effec-*
7 *tive partnership between the health care systems of the*
8 *Department of Defense and the Department of Vet-*
9 *erans Affairs, including options for the expansion of,*
10 *and enhancement of access of military retirees and*
11 *their dependents to, the health care system of the De-*
12 *partment of Veterans Affairs.*

13 *(c) SOLICITATION OF VIEW.—In preparing the report*
14 *required by subsection (a), the Comptroller General shall*
15 *seek the views of representatives of military family organi-*
16 *zations, military retiree organizations, and organizations*
17 *representing veterans and their families.*

18 *(d) APPROPRIATE COMMITTEES OF CONGRESS DE-*
19 *FINED.—In this section, the term “appropriate committees*
20 *of Congress” means—*

21 *(1) the Committees on Armed Services and Vet-*
22 *erans Affairs’ of the Senate; and*

23 *(2) the Committees on Armed Services and Vet-*
24 *erans Affairs’ of the House of Representatives.*

1 **SEC. 724. STUDY AND REPORT ON CIVILIAN AND MILITARY**
2 **PARTNERSHIP PROJECT.**

3 (a) *STUDY.*—*The Secretary of Defense shall conduct a*
4 *study on the feasibility of conducting a military and civil-*
5 *ian partnership project to permit employees of the Depart-*
6 *ment of Defense and of a non-profit health care entity to*
7 *jointly staff and provide health care services to military*
8 *personnel and civilians at a Department of Defense mili-*
9 *tary treatment facility.*

10 (b) *REPORT.*—*Not later than December 31, 2006, the*
11 *Secretary of Defense shall submit to the Committee on*
12 *Armed Services of the Senate and the Committee on Armed*
13 *Services of the House of Representatives a report on the*
14 *study required by subsection (a).*

15 ***Subtitle C—Other Matters***

16 **SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCI-**
17 **ATED WITH USE OF ANTI-MALARIAL DRUGS.**

18 (a) *STUDY REQUIRED.*—

19 (1) *IN GENERAL.*—*The Secretary of Defense shall*
20 *conduct a study of adverse health events that may be*
21 *associated with use of anti-malarial drugs, including*
22 *mefloquine.*

23 (2) *PARTICIPATION OF CERTAIN RESEARCH-*
24 *ERS.*—*The Secretary shall ensure the participation in*
25 *the study of epidemiological and clinical researchers*
26 *of the Federal Government outside the Department of*

1 *Defense, and of epidemiological and clinical research-*
2 *ers outside the Federal Government.*

3 **(b) MATTERS COVERED.**—*The study required by sub-*
4 *section (a) shall include the following:*

5 **(1)** *A comparison of adverse health events that*
6 *may be associated with different anti-malarial drugs,*
7 *including mefloquine.*

8 **(2)** *An analysis of the extent to which mefloquine*
9 *may be a risk factor contributing to suicides among*
10 *members of the Armed Forces.*

11 **(c) REPORT.**—*Not later than one year after the date*
12 *of the enactment of this Act, the Secretary shall submit to*
13 *the congressional defense committees a report on the study*
14 *required by subsection (a).*

15 **SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND**
16 **TREATMENT OF POST TRAUMATIC STRESS**
17 **DISORDER AND OTHER MENTAL HEALTH**
18 **CONDITIONS.**

19 **(a) PILOT PROJECTS REQUIRED.**—*The Secretary of*
20 *Defense shall carry out not less than three pilot projects*
21 *to evaluate the efficacy of various approaches to improving*
22 *the capability of the military and civilian health care sys-*
23 *tems to provide early diagnosis and treatment of Post Trau-*
24 *matic Stress Disorder (PTSD) and other mental health con-*
25 *ditions.*

1 **(b) PILOT PROJECT REQUIREMENTS.—**

2 **(1) MOBILIZATION-DEMobilIZATION FACILITY.—**

3 **(A) IN GENERAL.—***One of the pilot projects*
4 *under subsection (a) shall be carried out at a*
5 *military medical facility at a large military in-*
6 *stallation at which the mobilization or demobili-*
7 *zation of members of the Armed Forces occurs.*

8 **(B) ELEMENTS.—***The pilot project under*
9 *this paragraph shall be designed to evaluate and*
10 *produce effective diagnostic and treatment ap-*
11 *proaches for use by primary care providers in*
12 *the military health care system in order to im-*
13 *prove the capability of such providers to diag-*
14 *nose and treat Post Traumatic Stress Disorder*
15 *in a manner that avoids the referral of patients*
16 *to specialty care by a psychiatrist or other men-*
17 *tal health professional.*

18 **(2) NATIONAL GUARD OR RESERVE FACILITY.—**

19 **(A) IN GENERAL.—***One of the pilot projects*
20 *under subsection (a) shall be carried out at the*
21 *location of a National Guard or Reserve unit or*
22 *units that are located more than 40 miles from*
23 *a military medical facility and whose personnel*
24 *are served primarily by civilian community*
25 *health resources.*

1 (B) *ELEMENTS.*—*The pilot project under*
2 *this paragraph shall be designed—*

3 (i) *to evaluate approaches for pro-*
4 *viding evidence-based clinical information*
5 *on Post Traumatic Stress Disorder to civil-*
6 *ian primary care providers; and*

7 (ii) *to develop educational materials*
8 *and other tools for use by members of the*
9 *National Guard or Reserve who come into*
10 *contact with other members of the National*
11 *Guard or Reserve who may suffer from Post*
12 *Traumatic Stress Disorder in order to en-*
13 *courage and facilitate early reporting and*
14 *referral for treatment.*

15 (3) *INTERNET-BASED DIAGNOSIS AND TREAT-*
16 *MENT.*—*One of the pilot projects under subsection (a)*
17 *shall be designed to evaluate—*

18 (A) *Internet-based automated tools available*
19 *to military and civilian health care providers for*
20 *the early diagnosis and treatment of Post Trau-*
21 *matic Stress Disorder, and for tracking patients*
22 *who suffer from Post Traumatic Stress Disorder;*
23 *and*

24 (B) *Internet-based tools available to family*
25 *members of members of the Armed Forces in*

1 *order to assist such family members in the iden-*
2 *tification of the emergence of Post Traumatic*
3 *Stress Disorder.*

4 *(c) REPORT.—Not later than June 1, 2006, the Sec-*
5 *retary shall submit to the congressional defense committees*
6 *a report on the pilot projects to be carried out under this*
7 *section. The report shall include a description of each such*
8 *pilot project, including the location of the pilot projects*
9 *under paragraphs (2) and (3) of subsection (b), and the*
10 *scope and objectives of each such pilot project.*

11 *(d) FUNDING.—*

12 *(1) IN GENERAL.—(A) The amount authorized to*
13 *be appropriated by section 303(a) for the Defense*
14 *Health Program is hereby increased by \$10,000,000.*

15 *(B) Of the amount authorized to be appropriated*
16 *by section 303(a) for the Defense Health Program, as*
17 *increased by subparagraph (A), \$10,000,000 shall be*
18 *available for pilot projects under this section.*

19 *(C) The amount available under subparagraph*
20 *(B) shall remain available until expended.*

21 *(2) OFFSET.—The amount authorized to be ap-*
22 *propriated by section 301(2) for operation and main-*
23 *tenance for the Navy is hereby decreased by*
24 *\$10,000,000.*

1 **SEC. 733. DEPARTMENT OF DEFENSE TASK FORCE ON MEN-**
2 **TAL HEALTH.**

3 (a) *REQUIREMENT TO ESTABLISH.*—The Secretary of
4 Defense shall establish within the Department of Defense a
5 task force to examine matters relating to mental health and
6 the Armed Forces.

7 (b) *COMPOSITION.*—

8 (1) *MEMBERS.*—The task force shall consist of
9 not more than 14 members appointed by the Sec-
10 retary of Defense from among individuals described
11 in paragraph (2) who have demonstrated expertise in
12 the area of mental health.

13 (2) *RANGE OF MEMBERS.*—The individuals ap-
14 pointed to the task force shall include—

15 (A) at least one member of each of the
16 Army, Navy, Air Force, and Marine Corps; and

17 (B) a number of persons from outside the
18 Department of Defense equal to the total number
19 of personnel from within the Department of De-
20 fense (whether members of the Armed Forces or
21 civilian personnel) who are appointed to the task
22 force.

23 (3) *INDIVIDUALS APPOINTED WITHIN DEPART-*
24 *MENT OF DEFENSE.*—At least one of the individuals
25 appointed to the task force from within the Depart-

1 *ment of Defense shall be the surgeon general of an*
2 *Armed Force or a designee of such surgeon general.*

3 (4) *INDIVIDUALS APPOINTED OUTSIDE DEPART-*
4 *MENT OF DEFENSE.—(A) Individuals appointed to*
5 *the task force from outside the Department of Defense*
6 *may include officers or employees of other depart-*
7 *ments or agencies of the Federal Government, officers*
8 *or employees of State and governments, or individuals*
9 *from the private sector.*

10 (B) *The individuals appointed to the task force*
11 *from outside the Department of Defense shall*
12 *include—*

13 (i) *an officer or employee of the Department*
14 *of Veterans Affairs appointed by the Secretary of*
15 *Defense in consultation with the Secretary of*
16 *Veterans Affairs;*

17 (ii) *an officer or employee of the Substance*
18 *Abuse and Mental Health Services Administra-*
19 *tion of the Department of Health and Human*
20 *Services appointed by the Secretary of Defense in*
21 *consultation with the Secretary of Health and*
22 *Human Services; and*

23 (iii) *at least two individuals who are rep-*
24 *resentatives of—*

1 (I) a mental health policy and advoca-
2 cacy organization; and

3 (II) a national veterans service organi-
4 zation.

5 (5) *DEADLINE FOR APPOINTMENT.*—All appoint-
6 ments of individuals to the task force shall be made
7 not later than 120 days after the date of the enact-
8 ment of this Act.

9 (6) *CO-CHAIRS OF TASK FORCE.*—There shall be
10 two co-chairs of the task force. One of the co-chairs
11 shall be designated by the Secretary of the Defense at
12 the time of appointment from among the Department
13 of Defense personnel appointed to the task force. The
14 other co-chair shall be selected from among the mem-
15 bers appointed from outside the Department of De-
16 fense by members so appointed.

17 (c) *LONG-TERM PLAN ON MENTAL HEALTH SERV-*
18 *ICES.*—

19 (1) *IN GENERAL.*—Not later than 12 months
20 after the date on which all members of the task force
21 have been appointed, the task force shall submit to the
22 Secretary a long-term plan (referred to as a strategic
23 plan) on means by which the Department of Defense
24 shall improve the efficacy of mental health services

1 *provided to members of the Armed Forces by the De-*
2 *partment of Defense.*

3 (2) *UTILIZATION OF OTHER EFFORTS.*—*In pre-*
4 *paring the report, the task force shall take into con-*
5 *sideration completed and ongoing efforts by the De-*
6 *partment of Defense to improve the efficacy of mental*
7 *health care provided to members of the Armed Forces*
8 *by the Department.*

9 (3) *ELEMENTS.*—*The long-term plan shall in-*
10 *clude an assessment of and recommendations (includ-*
11 *ing recommendations for legislative or administrative*
12 *action) for measures to improve the following:*

13 (A) *The awareness of the prevalence of men-*
14 *tal health conditions among members of the*
15 *Armed Forces.*

16 (B) *The efficacy of existing programs to*
17 *prevent, identify, and treat mental health condi-*
18 *tions among members of the Armed Forces, in-*
19 *cluding programs for and with respect to for-*
20 *ward-deployed troops.*

21 (C) *The reduction or elimination of barriers*
22 *to care, including the stigma associated with*
23 *seeking help for mental health related conditions,*
24 *and the enhancement of confidentiality for mem-*

1 *bers of the Armed Forces seeking care for such*
2 *conditions.*

3 *(D) The adequacy of outreach, education,*
4 *and support programs on mental health matters*
5 *for families of members of the Armed Forces.*

6 *(E) The efficacy of programs and mecha-*
7 *nisms for ensuring a seamless transition from*
8 *care of members of the Armed Forces on active*
9 *duty for mental health conditions through the*
10 *Department of Defense to care for such condi-*
11 *tions through the Department of Veterans Affairs*
12 *after such members are discharged or released*
13 *from military, naval, or air service.*

14 *(F) The availability of long-term follow-up*
15 *and access to care for mental health conditions*
16 *for members of the Individual Ready Reserve,*
17 *and the Selective Reserve and for discharged,*
18 *separated, or retired members of the Armed*
19 *Forces.*

20 *(G) Collaboration among organizations in*
21 *the Department of Defense with responsibility for*
22 *or jurisdiction over the provision of mental*
23 *health services.*

24 *(H) Coordination between the Department*
25 *of Defense and civilian communities, including*

1 *local support organizations, with respect to men-*
2 *tal health services.*

3 *(I) The scope and efficacy of curricula and*
4 *training on mental health matters for com-*
5 *manders in the Armed Forces.*

6 *(J) Such other matters as the task force con-*
7 *siders appropriate.*

8 *(d) ADMINISTRATIVE MATTERS.—*

9 *(1) COMPENSATION.—Each member of the task*
10 *force who is a member of the Armed Forces or a civil-*
11 *ian officer or employee of the United States shall*
12 *serve without compensation (other than compensation*
13 *to which entitled as a member of the Armed Forces*
14 *or an officer or employee of the United States, as the*
15 *case may be). Other members of the task force shall*
16 *be treated for purposes of section 3161 of title 5,*
17 *United States Code, as having been appointed under*
18 *subsection (b) of such section.*

19 *(2) OVERSIGHT.—The Under Secretary of De-*
20 *fense for Personnel and Readiness shall oversee the ac-*
21 *tivities of the task force.*

22 *(3) ADMINISTRATIVE SUPPORT.—The Wash-*
23 *ington Headquarters Services of the Department of*
24 *Defense shall provide the task force with personnel, fa-*
25 *cilities, and other administrative support as nec-*

1 *essary for the performance of the duties of the task*
2 *force.*

3 (4) *ACCESS TO FACILITIES.*—*The Under Sec-*
4 *retary of Defense for Personnel and Readiness shall,*
5 *in coordination with the Secretaries of the military*
6 *departments, ensure appropriate access by the task*
7 *force to military installations and facilities for pur-*
8 *poses of the discharge of the duties of the task force.*

9 (e) *REPORT.*—

10 (1) *IN GENERAL.*—*The task force shall submit to*
11 *the Secretary of Defense a report on its activities*
12 *under this section. The report shall include—*

13 (A) *a description of the activities of the task*
14 *force;*

15 (B) *the plan required by subsection (c); and*

16 (C) *such other matters relating to the activi-*
17 *ties of the task force that the task force considers*
18 *appropriate.*

19 (2) *TRANSMITTAL TO CONGRESS.*—*Not later than*
20 *90 days after receipt of the report under paragraph*
21 *(1), the Secretary shall transmit the report to the*
22 *Committees on Armed Services and Veterans' Affairs*
23 *of the Senate and the House of Representatives. The*
24 *Secretary may include in the transmittal such com-*

1 *ments on the report as the Secretary considers appro-*
2 *priate.*

3 *(f) TERMINATION.—The task force shall terminate 90*
4 *days after the date on which the report of the task force*
5 *is submitted to Congress under subsection (e)(2).*

6 **TITLE VIII—ACQUISITION POL-**
7 **ICY, ACQUISITION MANAGE-**
8 **MENT, AND RELATED MAT-**
9 **TERS**

10 **Subtitle A—Acquisition Policy and**
11 **Management**

12 **SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON**
13 **BEHALF OF THE DEPARTMENT OF DEFENSE.**

14 *(a) INSPECTOR GENERAL REVIEWS AND DETERMINA-*
15 *TIONS.—*

16 *(1) IN GENERAL.—For each non-defense agency*
17 *of the Federal Government that procured property or*
18 *services in excess of \$100,000,000 on behalf of the De-*
19 *partment of Defense during fiscal year 2005, the In-*
20 *pector General of the Department of Defense and the*
21 *Inspector General of such non-defense agency shall,*
22 *not later than March 15, 2006, jointly—*

23 *(A) review—*

24 *(i) the procurement policies, proce-*
25 *dures, and internal controls of such non-de-*

1 *defense agency that are applicable to the pro-*
2 *curement of property and services on behalf*
3 *of the Department by such non-defense*
4 *agency; and*

5 *(ii) the administration of those poli-*
6 *cies, procedures, and internal controls; and*
7 *(B) determine in writing whether—*

8 *(i) such non-defense agency is compli-*
9 *ant with defense procurement requirements;*

10 *(ii) such non-defense agency is not*
11 *compliant with defense procurement re-*
12 *quirements, but made significant progress*
13 *during 2005 toward ensuring compliance*
14 *with defense procurement requirements; or*

15 *(iii) neither of the conclusions stated*
16 *in clauses (i) and (ii) is correct in the case*
17 *of such non-defense agency.*

18 (2) *ACTIONS FOLLOWING CERTAIN DETERMINA-*
19 *TIONS.—If the Inspectors General determine under*
20 *paragraph (1) that the conclusion stated in clause (ii)*
21 *or (iii) of subparagraph (B) of such paragraph is cor-*
22 *rect in the case of a non-defense agency, those Inspec-*
23 *tors General shall, not later than March 15, 2007,*
24 *jointly—*

1 (A) conduct a second review, as described in
2 paragraph (1)(A), regarding such non-defense
3 agency's procurement of property or services on
4 behalf of the Department of Defense in fiscal
5 year 2006; and

6 (B) determine in writing whether such non-
7 defense agency is or is not compliant with de-
8 fense procurement requirements.

9 (b) *COMPLIANCE WITH DEFENSE PROCUREMENT RE-*
10 *QUIREMENTS.*—For the purposes of this section, a non-de-
11 fense agency is compliant with defense procurement require-
12 ments if such non-defense agency's procurement policies,
13 procedures, and internal controls applicable to the procure-
14 ment of products and services on behalf of the Department
15 of Defense, and the manner in which they are administered,
16 are adequate to ensure such non-defense agency's compli-
17 ance with the requirements of laws and regulations that
18 apply to procurements of property and services made di-
19 rectly by the Department of Defense.

20 (c) *MEMORANDA OF UNDERSTANDING BETWEEN IN-*
21 *SPECTORS GENERAL.*—

22 (1) *IN GENERAL.*—Not later than 30 days after
23 the date of the enactment of this Act, the Inspector
24 General of the Department of Defense and the Inspec-
25 tor General of each non-defense agency referred to in

1 subsection (a) shall enter into a memorandum of un-
2 derstanding with each other to carry out the reviews
3 and make the determinations required by this section.

4 (2) *SCOPE OF MEMORANDA.*—The Inspector Gen-
5 eral of the Department of Defense and the Inspector
6 General of a non-defense agency may by mutual
7 agreement conduct separate reviews of the procure-
8 ment of property and services on behalf of the Depart-
9 ment of Defense that are conducted by separate busi-
10 ness units, or under separate governmentwide acquisi-
11 tion contracts, of such non-defense agency. In any
12 case where such separate reviews are conducted, the
13 Inspectors General shall make separate determina-
14 tions under paragraphs (1) and (2) of subsection (a),
15 as applicable, with respect to each such separate re-
16 view.

17 (d) *LIMITATIONS ON PROCUREMENTS ON BEHALF OF*
18 *DEPARTMENT OF DEFENSE.*—

19 (1) *LIMITATION DURING REVIEW PERIOD.*—After
20 March 15, 2006, and before March 16, 2007, no offi-
21 cial of the Department of Defense may, except as pro-
22 vided in subsection (e) or (f), order, purchase, or oth-
23 erwise procure property or services in an amount in
24 excess of \$100,000 through a non-defense agency for
25 which a determination described in paragraph

1 (1)(B)(iii) of subsection (a) has been made under that
2 subsection.

3 (2) *LIMITATION AFTER REVIEW PERIOD.*—After
4 March 15, 2007, no official of the Department of De-
5 fense may, except as provided in subsection (e) or (f),
6 order, purchase, or otherwise procure property or
7 services in an amount in excess of \$100,000 through
8 a non-defense agency that, having been subject to re-
9 view under this section, has not been determined
10 under this section as being compliant with defense
11 procurement requirements.

12 (e) *EXCEPTION FROM APPLICABILITY OF LIMITA-*
13 *TIONS.*—

14 (1) *EXCEPTION.*—No limitation applies under
15 subsection (d) with respect to the procurement of
16 property and services on behalf of the Department of
17 Defense by a particular non-defense agency during
18 any period that there is in effect a determination of
19 the Under Secretary of Defense for Acquisition, Tech-
20 nology, and Logistics, made in writing, that it is nec-
21 essary in the interest of the Department of Defense to
22 continue to procure property and services through
23 such non-defense agency.

24 (2) *APPLICABILITY OF DETERMINATION.*—A
25 written determination with respect to a non-defense

1 agency under paragraph (1) is in effect for the period,
2 not in excess of one year, that the Under Secretary of
3 Defense for Acquisition, Technology, and Logistics
4 shall specify in the written determination. The Under
5 Secretary may extend from time to time, for up to
6 one year at a time, the period for which the written
7 determination remains in effect.

8 (f) *TERMINATION OF APPLICABILITY OF LIMITA-*
9 *TIONS.*—Subsection (d) shall cease to apply to a non-defense
10 agency on the date on which the Inspector General of the
11 Department of Defense and the Inspector General of that
12 agency jointly—

13 (1) determine that such non-defense agency is
14 compliant with defense procurement requirements;
15 and

16 (2) notify the Secretary of Defense of that deter-
17 mination.

18 (g) *IDENTIFICATION OF PROCUREMENTS MADE DUR-*
19 *ING A PARTICULAR FISCAL YEAR.*—For the purposes of sub-
20 section (a), a procurement shall be treated as being made
21 during a particular fiscal year to the extent that funds are
22 obligated by the Department of Defense for that procure-
23 ment in that fiscal year.

24 (h) *INAPPLICABILITY TO CERTAIN GSA CONTRACTS.*—
25 This section does not apply as follows:

1 (1) *To Client Support Centers of the Federal*
2 *Technology Service of the General Services Adminis-*
3 *tration, which are subject to review under section 802*
4 *of the Ronald W. Reagan National Defense Authoriza-*
5 *tion Act for Fiscal Year 2005 (Public Law 108–375;*
6 *118 Stat. 2004; 10 U.S.C. 2302).*

7 (2) *To any purchase through the multiple award*
8 *schedules established by the Administrator of General*
9 *Services, as described in section 2302(2)(C) of title*
10 *10, United States Code, unless such purchase is made*
11 *through—*

12 (A) *a non-defense agency other than the*
13 *General Services Administration; or*

14 (B) *a business unit of the General Services*
15 *Administration that is not responsible for ad-*
16 *ministering the multiple award schedules pro-*
17 *gram.*

18 (i) *DEFINITIONS.—In this section:*

19 (1) *The term “non-defense agency” means a de-*
20 *partment or agency of the Federal Government out-*
21 *side the Department of Defense, except as excluded*
22 *under subsection (h).*

23 (2) *The term “governmentwide acquisition con-*
24 *tract”, with respect to a non-defense agency, means a*
25 *task or delivery order contract that—*

1 (A) is entered into by the non-defense agen-
2 cy; and

3 (B) may be used as the contract under
4 which property or services are procured for one
5 or more other departments or agencies of the
6 Federal Government.

7 **SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.**

8 (a) *ESTABLISHMENT.*—

9 (1) *ORGANIZATION; DUTIES.*—Subchapter I of
10 chapter 8 of title 10, United States Code, is amended
11 by adding at the end the following new section:

12 **“§ 197. Contract Support Acquisition Centers**

13 “(a) *ESTABLISHMENT.*—(1) The Secretary of Defense
14 shall establish within the Defense Logistics Agency a De-
15 fense Contract Support Acquisition Center.

16 “(2) The Secretary of each military department shall
17 establish a Contract Support Acquisition Center for that
18 military department.

19 “(b) *DIRECTOR.*—(1) The Director of a Contract Sup-
20 port Acquisition Center is the head of the Center.

21 “(2)(A) The Secretary of Defense shall appoint the Di-
22 rector of the Defense Contract Support Acquisition Center.

23 “(B) The Secretary of a military department shall ap-
24 point the Director of the Contract Support Acquisition Cen-
25 ter of that department.

1 “(3) *The Director of a Contract Support Acquisition*
2 *Center shall be selected from among commissioned officers*
3 *of the armed forces on active duty and senior civilian offi-*
4 *cers and employees of the Department of Defense who have*
5 *substantial experience in the acquisition of contract serv-*
6 *ices.*

7 “(c) *DUTIES REGARDING ACQUISITIONS.—(1)(A) The*
8 *Director of the Defense Contract Support Acquisition Cen-*
9 *ter shall act as the executive agent within the Department*
10 *of Defense for each acquisition of contract services in excess*
11 *of the simplified acquisition threshold for the Department*
12 *of Defense, other than an acquisition referred to in subpara-*
13 *graph (B).*

14 “(B) *The Director of the Contract Support Acquisition*
15 *Center of a military department shall act as the executive*
16 *agent within that military department for each acquisition*
17 *of contract services in excess of the simplified acquisition*
18 *threshold for such military department.*

19 “(2) *In carrying out paragraph (1), the Director of*
20 *a Center shall—*

21 “(A) *develop and maintain policies, procedures,*
22 *and best practices guidelines addressing the acquisi-*
23 *tion of contract services for the Secretary appointing*
24 *the Director, including policies, procedures, and best*
25 *practices guidelines for—*

1 “(i) acquisition planning;

2 “(ii) solicitation and contract award;

3 “(iii) requirements development and man-
4 agement;

5 “(iv) contract tracking and oversight;

6 “(v) performance evaluation; and

7 “(vi) risk management;

8 “(B) assign responsibility for carrying out the
9 acquisition of contract services to employees of the
10 Center and other appropriate organizational elements
11 under the jurisdiction of that Secretary;

12 “(C) dedicate fulltime commodity managers to
13 coordinate the acquisition of key categories of services;

14 “(D) ensure that contract services being acquired
15 to meet the Secretary’s requirements for those services
16 are acquired by means of a contract, or a task or de-
17 livery order, that—

18 “(i) is in the best interests of the Depart-
19 ment of Defense or, in the case of the Director of
20 the Center for a military department, the best
21 interests of that military department; and

22 “(ii) is entered into or issued, and is man-
23 aged, in compliance with applicable laws, regu-
24 lations, and directives, and other applicable re-
25 quirements;

1 “(E) ensure that competitive procedures and per-
2 formance-based contracting are used to the maximum
3 extent practicable for the acquisition of contract serv-
4 ices for that Secretary; and

5 “(F) monitor data collection under section 2330a
6 of this title and periodically conduct a spending anal-
7 ysis to ensure that funds expended for the acquisition
8 of contract services for the Secretary are being ex-
9 pended in the most rational and economical manner
10 practicable.

11 “(d) *DUTIES REGARDING ACQUISITION PERSONNEL.*—
12 *The Directors of the Contract Support Acquisition Centers*
13 *shall work with appropriate officials of the Department of*
14 *Defense—*

15 “(1) to identify the critical skills and com-
16 petencies needed to carry out the acquisition of con-
17 tract services on behalf of the Department of Defense;
18 and

19 “(2) to develop a comprehensive strategy for re-
20 cruiting, training, and deploying employees to meet
21 the requirements for those skills and competencies.

22 “(e) *SCOPE OF AUTHORITY.*—*The authority of the Di-*
23 *rector of a Contract Support Acquisition Center under this*
24 *section applies to acquisitions in excess of the simplified*
25 *acquisition threshold.*

1 “(f) *EXCLUSIVITY OF AUTHORITY.*—(1) *After Sep-*
2 *tember 30, 2009, no officer or employee of the Federal Gov-*
3 *ernment outside the Defense Contract Support Acquisition*
4 *Center may, without the prior written approval of the Di-*
5 *rector of the Center or the Secretary of Defense, engage in*
6 *a procurement action for the acquisition of contract services*
7 *for the Department of Defense that is valued in excess of*
8 *the simplified acquisition threshold, other than a procure-*
9 *ment action covered by paragraph (2).*

10 “(2) *After September 30, 2009, no officer or employee*
11 *of the Federal Government outside the Contract Support Ac-*
12 *quisition Center of a military department may, without the*
13 *prior written approval of the Director of the Center, the*
14 *Secretary of Defense, or the Secretary of that military de-*
15 *partment, engage in a procurement action for the acquisi-*
16 *tion of contract services for that military department that*
17 *is valued in excess of the simplified acquisition threshold.*

18 “(3) *In this subsection, the term ‘procurement action’*
19 *includes the following actions:*

20 “(A) *Entry into a contract or any other form of*
21 *agreement.*

22 “(B) *Issuance of a task order, delivery order, or*
23 *military interdepartmental purchase request.*

24 “(g) *STAFF AND SUPPORT.*—(1) *The Secretary ap-*
25 *pointing the Director of a Contract Support Acquisition*

1 *Center shall ensure that the Director of the Center is pro-*
2 *vided a staff and administrative support that are adequate*
3 *for the Director to perform the duties of the position under*
4 *this section effectively.*

5 “(2) *The Secretary of Defense may transfer to the De-*
6 *fense Contract Support Acquisition Center any personnel*
7 *within the Department of Defense whose principal duty is*
8 *the acquisition of contract services for the Department of*
9 *Defense.*

10 “(3) *The Secretary of a military department may*
11 *transfer to the Contract Support Acquisition Center of that*
12 *military department any personnel within such military*
13 *department whose principal duty is the acquisition of con-*
14 *tract services for that military department.*

15 “(h) *TRANSFERS OF NONDEFENSE ORGANIZATIONS.—*
16 *(1) Except as provided in paragraph (5), the Secretary of*
17 *Defense may accept from the head of a department or agen-*
18 *cy outside the Department of Defense a transfer to any of*
19 *the Contract Support Acquisition Centers of all or part of*
20 *any organizational unit of such other department or agency*
21 *that is primarily engaged in the acquisition of contract*
22 *services if, during the most recent year for which data are*
23 *available before such transfer, more than 50 percent of the*
24 *contract services acquired by such organizational unit (de-*

1 *terminated on the basis of cost) were acquired on behalf of*
2 *the Department of Defense.*

3 “(2) *The head of a department or agency outside the*
4 *Department of Defense may transfer in accordance with*
5 *this section an organizational unit that is authorized to be*
6 *accepted under paragraph (1).*

7 “(3) *A transfer under this subsection may be made and*
8 *accepted only pursuant to a memorandum of understanding*
9 *that is entered into by the head of the department or agency*
10 *making the transfer and the Secretary of Defense.*

11 “(4) *A transfer of an organizational unit under this*
12 *section shall include the transfer of the personnel of such*
13 *organizational unit, the assets of such organizational unit,*
14 *and the contracts of such organizational unit, to the extent*
15 *provided in the memorandum of understanding governing*
16 *the transfer of the unit.*

17 “(5) *This section does not authorize a transfer of the*
18 *multiple award schedule program of the General Services*
19 *Administration described in section 2302(2)(C) of this title.*

20 “(i) *SIMPLIFIED ACQUISITION THRESHOLD.—In this*
21 *section, the term ‘simplified acquisition threshold’ has the*
22 *meaning given that term in section 2302(7) of this title.”.*

23 (2) *CLERICAL AMENDMENT.—The table of sec-*
24 *tions at the beginning of such subchapter is amended*
25 *by adding at the end the following new item:*

“197. Contract Support Acquisition Centers.”.

1 **(b) IMPLEMENTATION.**—

2 **(1) PHASED IMPLEMENTATION OF DIRECTOR'S**
3 **AUTHORITY TO ACT AS EXECUTIVE AGENT.**—*Notwith-*
4 *standing subsections (c)(1) and (e) of section 197 of*
5 *title 10, United States Code (as added by subsection*
6 *(a)), the authority of the Director of a Contract Sup-*
7 *port Acquisition Center to act under such section as*
8 *executive agent for acquisitions of contract services be-*
9 *fore October 1, 2009, applies only with respect to—*

10 **(A) contracts in excess of \$10,000,000 that**
11 *are entered into after September 30, 2006, and*
12 *before October 1, 2009; and*

13 **(B) any other acquisitions of contract serv-**
14 *ices that, as designated by the Secretary who ap-*
15 *pointed the Director, are to be carried out for*
16 *that Secretary by the Director.*

17 **(2) PROCUREMENT MANAGEMENT STRUCTURE.**—

18 *The Secretary of Defense shall implement section*
19 *2330 of title 10, United States Code (relating to a*
20 *management structure for the procurement of services*
21 *for the Department of Defense), by designating each*
22 *Director of the Contract Support Acquisition Center*
23 *appointed under section 197 of such title (as added*
24 *by subsection (a)) to act as executive agent for the*
25 *management of the procurements of services carried*

1 out for the Secretary appointing such Director with
2 respect to—

3 (A) all contracts in excess of \$10,000,000
4 that are entered into after September 30, 2006,
5 and before October 1, 2009; and

6 (B) all contracts in excess of the simplified
7 acquisition threshold (as defined in section
8 2302(7) of such title) that are entered into after
9 September 30, 2009.

10 (3) COMPLIANCE WITH CERTAIN PUBLIC LAW
11 108–375 REQUIREMENTS.—For compliance with the re-
12 quirements of section 854 of the Ronald W. Reagan
13 National Defense Authorization Act for Fiscal Year
14 2005 (Public Law 108–375; 118 Stat. 2022, 10
15 U.S.C. 2304 note), the Secretary concerned shall des-
16 ignate the Director of the Contract Support Acquisi-
17 tion Center appointed by that Secretary to act as the
18 executive agent of that Secretary to review and ap-
19 prove the use of a contract for the acquisition of con-
20 tract services that—

21 (A) is entered into after September 30,
22 2006, by a department or agency outside the De-
23 partment of Defense; and

24 (B) if entered into—

1 (i) before October 1, 2009, is valued in
2 excess of \$10,000,000; or

3 (ii) after September 30, 2009, is valued
4 in excess of the simplified acquisition
5 threshold (as defined in section 2302(7) of
6 title 10, United States Code).

7 (4) *SECRETARY CONCERNED DEFINED.*—In para-
8 graph (3), the term “Secretary concerned” means the
9 head of an agency named in subsection (f)(1) of sec-
10 tion 854 of the Ronald W. Reagan National Defense
11 Authorization Act for Fiscal Year 2005 (Public Law
12 108–375; 118 Stat. 2022; 10 U.S.C. 2304 note).

13 **SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND**
14 **CROSS-SERVICING AGREEMENTS WITH RE-**
15 **GIONAL ORGANIZATIONS OF WHICH THE**
16 **UNITED STATES IS NOT A MEMBER.**

17 (a) *ACQUISITION AGREEMENTS.*—Section 2341(1) of
18 title 10, United States Code, is amended by striking “of
19 which the United States is a member”.

20 (b) *CROSS-SERVICING AGREEMENTS.*—Section
21 2342(a)(1)(C) of such title is amended by striking “of which
22 the United States is a member”.

23 (c) *CONFORMING AMENDMENT.*—Section 2344(b)(4) of
24 such title is amended by striking “of which the United
25 States is a member”.

1 **SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PRO-**
2 **CUREMENT OF MAJOR WEAPON SYSTEMS AS**
3 **COMMERCIAL ITEMS.**

4 *(a) REQUIREMENT FOR AUTHORIZATION.—*

5 *(1) IN GENERAL.—Chapter 140 of title 10,*
6 *United States Code, is amended by adding at the end*
7 *the following new section:*

8 **“§2379. Requirement for authorization for procure-**
9 **ment of major weapon systems as commer-**
10 **cial items**

11 *“(a) REQUIREMENT FOR AUTHORIZATION.—A major*
12 *weapon system of the Department of Defense may be treated*
13 *as a commercial item, or purchased under procedures estab-*
14 *lished for the procurement of commercial items, only if spe-*
15 *cifically authorized by Congress.*

16 *“(b) TREATMENT OF SUBSYSTEMS AND COMPONENTS*
17 *AS COMMERCIAL ITEMS.—A subsystem or component of a*
18 *major weapon system shall be treated as a commercial item*
19 *and purchased under procedures established for the procure-*
20 *ment of commercial items if such subsystem or component*
21 *otherwise meets the requirements for treatment as a com-*
22 *mercial item.*

23 *“(c) MAJOR WEAPON SYSTEM DEFINED.—In this sec-*
24 *tion, the term ‘major weapon system’ means a weapon sys-*
25 *tem acquired pursuant to a major defense acquisition pro-*
26 *gram (as that term is defined in section 2430 of this title).”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
2 *tions at the beginning of chapter 140 of such title is*
3 *amended by adding at the end the following new item:*

 “2379. *Requirement for authorization for procurement of major weapon systems*
 as commercial items.”.

4 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
5 *section (a) shall take effect on the date of the enactment*
6 *of this Act, and shall apply to contracts entered on or after*
7 *such date.*

8 **SEC. 805. REPORT ON SERVICE SURCHARGES FOR PUR-**
9 **CHASES MADE FOR MILITARY DEPARTMENTS**
10 **THROUGH OTHER DEPARTMENT OF DEFENSE**
11 **AGENCIES.**

12 (a) *REPORTS BY MILITARY DEPARTMENTS.*—*For each*
13 *of fiscal years 2005 and 2006, the Secretary of each mili-*
14 *tary department shall, not later than 60 days after the last*
15 *day of that fiscal year, submit to the Under Secretary of*
16 *Defense for Acquisition, Technology, and Logistics a report*
17 *on the service charges imposed on such military department*
18 *for purchases in amounts greater than the simplified acqui-*
19 *sition threshold that were made for that military depart-*
20 *ment during such fiscal year through a contract entered*
21 *into by an agency of the Department of Defense other than*
22 *that military department. The report shall specify the*
23 *amounts of the service charges and identify the services pro-*
24 *vided in exchange for such charges.*

1 **(b) ANALYSIS OF MILITARY DEPARTMENT REPORTS.**—
2 *Not later than 90 days after receiving a report of the Sec-*
3 *retary of a military department for a fiscal year under sub-*
4 *section (a), the Under Secretary of Defense for Acquisition,*
5 *Technology, and Logistics shall review the service charges*
6 *delineated in such report for the acquisitions covered by the*
7 *report and the services provided in exchange for such*
8 *charges and shall compare those charges with the costs of*
9 *the alternative means for making such acquisitions. The*
10 *analysis shall include the Under Secretary’s determinations*
11 *of whether the imposition and amounts of the service*
12 *charges were reasonable.*

13 **(c) REPORT TO CONGRESS.**—*Not later than April 1,*
14 *2006 (for reports for fiscal year 2005 under subsection (a)),*
15 *and not later than April 1, 2007 (for reports for fiscal year*
16 *2006 under subsection (a)), the Under Secretary of Defense*
17 *for Acquisition, Technology, and Logistics shall submit to*
18 *the congressional defense committees a report on the reports*
19 *submitted by the Secretaries of the military departments*
20 *under subsection (a), together with the Under Secretary’s*
21 *determinations under subsection (b) with regard to the mat-*
22 *ters set forth in those reports.*

23 **(d) SIMPLIFIED ACQUISITION THRESHOLD DE-**
24 **FINED.**—*In this section, the term “simplified acquisition*
25 *threshold” has the meaning given such term in section 4(11)*

1 *of the Office of Federal Procurement Policy Act (41 U.S.C.*
2 *403(11)).*

3 **SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.**

4 *(a) REVIEW BY DEFENSE ACQUISITION UNIVERSITY.—*
5 *The Defense Acquisition University, acting under the direc-*
6 *tion and authority of the Under Secretary of Defense for*
7 *Acquisition, Technology, and Logistics, shall conduct a re-*
8 *view of the acquisition structure of the Department of De-*
9 *fense, including the acquisition structure of the following:*

10 *(1) Each military department.*

11 *(2) Each defense agency.*

12 *(3) Any other element of the Department of De-*
13 *fense that has an acquisition function.*

14 *(b) ELEMENTS.—*

15 *(1) IN GENERAL.—In reviewing the acquisition*
16 *structure of an organization under subsection (a), the*
17 *Defense Acquisition University shall—*

18 *(A) determine the current structure of the*
19 *organization;*

20 *(B) review the evolution of the current*
21 *structure of the organization, including the rea-*
22 *sons for each reorganization of the structure, and*
23 *identify any acquisition structures or capabili-*
24 *ties that have been divested from the organiza-*
25 *tion during the last 15 years;*

1 (C) identify the capabilities needed by the
2 organization to fulfill its function and assess the
3 capacity of the organization, as currently struc-
4 tured, to provide such capabilities; and

5 (D) identify any gaps, shortfalls, or inad-
6 equacies relating to acquisitions in the current
7 structure of the organization.

8 (2) *EMPHASIS IN REVIEW.*—In conducting the
9 review of acquisition structures under subsection (a),
10 the University shall place special emphasis on consid-
11 eration of—

12 (A) structures and processes for joint acqui-
13 sition, including actions that may be needed to
14 improve such structures and processes; and

15 (B) actions that may be needed to improve
16 acquisition outcomes.

17 (c) *PRIORITY ON COMPLETION OF REVIEW OF ACQUI-*
18 *SITION STRUCTURE OF DEPARTMENT OF AIR FORCE.*—In
19 conducting the review of acquisition structures under sub-
20 section (a), the Defense Acquisition University shall give
21 a priority to a review of the acquisition structure of the
22 Department of the Air Force.

23 (d) *FUNDING.*—The Under Secretary of Defense for Ac-
24 quisition, Technology, and Logistics shall provide the De-

1 *fense Acquisition University the funds required to conduct*
2 *the review under subsection (a).*

3 *(e) REPORTS.—*

4 *(1) INTERIM REPORT ON STRUCTURE OF DE-*
5 *PARTMENT OF AIR FORCE.—Not later than one year*
6 *after the date of the enactment of this Act, the Defense*
7 *Acquisition University shall submit to the congress-*
8 *sional defense committees an interim report address-*
9 *ing the acquisition structure of the Department of the*
10 *Air Force.*

11 *(2) FINAL REPORT ON REVIEW.—Not later than*
12 *180 days after the completion of the review required*
13 *by subsection (a), the University shall submit to the*
14 *Under Secretary of Defense for Acquisition, Tech-*
15 *nology, and Logistics a report on the review. The re-*
16 *port shall include a separate annex on the acquisition*
17 *structure on each organization covered by the review,*
18 *which annex—*

19 *(A) shall address the matters specified*
20 *under subsection (b) with respect to such organi-*
21 *zation; and*

22 *(B) may include such recommendations*
23 *with respect to such organization as the Univer-*
24 *sity considers appropriate.*

1 (3) *TRANSMITTAL OF FINAL REPORT.*—Not later
2 than 90 days after the receipt of the report under
3 paragraph (2), the Under Secretary shall transmit to
4 the congressional defense committees a copy of the re-
5 port, together with the comments of the Under Sec-
6 retary on the report.

7 (f) *DEFENSE ACQUISITION UNIVERSITY DEFINED.*—In
8 this section, the term “Defense Acquisition University”
9 means the Defense Acquisition University established pur-
10 suant to section 1746 of title 10, United States Code.

11 **SEC. 807. REPORTS ON SIGNIFICANT INCREASES IN PRO-**
12 **GRAM ACQUISITION UNIT COSTS OR PRO-**
13 **CUREMENT UNIT COSTS OF MAJOR DEFENSE**
14 **ACQUISITION PROGRAMS.**

15 (a) *INITIAL REPORT REQUIRED.*—Not later than 90
16 days after the date of the enactment of this Act, the Sec-
17 retary of Defense shall submit to the congressional defense
18 committees a report on the acquisition status of each major
19 defense acquisition program whose program acquisition
20 unit cost or procurement unit cost, as of the date of the
21 enactment of this Act, has exceeded by more than 50 percent
22 the original baseline projection for such unit cost. The re-
23 port shall include the information specified in subsection
24 (c).

1 (b) *INFORMATION.*—*The information specified in this*
2 *subsection with respect to a major defense acquisition pro-*
3 *gram is the following:*

4 (1) *An assessment of the costs to be incurred to*
5 *complete the program if the program is not modified.*

6 (2) *An explanation of why the costs of the pro-*
7 *gram have increased.*

8 (3) *A justification for the continuation of the*
9 *program notwithstanding the increase in costs.*

10 (c) *MAJOR DEFENSE ACQUISITION PROGRAM DE-*
11 *FINED.*—*In this section, the term “major defense acquisi-*
12 *tion program” has the meaning given that term in section*
13 *2430 of title 10, United States Code.*

14 **SEC. 808. MODIFICATION OF REQUIREMENTS APPLICABLE**
15 **TO CONTRACTS AUTHORIZED BY LAW FOR**
16 **CERTAIN MILITARY MATERIEL.**

17 (a) *INCLUSION OF COMBAT VEHICLES UNDER RE-*
18 *QUIREMENTS.*—*Section 2401 of title 10, United States*
19 *Code, is amended—*

20 (1) *by striking “vessel or aircraft” each place it*
21 *appears and inserting “vessel, aircraft, or combat ve-*
22 *hicle”;*

23 (2) *in subsection (c), by striking “aircraft or*
24 *naval vessel” each place it appears and inserting*
25 *“aircraft, naval vessel, or combat vehicle”;*

1 (3) in subsection (e), by striking “aircraft or
2 naval vessels” each place it appears and inserting
3 “aircraft, naval vessels, or combat vehicle”; and

4 (4) in subsection (f)—

5 (A) by striking “aircraft and naval vessels”
6 and inserting “aircraft, naval vessels, and com-
7 bat vehicle”; and

8 (B) by striking “such aircraft and vessels”
9 and inserting “such aircraft, vessels, and combat
10 vehicle”.

11 (b) *ADDITIONAL INFORMATION FOR CONGRESS.*—Sub-
12 section (b) of such section is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (B), by striking “and”
15 at the end;

16 (B) in subparagraph (C), by striking the
17 period at the end and inserting “; and”; and

18 (C) by adding at the end the following new
19 subparagraph:

20 “(D) the Secretary has certified to those
21 committees—

22 “(i) that entering into the proposed contract
23 as a means of obtaining the vessel, aircraft, or
24 combat vehicle is the most cost-effective means of

1 *obtaining such vessel, aircraft, or combat vehicle;*
2 *and*

3 “(i) *that the Secretary has determined that*
4 *the lease complies with all applicable laws, Office*
5 *of Management and Budget circulars, and De-*
6 *partment of Defense regulations.”; and*

7 (2) *by adding at the end the following new para-*
8 *graphs:*

9 “(3) *Upon receipt of a notice under paragraph*
10 *(1)(C), a committee identified in paragraph (1)(B)*
11 *may request the Inspector General of the Department*
12 *of Defense or the Comptroller General of the United*
13 *States to conduct a review of the proposed contract to*
14 *determine whether or not such contract meets the re-*
15 *quirements of this section.*

16 “(4) *If a review is requested under paragraph*
17 *(3), the Inspector General of the Department of De-*
18 *fense or the Comptroller General of the United States,*
19 *as the case may be, shall submit to the Secretary and*
20 *the congressional defense committees a report on such*
21 *review before the expiration of the period specified in*
22 *paragraph (1)(C).”.*

23 (c) *APPLICABILITY OF ACQUISITION REGULATIONS.—*
24 *Such section is further amended—*

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

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

5 “(f)(1) *If a lease or charter covered by this section is*
6 *a capital lease or a lease-purchase—*

7 “(A) *the lease or charter shall be treated as an*
8 *acquisition and shall be subject to all applicable stat-*
9 *utory and regulatory requirements for the acquisition*
10 *of aircraft, naval vessels, or combat vehicles; and*

11 “(B) *funds appropriated to the Department of*
12 *Defense for operation and maintenance may not be*
13 *obligated or expended for the lease or charter.*

14 “(2) *In this subsection, the terms ‘capital lease’ and*
15 *‘lease-purchase’ have the meanings given those terms in Ap-*
16 *pendix B to Office of Management and Budget Circular A-*
17 *11, as in effect on the date of the enactment of the National*
18 *Defense Authorization Act for Fiscal Year 2006.”.*

19 (d) *CONFORMING AND CLERICAL AMENDMENTS.—*

20 (1) *The heading of such section is amended to*
21 *read as follows:*

1 **“§ 2401. Requirement for authorization by law of cer-**
2 **tain contracts relating to vessels, aircraft,**
3 **and combat vehicles”.**

4 (2) *The table of sections at the beginning of*
5 *chapter 141 of such title is amended by striking the*
6 *item relating to section 2401 and inserting the fol-*
7 *lowing new item:*

“Sec. 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.”.

8 **SEC. 809. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES**
9 **FOR MAJOR DEFENSE ACQUISITION PRO-**
10 **GRAMS.**

11 (a) *REQUIREMENT.*—

12 (1) *IN GENERAL.*—*Chapter 144 of title 10,*
13 *United States Code, is amended by inserting after sec-*
14 *tion 2431 the following new section:*

15 **“§ 2431a. Major defense acquisition programs: re-**
16 **quirement for analysis of alternatives**

17 *“(a) No major defense acquisition program may be*
18 *commenced before the completion of an analysis of alter-*
19 *natives with respect to such program.*

20 *“(b) For the purposes of this section, a major defense*
21 *acquisition program is commenced when the milestone deci-*
22 *sion authority approves entry of the program into the first*
23 *phase of the acquisition process applicable to the program.”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
2 *tions at the beginning of chapter 144 of such title is*
3 *amended by inserting after the item relating to sec-*
4 *tion 2431 the following new item:*

 “2431a. *Major defense acquisition programs: requirement for analysis of alter-*
 natives.”.

5 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
6 *section (a) shall take effect on the date of the enactment*
7 *of this Act, and shall apply with respect to major defense*
8 *acquisition programs commenced on or after that date.*

9 **SEC. 809A. REPORT ON USE OF LEAD SYSTEM INTEGRA-**
10 **TORS IN THE ACQUISITION OF MAJOR SYS-**
11 **TEMS.**

12 (a) *REPORT REQUIRED.*—*Not later than 90 days after*
13 *the date of the enactment of this Act, the Secretary of De-*
14 *fense shall submit to the congressional defense committees*
15 *a report on the use of lead system integrators for the acqui-*
16 *sition by the Department of Defense of major systems.*

17 (b) *CONTENTS.*—*The report required by subsection (a)*
18 *shall include a detailed description of the actions taken (in-*
19 *cluding a specific timetable), or to be taken, and the current*
20 *regulations and guidelines regarding—*

21 (1) *the definition of the respective rights of the*
22 *Department of Defense, lead system integrators, and*
23 *other contractors that participate in the development*
24 *or production of any individual element of the major*

1 *weapon system (including subcontractors under lead*
2 *system integrators) in intellectual property that is de-*
3 *veloped by the other participating contractors in a*
4 *manner that ensures that—*

5 *(A) the Department of Defense obtains ap-*
6 *propriate rights in technical data developed by*
7 *the other participating contractors in accordance*
8 *with the requirements of section 2320 of title 10,*
9 *United States Code; and*

10 *(B) lead system integrators obtain access to*
11 *technical data developed by the other partici-*
12 *parting contractors only to the extent necessary to*
13 *execute their contractual obligations as lead sys-*
14 *tems integrators;*

15 *(2) the prevention or mitigation of organiza-*
16 *tional conflicts of interest on the part of lead system*
17 *integrators;*

18 *(3) the prevention of the performance by lead*
19 *system integrators of functions closely associated with*
20 *inherently governmental functions;*

21 *(4) the appropriate use of competitive procedures*
22 *in the award of subcontracts by lead system integra-*
23 *tors with system responsibility;*

24 *(5) the prevention of organizational conflicts of*
25 *interest arising out of any financial interest of lead*

1 *system integrators without system responsibility in*
2 *the development or production of individual elements*
3 *of a major weapon system; and*

4 *(6) the prevention of pass-through charges by*
5 *lead system integrators with system responsibility on*
6 *systems or subsystems developed or produced under*
7 *subcontracts where such lead system integrators do*
8 *not provide significant value added with regard to*
9 *such systems or subsystems.*

10 *(c) DEFINITIONS.—In this section:*

11 *(1) The term “lead system integrator” includes*
12 *lead system integrators with system responsibility*
13 *and lead system integrators without system responsi-*
14 *bility.*

15 *(2) The term “lead system integrator with sys-*
16 *tem responsibility” means a prime contractor for the*
17 *development or production of a major system if the*
18 *prime contractor is not expected at the time of award,*
19 *as determined by the Secretary of Defense for pur-*
20 *poses of this section, to perform a substantial portion*
21 *of the work on the system and the major subsystems.*

22 *(3) The term “lead system integrator without*
23 *system responsibility” means a contractor under a*
24 *contract for the procurement of services whose pri-*
25 *mary purpose is to perform acquisition functions*

1 *closely associated with inherently governmental func-*
2 *tions with regard to the development or production of*
3 *a major system.*

4 (4) *The term “major system” has the meaning*
5 *given such term in section 2302d of title 10, United*
6 *States Code.*

7 (5) *The term “pass-through charge” means a*
8 *charge for overhead or profit on work performed by*
9 *a lower-tier contractor (other than charges for the di-*
10 *rect costs of managing lower-tier contracts and over-*
11 *head and profit based on such direct costs) that does*
12 *not, as determined by the Secretary for purposes of*
13 *this section, promote significant value added with re-*
14 *gard to such work.*

15 (6) *The term “functions closely associated with*
16 *inherently governmental functions” has the meaning*
17 *given such term in section 2383(b)(3) of title 10,*
18 *United States Code.*

19 **SEC. 809B. ACQUISITION STRATEGY FOR COMMERCIAL SAT-**
20 **ELLITE COMMUNICATION SERVICES.**

21 (a) *REQUIREMENT FOR SPEND ANALYSIS.—The Sec-*
22 *retary of Defense shall, as a part of the effort of the Depart-*
23 *ment of Defense to develop a revised strategy for acquiring*
24 *commercial satellite communication services, perform a*
25 *complete spend analysis of the past and current acquisi-*

1 *tions by the Department of commercial satellite commu-*
2 *nication services.*

3 *(b) REPORT ON ACQUISITION STRATEGY.—*

4 *(1) IN GENERAL.—Not later than six months*
5 *after the date of the enactment of this Act, the Sec-*
6 *retary shall submit to Congress a report on the acqui-*
7 *sition strategy of the Department of Defense for com-*
8 *mercial satellite communications services.*

9 *(2) ELEMENTS.—The report required by para-*
10 *graph (1) shall include the following:*

11 *(A) A description of the spend analysis re-*
12 *quired by subsection (a), including the results of*
13 *the analysis.*

14 *(B) The proposed strategy of the Depart-*
15 *ment for acquiring commercial satellite commu-*
16 *nication services, which strategy shall—*

17 *(i) be based in appropriate part on the*
18 *results of the analysis required by sub-*
19 *section (a); and*

20 *(ii) take into account various methods*
21 *of aggregating purchases and leveraging the*
22 *purchasing power of the Department, in-*
23 *cluding through the use of multiyear con-*
24 *tracting for commercial satellite commu-*
25 *nication services.*

1 (C) *A proposal for such legislative action as*
2 *the Secretary considers necessary to acquire ap-*
3 *propriate types and amounts of commercial sat-*
4 *ellite communications services using methods of*
5 *aggregating purchases and leveraging the pur-*
6 *chasing power of the Department (including the*
7 *use of multiyear contracting), or if the use of*
8 *such methods is determined inadvisable, a state-*
9 *ment of the rationale for such determination.*

10 (D) *A proposal for such other legislative ac-*
11 *tion that the Secretary considers necessary to*
12 *implement the strategy of the Department for ac-*
13 *quiring commercial satellite communication*
14 *services.*

15 **SEC. 809C. GUIDANCE ON USE OF TIERED EVALUATION OF**
16 **OFFERS FOR CONTRACTS AND TASK ORDERS**
17 **UNDER CONTRACTS.**

18 (a) *GUIDANCE REQUIRED.—The Secretary of Defense*
19 *shall prescribe guidance for the military departments and*
20 *the Defense Agencies on the use of tiered evaluations of offers*
21 *or proposals of offerors for contracts and for task orders*
22 *under contracts.*

23 (b) *ELEMENTS.—The guidance prescribed under sub-*
24 *section (a) shall include a prohibition on the initiation by*
25 *a contracting officer of a tiered evaluation of an offer or*

1 *proposal of an offeror for a contract or for a task or delivery*
2 *order under a contract unless the contracting officer—*

3 *(1) has conducted market research in accordance*
4 *with part 10 of the Federal Acquisition Regulation in*
5 *order to determine whether or not a sufficient number*
6 *of qualified small businesses are available to justify*
7 *limiting competition for the award of such contract or*
8 *task or delivery order under applicable law and regu-*
9 *lations;*

10 *(2) is unable, after conducting market research*
11 *under paragraph (1), to make the determination de-*
12 *scribed in that paragraph; and*

13 *(3) includes in the contract file a written expla-*
14 *nation why such contracting officer was unable to*
15 *make such determination.*

16 **SEC. 809D. CONGRESSIONAL NOTIFICATION OF CANCELLA-**
17 **TION OF MAJOR AUTOMATED INFORMATION**
18 **SYSTEMS.**

19 *(a) REPORT REQUIRED.—The Secretary of Defense*
20 *shall notify the congressional defense committees not less*
21 *than 60 days before cancelling a major automated informa-*
22 *tion system program that has been fielded or approved to*
23 *be fielded, or making a change that will significantly reduce*
24 *the scope of such a program, of the proposed cancellation*
25 *or change.*

1 (b) *CONTENT.*—*Each notification submitted under*
2 *subsection (a) with respect to the proposed cancellation or*
3 *change shall include—*

4 (1) *the specific justification for the proposed*
5 *change;*

6 (2) *a description of the impact of the proposed*
7 *change on the Department’s ability to achieve the ob-*
8 *jectives of the program that has been cancelled or*
9 *changed;*

10 (3) *a description of the steps that the Depart-*
11 *ment plans to take to achieve such objectives; and*

12 (4) *other information relevant to the change in*
13 *acquisition strategy.*

14 (c) *DEFINITIONS.*—*In this section:*

15 (1) *The term “major automated information sys-*
16 *tem” has the meaning given that term in Department*
17 *of Defense directive 5000.1.*

18 (2) *The term “approved to be fielded” means*
19 *having received Milestone C approval.*

20 **SEC. 809E. TEMPORARY INAPPLICABILITY OF BERRY**
21 **AMENDMENT TO PROCUREMENTS OF SPE-**
22 **CIALTY METALS USED TO PRODUCE FORCE**
23 **PROTECTION EQUIPMENT.**

24 (a) *IN GENERAL.*—*Section 2533a(a) of title 10, United*
25 *States Code, shall not apply to the procurement, during the*

1 2-year period beginning on the date of the enactment of this
2 Act, of specialty metals if such specialty metals are used
3 to produce force protection equipment needed to prevent
4 combat fatalities in Iraq or Afghanistan.

5 (b) *TREATMENT OF PROCUREMENTS WITHIN PE-*
6 *RIOD.*—For the purposes of subsection (a), a procurement
7 shall be treated as being made during the 2-year period de-
8 scribed in that subsection to the extent that funds are obli-
9 gated by the Department of Defense for that procurement
10 during that period.

11 **SEC. 809F. PUBLIC-PRIVATE COMPETITION FOR WORK PER-**
12 **FORMED BY CIVILIAN EMPLOYEES OF THE**
13 **DEPARTMENT OF DEFENSE.**

14 (a) *LIMITATION.*—Section 2461(b) of title 10, United
15 States Code, is amended by adding at the end the following
16 new paragraph:

17 “(5)(A) Notwithstanding subsection (d), a function of
18 the Department of Defense performed by 10 or more civilian
19 employees may not be converted, in whole or in part, to
20 performance by a contractor unless the conversion is based
21 on the results of a public-private competition process that—

22 (i) formally compares the cost of civilian em-
23 ployee performance of that function with the costs of
24 performance by a contractor;

1 “(ii) creates an agency tender, including a most
2 efficient organization plan, in accordance with Office
3 of Management and Budget Circular A–76, as imple-
4 mented on May 29, 2003; and

5 “(iii) requires continued performance of the
6 function by civilian employees unless the competitive
7 sourcing official concerned determines that, over all
8 performance periods stated in the solicitation of offers
9 for performance of the activity or function, the cost of
10 performance of the activity or function by a con-
11 tractor would be less costly to the Department of De-
12 fense by an amount that equals or exceeds the lesser
13 of \$10,000,000 or 10 percent of the most efficient or-
14 ganization’s personnel-related costs for performance of
15 that activity or function by Federal employees.

16 “(B) Any function that is performed by civilian em-
17 ployees of the Department of Defense and is proposed to
18 be reengineered, reorganized, modernized, upgraded, ex-
19 panded, or changed in order to become more efficient shall
20 not be considered a new requirement for the purpose of the
21 competition requirements in subparagraph (A) or the re-
22 quirements for public-private competition in Office of Man-
23 agement and Budget Circular A–76.

24 “(C) A function performed by more than 10 Federal
25 Government employees may not be separated into separate

1 *functions for the purposes of avoiding the competition re-*
2 *quirement in subparagraph (A) or the requirements for*
3 *public-private competition in Office of Management and*
4 *Budget Circular A-76.*

5 “(D) *The Secretary of Defense may waive the require-*
6 *ment for a public-private competition under subparagraph*
7 *(A) in specific instances if—*

8 “(i) *the written waiver is prepared by the Sec-*
9 *retary of Defense or the relevant Assistant Secretary*
10 *of Defense, Secretary of a military department, or*
11 *head of a Defense Agency;*

12 “(ii) *the written waiver is accompanied by a de-*
13 *tailed determination that national security interests*
14 *preclude compliance with the requirement for a pub-*
15 *lic-private competition; and*

16 “(iii) *a copy of the waiver is published in the*
17 *Federal Register within 10 working days after the*
18 *date on which the waiver is granted, although use of*
19 *the waiver need not be delayed until its publication.”.*

20 (b) *INAPPLICABILITY TO BEST-VALUE SOURCE SELEC-*
21 *TION PILOT PROGRAM.—Paragraph (5) of section 2461(b)*
22 *of title 10, United States Code, as added by subsection (a),*
23 *shall not apply with respect to the pilot program for best-*
24 *value source selection for performance of information tech-*
25 *nology services authorized by section 336 of the National*

1 *Defense Authorization Act for Fiscal Year 2004 (Public*
2 *Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).*

3 (c) *REPEAL OF SUPERSEDED LAW.*—Section 327 of
4 *the Ronald W. Reagan National Defense Authorization Act*
5 *for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461*
6 *note) is repealed.*

7 **SEC. 809G. PERFORMANCE OF CERTAIN WORK BY FEDERAL**
8 **GOVERNMENT EMPLOYEES.**

9 (a) *GUIDELINES.*—

10 (1) *IN GENERAL.*—*The Secretary of Defense shall*
11 *prescribe guidelines and procedures for ensuring that*
12 *consideration is given to using Federal Government*
13 *employees on a regular basis for work that is per-*
14 *formed under Department of Defense contracts and*
15 *could be performed by Federal Government employees.*

16 (2) *CRITERIA.*—*The guidelines and procedures*
17 *prescribed under paragraph (1) shall provide for spe-*
18 *cial consideration to be given to contracts that—*

19 (A) *have been performed by Federal Govern-*
20 *ment employees at any time on or after October*
21 *1, 1980;*

22 (B) *are associated with the performance of*
23 *inherently governmental functions;*

24 (C) *were not awarded on a competitive*
25 *basis; or*

1 (D) have been determined by a contracting
2 officer to be poorly performed due to excessive
3 costs or inferior quality.

4 (b) *NEW REQUIREMENTS.*—

5 (1) *LIMITATION ON REQUIRING PUBLIC-PRIVATE*
6 *COMPETITION.*—No public-private competition may be
7 required under Office of Management and Budget
8 Circular A-76 or any other provision of law or regu-
9 lation before the performance of a new requirement by
10 Federal Government employees commences, the per-
11 formance by Federal Government employees of work
12 pursuant to subsection (a) commences, or the scope of
13 an existing activity performed by Federal Govern-
14 ment employees is expanded. Office of Management
15 and Budget Circular A-76 shall be revised to ensure
16 that the heads of all Federal agencies give fair consid-
17 eration to the performance of new requirements by
18 Federal Government employees.

19 (2) *CONSIDERATION OF FEDERAL GOVERNMENT*
20 *EMPLOYEES.*—The Secretary of Defense shall, to the
21 maximum extent practicable, ensure that Federal
22 Government employees are fairly considered for the
23 performance of new requirements, with special consid-
24 eration given to new requirements that include func-
25 tions that—

1 (A) are similar to functions that have been
2 performed by Federal Government employees at
3 any time on or after October 1, 1980; or

4 (B) are associated with the performance of
5 inherently governmental functions.

6 (c) *USE OF FLEXIBLE HIRING AUTHORITY.*—The Sec-
7 retary shall include the use of the flexible hiring authority
8 available through the National Security Personnel System
9 in order to facilitate performance by Federal Government
10 employees of new requirements and work that is performed
11 under Department of Defense contracts.

12 (d) *INSPECTOR GENERAL REPORT.*—Not later than
13 180 days after the enactment of this Act, the Inspector Gen-
14 eral of the Department of Defense shall submit to the Com-
15 mittees on Armed Services of the Senate and the House of
16 Representatives a report on the compliance of the Secretary
17 of Defense with the requirements of this section.

18 (e) *DEFINITIONS.*—In this section:

19 (1) The term “National Security Personnel Sys-
20 tem” means the human resources management system
21 established under the authority of section 9902 of title
22 5, United States Code.

23 (2) The term “inherently governmental function”
24 has the meaning given that term in section 5 of the
25 Federal Activities Inventory Reform Act of 1998

1 *(Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501*
2 *note).*

3 **SEC. 809H. CONTRACTING FOR PROCUREMENT OF CERTAIN**
4 **SUPPLIES AND SERVICES.**

5 *(a) MODIFICATION OF LIMITATION ON CONVERSION TO*
6 *CONTRACTOR PERFORMANCE.—Section 8014(a)(3) of the*
7 *Department of Defense Appropriations Act, 2005 (Public*
8 *law 108–287; 118 Stat. 972) is amended—*

9 *(1) in subparagraph (A), by inserting “, pay-*
10 *ment that could be used in lieu of such a plan, health*
11 *savings account, or medical savings account” after*
12 *“health insurance plan”; and*

13 *(2) in subparagraph (B), by striking “that re-*
14 *quires” and all that follows through the end and in-*
15 *serting “that does not comply with the requirements*
16 *of any Federal law governing the provision of health*
17 *care benefits by Government contractors that would be*
18 *applicable if the contractor performed the activity or*
19 *function under the contract.”.*

20 **SEC. 809I. MODIFICATION AND EXTENSION OF PILOT PRO-**
21 **GRAM ON SHARE-IN-SAVINGS CONTRACTS.**

22 *(a) INCLUSION OF INFORMATION TECHNOLOGY IM-*
23 *PROVEMENTS IN SHARE-IN-SAVINGS.—Paragraph (1) of*
24 *subsection (a) of section 2332 of title 10, United States*
25 *Code, is amended by adding at the end the following new*

1 sentence: “Each such contract shall provide that the con-
2 tractor shall incur the cost of implementing information
3 technology improvements, including costs incurred in ac-
4 quiring, installing, maintaining, and upgrading informa-
5 tion technology equipment and training personnel in the
6 use of such equipment, in exchange for a share of any sav-
7 ings directly resulting from the implementation of such im-
8 provements during the term of the contract.”.

9 (b) *CONTRACT PERFORMANCE EVALUATION*.—Such
10 subsection is further amended—

11 (1) in paragraph (3), by striking “, to the max-
12 imum extent practicable,”;

13 (2) by striking paragraph (4);

14 (3) by redesignating paragraph (5) as para-
15 graph (7); and

16 (4) inserting after paragraph (3) the following
17 new paragraphs:

18 “(4) The head of an agency that enters into contracts
19 pursuant to the authority of this section shall establish a
20 panel of employees of such agency, independent of any pro-
21 gram office or contracting office responsible for awarding
22 and administering such contracts, for the purpose of
23 verifying performance baselines and methodologies for cal-
24 culating savings resulting from the implementation of in-
25 formation technology improvements under such contracts.

1 *Employees assigned to any such panel shall have experience*
2 *and expertise appropriate for the duties of such panel.*

3 “(5) *Each contract awarded pursuant to the authority*
4 *of this section shall include a provision containing a quan-*
5 *tifiable baseline of current and projected costs, a method-*
6 *ology for calculating actual costs during the period of per-*
7 *formance, and a savings share ratio governing the amount*
8 *of payments the contractor is to receive under such contract*
9 *that are certified by a panel established pursuant to para-*
10 *graph (4) to be financially sound and based on the best*
11 *available information.*

12 “(6) *Each contract awarded pursuant to the authority*
13 *of this section shall—*

14 “(A) *provide that aggregate payments to the con-*
15 *tractor may not exceed the amount the agency would*
16 *have paid, in accordance with the baseline of current*
17 *and projected costs incorporated in such contract,*
18 *during the period covered by such contract; and*

19 “(B) *require an independent annual audit of ac-*
20 *tual costs in accordance with the methodology estab-*
21 *lished under paragraph (5)(B), which shall serve as*
22 *a basis for annual payments based on savings share*
23 *ratio established in such contract.”.*

24 (c) *EXTENSION OF PILOT PROGRAM.—Such section is*
25 *further amended—*

1 (1) *in subsection (b)(3)(B), by striking “fiscal*
2 *years 2003, 2004, and 2005” and inserting “fiscal*
3 *years 2003 through 2007”;* and

4 (2) *in subsection (d), by striking “September 30,*
5 *2005” and inserting “September 30, 2007”.*

6 (d) *REPORTS TO CONGRESS.—*

7 (1) *SECRETARY OF DEFENSE REPORTS.—Not*
8 *later than March 31, 2006, and each year thereafter*
9 *until the year after the termination of the pilot pro-*
10 *gram under section 2332 of title 10, United States*
11 *Code (as amended by subsection (a)), the Secretary of*
12 *Defense shall submit to Congress a report containing*
13 *a list of each contract entered into by each Federal*
14 *agency under such section during the preceding year*
15 *that contains terms providing for the contractor to*
16 *implement information technology improvements in*
17 *exchange for a share of the savings derived from the*
18 *implementation of such improvements. The report*
19 *shall set forth, for each contract listed—*

20 (A) *the information technology performance*
21 *acquired by reason of the improvements con-*
22 *cerned;*

23 (B) *the total amount of payments made to*
24 *the contractor during the year covered by the re-*
25 *port; and*

1 (C) *the total amount of savings or other*
2 *measurable benefits realized by the Federal agen-*
3 *cy during such year as a result of such improve-*
4 *ments.*

5 (2) *COMPTROLLER GENERAL REPORTS.*—*Not*
6 *later than two months after the Secretary submits a*
7 *report required by paragraph (1), the Comptroller*
8 *General of the United States shall submit to Congress*
9 *a report on the costs and benefits to the United States*
10 *of the implementation of the technology improvements*
11 *under the contracts covered by such report, together*
12 *with such recommendations as the Comptroller Gen-*
13 *eral considers appropriate.*

14 **SEC. 809J. SENSE OF SENATE ON APPLICABILITY OF COM-**
15 **PETITION EXCEPTIONS TO ELIGIBILITY OF**
16 **NATIONAL GUARD FOR FINANCIAL ASSIST-**
17 **ANCE FOR PERFORMANCE OF ADDITIONAL**
18 **DUTIES.**

19 *It is the sense of the Senate that the amendment made*
20 *by section 806 of the Ronald W. Reagan National Defense*
21 *Authorization Act for Fiscal Year 2005 (Public Law 108–*
22 *375; 118 Stat. 2010) permits the Secretary of Defense to*
23 *provide financial assistance to the Army National Guard*
24 *for the performance of additional duties specified in section*
25 *113(a) of title 32, United States Code, without the use of*

1 *competitive procedures under the standard exceptions to the*
2 *use of such procedures in accordance with section 2304(c)*
3 *of title 10, United States Code.*

4 ***Subtitle B—Defense Industrial Base***
5 ***Matters***

6 ***SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMER-***
7 ***ICAN REQUIREMENTS FOR PROCUREMENT OF***
8 ***PERISHABLE FOOD FOR ESTABLISHMENTS***
9 ***OUTSIDE THE UNITED STATES.***

10 *Section 2533a(d)(3) of title 10, United States Code,*
11 *is amended by inserting “, or for,” after “perishable foods*
12 *by”.*

13 ***SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR***
14 ***CONTENT REQUIREMENTS FOR CERTAIN***
15 ***COUNTRIES WITH RECIPROCAL DEFENSE***
16 ***PROCUREMENT AGREEMENTS WITH THE***
17 ***UNITED STATES.***

18 *(a) AUTHORITY FOR ANNUAL WAIVER.—Subchapter V*
19 *of chapter 148 of title 10, United States Code, is amended*
20 *by adding at the end the following new section:*

1 **“§2539c. Domestic source or content requirements:**
2 **one-year waiver for certain countries with**
3 **reciprocal defense procurement agree-**
4 **ments with the United States**

5 “(a) *WAIVER AUTHORITY.*—Subject to subsection (g),
6 upon making a determination under subsection (b) that a
7 foreign country described by that subsection has not quali-
8 tatively or quantitatively increased exports of defense items,
9 as determined by the Secretary of Defense for purposes of
10 this section, to the People’s Republic of China during the
11 fiscal year in which such determination is made, the Sec-
12 retary of Defense may waive the application of any domes-
13 tic source requirement or domestic content requirement re-
14 ferred to in subsection (c) and thereby authorize the pro-
15 curement of items that are grown, reprocessed, reused, pro-
16 duced, or manufactured in such foreign country during the
17 fiscal year following the fiscal year in which such deter-
18 mination is made.

19 “(b) *ANNUAL DETERMINATIONS.*—Not later than Sep-
20 tember 30 each fiscal year, the Secretary of Defense may
21 determine whether or not a foreign country with which the
22 United States had in force during such fiscal year a recip-
23 rocal defense procurement memorandum of understanding
24 or agreement qualitatively or quantitatively increased ex-
25 ports of defense items to the People’s Republic of China dur-

1 *ing such fiscal year. Each such determination shall be in*
2 *writing.*

3 “(c) *COVERED REQUIREMENTS.*—*For purposes of this*
4 *section:*

5 “(1) *A domestic source requirement is any re-*
6 *quirement under law that the Department of Defense*
7 *satisfy its requirements for an item by procuring an*
8 *item that is grown, reprocessed, reused, produced, or*
9 *manufactured in the United States or by a manufac-*
10 *turer that is a part of the national technology and in-*
11 *dustrial base (as defined in section 2500(1) of this*
12 *title).*

13 “(2) *A domestic content requirement is any re-*
14 *quirement under law that the Department of Defense*
15 *satisfy its requirements for an item by procuring an*
16 *item produced or manufactured partly or wholly from*
17 *components and materials grown, reprocessed, reused,*
18 *produced, or manufactured in the United States.*

19 “(d) *EFFECTIVE PERIOD OF WAIVER.*—*Any waiver of*
20 *the application of any domestic source requirement or do-*
21 *mestic content with respect to a foreign country under sub-*
22 *section (a) shall be effective only for the fiscal year following*
23 *the fiscal year in which is made the determination on which*
24 *such waiver is based.*

1 “(e) *LIMITATION ON DELEGATION.*—*The authority of*
2 *the Secretary of Defense to waive the application of domes-*
3 *tic source or content requirements under subsection (a) may*
4 *not be delegated to any officer or employee other than the*
5 *Deputy Secretary of Defense or the Under Secretary of De-*
6 *fense for Acquisition, Technology, and Logistics.*

7 “(f) *CONSULTATIONS.*—*The Secretary of Defense may*
8 *grant a waiver of the application of a domestic source or*
9 *content requirement under subsection (a) only after con-*
10 *sultation with the United States Trade Representative, the*
11 *Secretary of Commerce, and the Secretary of State.*

12 “(g) *LAWS NOT WAIVABLE.*—*The Secretary of Defense*
13 *may not exercise the authority under subsection (a) to*
14 *waive any domestic source or content requirement con-*
15 *tained in any of the following laws:*

16 “(1) *The Small Business Act (15 U.S.C. 631 et*
17 *seq.).*

18 “(2) *The Javits-Wagner-O’Day Act (41 U.S.C.*
19 *46 et seq.).*

20 “(3) *Section 2533a of this title.*

21 “(4) *Sections 7309 and 7310 of this title.*

22 “(h) *RELATIONSHIP TO OTHER WAIVER AUTHOR-*
23 *ITY.*—*The authority under subsection (a) to waive a domes-*
24 *tic source requirement or domestic content requirement is*

1 *in addition to any other authority to waive such require-*
 2 *ment.*

3 “(i) *CLARIFICATION OF RELATIONSHIP WITH BUY*
 4 *AMERICAN ACT.*—*Nothing in this section shall be construed*
 5 *to alter in any way the applicability of the Buy American*
 6 *Act (41 U.S.C. 10a), or the authority of the Secretary of*
 7 *Defense to waive the requirements of such Act, with respect*
 8 *to the procurement of any item to which such Act would*
 9 *apply without regard to this section.*

10 “(j) *CONSTRUCTION WITH RESPECT TO LATER EN-*
 11 *ACTED LAWS.*—*This section may not be construed as being*
 12 *inapplicable to a domestic source requirement or domestic*
 13 *content requirement that is set forth in a law enacted after*
 14 *the enactment of this section solely on the basis of the later*
 15 *enactment of such law.”.*

16 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
 17 *the beginning of subchapter V of such chapter is amended*
 18 *by adding at the end the following new item:*

*“2539c. Domestic source or content requirements: one-year waiver for certain
 countries with reciprocal defense procurement agreements with
 the United States.”.*

19 **SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGA-**
 20 **TIONS UNDER TRADE AGREEMENTS.**

21 *No provision of this Act or any amendment made by*
 22 *this Act shall apply to a procurement by or for the Depart-*
 23 *ment of Defense to the extent that the Secretary of Defense,*
 24 *in consultation with the Secretary of Commerce, the United*

1 *States Trade Representative, and the Secretary of State, de-*
2 *termines that it is inconsistent with United States obliga-*
3 *tions under a trade agreement.*

4 **SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR**
5 **PURPOSES OF SMALL BUSINESS RESEARCH.**

6 *(a) IN GENERAL.—Section 9 of the Small Business Act*
7 *(15 U.S.C. 638) is amended by adding at the end the fol-*
8 *lowing:*

9 *“(x) RESEARCH AND DEVELOPMENT FOCUS.—*

10 *“(1) REVISION AND UPDATE OF CRITERIA AND*
11 *PROCEDURES OF IDENTIFICATION.—In carrying out*
12 *subsection (g), the Secretary of Defense shall, not less*
13 *often than once every 4 years, revise and update the*
14 *criteria and procedures utilized to identify areas of*
15 *the research and development efforts of the Depart-*
16 *ment of Defense which are suitable for the provision*
17 *of funds under the Small Business Innovation Re-*
18 *search Program and the Small Business Technology*
19 *Transfer Program.*

20 *“(2) UTILIZATION OF PLANS.—The criteria and*
21 *procedures described in paragraph (1) shall be devel-*
22 *oped through the use of the most current versions of*
23 *the following plans:*

24 *“(A) The joint warfighting science and tech-*
25 *nology plan required under section 270 of the*

1 *National Defense Authorization Act for Fiscal*
2 *Year 1997 (10 U.S.C. 2501 note).*

3 “(B) *The Defense Technology Area Plan of*
4 *the Department of Defense.*

5 “(C) *The Basic Research Plan of the De-*
6 *partment of Defense.*

7 “(3) *INPUT IN IDENTIFICATION OF AREAS OF EF-*
8 *FORT.—The criteria and procedures described in*
9 *paragraph (1) shall include input in the identifica-*
10 *tion of areas of research and development efforts de-*
11 *scribed in that paragraph from Department of De-*
12 *fense program managers (PMs) and program execu-*
13 *tive officers (PEOs).*

14 “(y) *COMMERCIALIZATION PILOT PROGRAM.—*

15 “(1) *IN GENERAL.—The Secretary of Defense and*
16 *the Secretary of each military department is author-*
17 *ized to create and administer a ‘Commercialization*
18 *Pilot Program’ to accelerate the transition of tech-*
19 *nologies, products, and services developed under the*
20 *Small Business Innovation Research Program to*
21 *Phase III, including the acquisition process.*

22 “(2) *IDENTIFICATION OF RESEARCH PROGRAMS*
23 *FOR ACCELERATED TRANSITION TO ACQUISITION*
24 *PROCESS.—In carrying out the Commercialization*
25 *Pilot Program, the Secretary of Defense and the Sec-*

1 *retary of each military department shall identify re-*
2 *search programs of the Small Business Innovation*
3 *Research Program that have the potential for rapid*
4 *transitioning to Phase III and into the acquisition*
5 *process.*

6 *“(3) LIMITATION.—No research program may be*
7 *identified under paragraph (2), unless the Secretary*
8 *of the military department concerned certifies in*
9 *writing that the successful transition of the program*
10 *to Phase III and into the acquisition process is ex-*
11 *pected to meet high priority military requirements of*
12 *such military department.*

13 *“(4) FUNDING.—For payment of expenses in-*
14 *curring to administer the Commercialization Pilot*
15 *Program under this subsection, the Secretary of De-*
16 *fense and each Secretary of a military department is*
17 *authorized to use not more than an amount equal to*
18 *1 percent of the funds available to the Department of*
19 *Defense or the military department pursuant to the*
20 *Small Business Innovation Research Program. Such*
21 *funds—*

22 *“(A) shall not be subject to the limitations*
23 *on the use of funds in subsection (f)(2); and*

24 *“(B) shall not be used to make Phase III*
25 *awards.*

1 “(5) *EVALUATIVE REPORT.*—*At the end of each*
2 *fiscal year, the Secretary of Defense and each Sec-*
3 *retary of a military department shall submit to the*
4 *Committee on Armed Services and the Committee on*
5 *Small Business and Entrepreneurship of the Senate*
6 *and the Committee on Armed Services and the Com-*
7 *mittee on Small Business of the House of Representa-*
8 *tives an evaluative report regarding activities under*
9 *the Commercialization Pilot Program. The report*
10 *shall include—*

11 “(A) *an accounting of the funds used in the*
12 *Commercialization Pilot Program;*

13 “(B) *a detailed description of the Commer-*
14 *cialization Pilot Program, including incentives*
15 *and activities undertaken by acquisition pro-*
16 *gram managers, program executive officers, and*
17 *by prime contractors; and*

18 “(C) *a detailed compilation of results*
19 *achieved by the Commercialization Pilot Pro-*
20 *gram, including the number of small business*
21 *concerns assisted and a number of inventions*
22 *commercialized.*

23 “(6) *SUNSET.*—*The pilot program under this*
24 *subsection shall terminate at the end of fiscal year*
25 *2009.”.*

1 (b) *IMPLEMENTATION OF EXECUTIVE ORDER 13329.*—
2 *Section 9 of the Small Business Act (15 U.S.C. 638) is*
3 *amended—*

4 (1) *in subsection (b)—*

5 (A) *in paragraph (6), by striking “and” at*
6 *the end;*

7 (B) *in paragraph (7), by striking the period*
8 *at the end and inserting “; and”; and*

9 (C) *by adding at the end the following:*

10 “*(8) to provide for and fully implement the te-*
11 *nets of Executive Order 13329 (Encouraging Innova-*
12 *tion in Manufacturing).”;*

13 (2) *in subsection (g)—*

14 (A) *in paragraph (9), by striking “and” at*
15 *the end;*

16 (B) *in paragraph (10), by striking the pe-*
17 *riod at the end and inserting “; and”; and*

18 (C) *by adding at the end the following:*

19 “*(11) provide for and fully implement the tenets*
20 *of Executive Order 13329 (Encouraging Innovation*
21 *in Manufacturing).”;* and

22 (3) *in subsection (o)—*

23 (A) *in paragraph (14), by striking “and”*
24 *at the end;*

1 (B) in paragraph (15), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(16) provide for and fully implement the tenets
5 of Executive Order 13329 (*Encouraging Innovation
6 in Manufacturing*).”.

7 (c) *TESTING AND EVALUATION AUTHORITY*.—Section
8 9(e) of the *Small Business Act* (15 U.S.C. 638(e)) is
9 amended—

10 (1) in paragraph (7), by striking “and” at the
11 end;

12 (2) in paragraph (8), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(9) the term ‘commercial applications’ shall not
16 be construed to exclude testing and evaluation of
17 products, services, or technologies for use in technical
18 or weapons systems, and further, awards for testing
19 and evaluation of products, services, or technologies
20 for use in technical or weapons systems may be made
21 in either the second or the third phase of the *Small
22 Business Innovation Research Program* and of the
23 *Small Business Technology Transfer Program*, as de-
24 fined in this subsection.”.

1 **Subtitle C—Defense Contractor**
2 **Matters**

3 **SEC. 821. REQUIREMENTS FOR DEFENSE CONTRACTORS RE-**
4 **LATING TO CERTAIN FORMER DEPARTMENT**
5 **OF DEFENSE OFFICIALS.**

6 (a) *REQUIREMENTS.*—

7 (1) *IN GENERAL.*—Chapter 141 of title 10,
8 *United States Code*, is amended by adding at the end
9 *the following new section:*

10 **“§ 2410p. Defense contractors: requirements con-**
11 **cerning former Department of Defense of-**
12 **icials**

13 “(a) *IN GENERAL.*—Each contract for the procurement
14 of goods or services in excess of \$10,000,000, other than a
15 contract for the procurement of commercial items, that is
16 entered into by the Department of Defense shall include a
17 provision under which the contractor agrees to submit to
18 the Secretary of Defense, not later than April 1 of each year
19 such contract is in effect, a written report setting forth the
20 information required by subsection (b).

21 “(b) *REPORT INFORMATION.*—A report by a contractor
22 under subsection (a) shall—

23 “(1) list the name of each person who—

1 “(A) is a former officer or employee of the
2 Department of Defense or a former or retired
3 member of the armed forces; and

4 “(B) during the preceding calendar year
5 was provided compensation by the contractor, if
6 such compensation was first provided by the
7 contractor—

8 “(i) not more than two years after such
9 officer, employee, or member left service in
10 the Department of Defense; and

11 “(ii) not more than two years before
12 the date on which the report is required to
13 be submitted; and

14 “(2) in the case of each person listed under para-
15 graph (1)—

16 “(A) identify the agency in which such per-
17 son was employed or served on active duty dur-
18 ing the last two years of such person’s service
19 with the Department of Defense;

20 “(B) state such person’s job title and iden-
21 tify each major defense system, if any, on which
22 such person performed any work with the De-
23 partment of Defense during the last two years of
24 such person’s service with the Department; and

1 “(C) state such person’s current job title
2 with the contractor and identify each major de-
3 fense system on which such person has performed
4 any work on behalf of the contractor.”.

5 (2) *CLERICAL AMENDMENT.*—The table of sec-
6 tions at the beginning of chapter 141 of such title is
7 amended by adding at the end the following new item:

 “2410p. Defense contractors: requirements concerning former Department of De-
 fense officials.”.

8 (b) *EFFECTIVE DATE.*—The amendments made by sub-
9 section (a) shall take effect on the date of the enactment
10 of this Act, and shall apply with respect to contracts entered
11 into on or after that date.

12 **SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MAT-**
13 **TERS.**

14 (a) *IN GENERAL.*—The Secretary of Defense shall, in
15 consultation with the Director of the Office of Government
16 Ethics and the Administrator for Federal Procurement Pol-
17 icy, conduct a review of the ethics considerations raised by
18 the following:

19 (1) The performance by contractor employees of
20 functions closely associated with inherently govern-
21 mental functions.

22 (2) The performance by contractor employees of
23 other functions historically performed by Government
24 employees in the Federal workplace.

1 (b) *OPTIONS TO BE ADDRESSED.*—*The review under*
2 *subsection (a) shall include the consideration of a broad*
3 *range of options for addressing the ethics considerations de-*
4 *scribed in that subsection, including—*

5 (1) *amending the Federal Acquisition Regulation*
6 *to address ethics and personal conflict of interest con-*
7 *cerns for contractor employees;*

8 (2) *implementing the Federal Acquisition Regu-*
9 *lation, as so amended, through the incorporation of*
10 *appropriate provisions in Federal agency contracts*
11 *and in the solicitations for such contracts;*

12 (3) *requiring such contracts and solicitations to*
13 *state that contractor employees will be bound by cer-*
14 *tain ethics standards, whether contractor-imposed or*
15 *Government-imposed;*

16 (4) *encouraging Federal agency personnel to con-*
17 *sider including provisions in contracts and solicita-*
18 *tions that address conflict of interest issues and re-*
19 *quire contractor personnel to receive training on Gov-*
20 *ernment ethics rules; and*

21 (5) *continuing to identify and mitigate conflicts*
22 *and ethics concerns involving contractor personnel on*
23 *a case-by-case basis.*

24 (c) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 6 months after
2 the date of the enactment of this Act, the Secretary
3 shall submit to the congressional defense committees a
4 report setting forth the findings and recommendations
5 of the Secretary as a result of the review under sub-
6 section (a) and the consideration of options under
7 subsection (b).

8 (2) *ADDITIONAL VIEWS.*—The report under para-
9 graph (1) shall set forth the views, if any, of the Di-
10 rector of the Office of Government Ethics and the Ad-
11 ministrators for Federal Procurement Policy on the
12 matters covered by the report.

13 (d) *FUNCTIONS CLOSELY ASSOCIATED WITH INHER-*
14 *ENTLY GOVERNMENTAL FUNCTIONS DEFINED.*—In this sec-
15 tion, the term “functions closely associated with inherently
16 governmental functions” has the meaning given such term
17 in section 2383(b)(3) of title 10, United States Code.

18 **SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.**

19 (a) *RISK ASSESSMENT TEAM.*—(1) Not later than 30
20 days after the date of the enactment of this Act, the Sec-
21 retary of Defense shall establish a risk assessment team to
22 assess the vulnerability of Department of Defense contracts
23 to fraud, waste, and abuse.

24 (2) The risk assessment team shall be chaired by the
25 Inspector General of the Department of Defense and shall

1 *include representatives of the Defense Logistics Agency, the*
2 *Defense Contract Management Agency, the Defense Contract*
3 *Audit Agency, the Army, the Navy, and the Air Force.*

4 *(3) The risk assessment team shall—*

5 *(A) review the contracting systems and internal*
6 *controls of the Department of Defense and the systems*
7 *and controls of prime contractors of the Department*
8 *of Defense to identify areas of vulnerability of De-*
9 *partment of Defense contracts to fraud, waste, and*
10 *abuse; and*

11 *(B) prepare a report on the results of its review.*

12 *(4) Not later than six months after the date of the en-*
13 *actment of this Act, the chairman of the risk assessment*
14 *team shall submit the report prepared under paragraph*
15 *(3)(B) to the Secretary of Defense and the congressional de-*
16 *fense committees.*

17 *(b) COMPTROLLER GENERAL REVIEW.—(1) Not later*
18 *than 60 days after the date on which the report of the risk*
19 *assessment team is submitted under subsection (a)(4), the*
20 *Comptroller General of the United States shall—*

21 *(A) review the methodology used by the risk as-*
22 *essment team and the results of the team's review;*
23 *and*

24 *(B) submit a report on the Comptroller General's*
25 *review to the congressional defense committees.*

1 (2) *The report under paragraph (1)(B) shall include*
2 *the Comptroller General’s findings and any recommenda-*
3 *tions that the Comptroller considers appropriate.*

4 (c) *ACTION PLAN.*—*Not later than three months after*
5 *receiving the report of the risk assessment team under sub-*
6 *section (a)(4), the Secretary of Defense shall develop and*
7 *submit to the congressional defense committees a plan of*
8 *actions for addressing the areas of vulnerability identified*
9 *in the report. If the Secretary determines that no action*
10 *is necessary with regard to an area of vulnerability, the*
11 *report shall include a discussion of the rationale for that*
12 *determination.*

13 **SEC. 824. REPORTS ON CERTAIN DEFENSE CONTRACTS IN**
14 **IRAQ AND AFGHANISTAN.**

15 (a) *QUARTERLY REPORTS.*—

16 (1) *IN GENERAL.*—*Not later than 90 days after*
17 *the date of the enactment of this Act, and every 90*
18 *days thereafter, the Secretary of Defense shall submit*
19 *to the appropriate committees of Congress a report*
20 *that lists and describes each task or delivery order*
21 *contract or other contract related to security and re-*
22 *construction activities in Iraq and Afghanistan in*
23 *which an audit conducted by an investigative or*
24 *audit component of the Department of Defense during*

1 *the 90-day period ending on the date of such report*
2 *resulted in a finding described in subsection (b).*

3 (2) *COVERAGE OF SUBCONTRACTS.*—*For pur-*
4 *poses of this section, any reference to a contract shall*
5 *be treated as a reference to such contract and to any*
6 *subcontracts under such contract.*

7 (b) *COVERED FINDING.*—*A finding described in this*
8 *subsection with respect to a task or delivery order contract*
9 *or other contract described in subsection (a) is a finding*
10 *by an investigative or audit component of the Department*
11 *of Defense that the contract includes costs that are unsup-*
12 *ported, questioned, or both.*

13 (c) *REPORT INFORMATION.*—*Each report under sub-*
14 *section (a) shall include, with respect to each task or deliv-*
15 *ery order contract or other contract covered by such*
16 *report—*

17 (1) *a description of the costs determined to be*
18 *unsupported, questioned, or both; and*

19 (2) *a statement of the amount of such unsup-*
20 *ported or questioned costs and the percentage of the*
21 *total value of such task or delivery order that such*
22 *costs represent.*

23 (d) *WITHHOLDING OF PAYMENTS.*—*In the event that*
24 *any costs under a task or delivery order contract or other*
25 *contract described in subsection (a) are determined by an*

1 *investigative or audit component of the Department of De-*
2 *fense to be unsupported, questioned, or both, the appropriate*
3 *Federal procurement personnel may withhold from amounts*
4 *otherwise payable to the contractor under such contract a*
5 *sum of up to 100 percent of the total amount of such costs.*

6 (e) *RELEASE OF WITHHELD PAYMENTS.*—*Upon a sub-*
7 *sequent determination by the appropriate Federal procure-*
8 *ment personnel, or investigative or audit component of the*
9 *Department of Defense, that any unsupported or questioned*
10 *costs for which an amount payable was withheld under sub-*
11 *section (d) has been determined to be allowable, or upon*
12 *a settlement negotiated by the appropriate Federal procure-*
13 *ment personnel, the appropriate Federal procurement per-*
14 *sonnel may release such amount for payment to the con-*
15 *tractor concerned.*

16 (f) *INCLUSION OF INFORMATION ON WITHHOLDING*
17 *AND RELEASE IN QUARTERLY REPORTS.*—*Each report*
18 *under subsection (a) after the initial report under that sub-*
19 *section shall include the following:*

20 (1) *A description of each action taken under sub-*
21 *section (d) or (e) during the period covered by such*
22 *report.*

23 (2) *A justification of each determination or nego-*
24 *tiated settlement under subsection (d) or (e) that ap-*
25 *propriately explains the determination of the applica-*

1 *ble Federal procurement personnel in terms of reason-*
2 *ableness, allocability, or other factors affecting the ac-*
3 *ceptability of the costs concerned.*

4 *(g) DEFINITIONS.—In this section:*

5 *(1) The term “appropriate committees of Con-*
6 *gress” means—*

7 *(A) the Committees on Appropriations,*
8 *Armed Services, and Homeland Security and*
9 *Governmental Affairs of the Senate; and*

10 *(B) the Committees on Appropriations,*
11 *Armed Services, and Government Reform of the*
12 *House of Representatives.*

13 *(2) The term “investigative or audit component*
14 *of the Department of Defense” means any of the fol-*
15 *lowing:*

16 *(A) The Office of the Inspector General of*
17 *the Department of Defense.*

18 *(B) The Defense Contract Audit Agency.*

19 *(C) The Defense Contract Management*
20 *Agency.*

21 *(D) The Army Audit Agency.*

22 *(E) The Naval Audit Service.*

23 *(F) The Air Force Audit Agency.*

1 (3) *The term “questioned”, with respect to a cost,*
2 *means an unreasonable, unallocable, or unallowable*
3 *cost.*

4 ***Subtitle D—Defense Acquisition***
5 ***Workforce Matters***

6 ***SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORK-***
7 ***FORCE TRAINING FUND FOR DEFENSE ACQUI-***
8 ***SITION WORKFORCE IMPROVEMENTS.***

9 (a) *AVAILABILITY OF DEPARTMENT OF DEFENSE CON-*
10 *TRACT FEES FOR DEFENSE ACQUISITION UNIVERSITY.—*
11 *Section 37 of the Office of Federal Procurement Policy Act*
12 *(41 U.S.C. 433) is amended—*

13 (1) *in subsection (a), by striking “This section”*
14 *and inserting “Except as otherwise provided, this sec-*
15 *tion”;* and

16 (2) *in subsection (h)(3)—*

17 (A) *in subparagraph (B), by striking*
18 *“(other than the Department of Defense)” in the*
19 *first sentence;*

20 (B) *by redesignating subparagraphs (D),*
21 *(E), (F), and (G) as subparagraphs (E), (F),*
22 *(G), and (H), respectively;*

23 (C) *by inserting after subparagraph (C) the*
24 *following new subparagraph (D):*

1 “(D) *The Administrator of General Services*
2 *shall credit to the Defense Acquisition University*
3 *fees collected in accordance with subparagraph*
4 *(B) from the Department of Defense. Amounts so*
5 *credited shall be used to develop and expand*
6 *training for the defense acquisition workforce.”;*
7 *and*

8 *(D) in subparagraph (E), as so redesign-*
9 *ated, by striking “the purpose specified in sub-*
10 *paragraph (A)” and inserting “the purposes*
11 *specified in subparagraphs (A) and (D)”.*

12 (b) *CONFORMING AMENDMENT.*—*Section 1412 of the*
13 *National Defense Authorization Act for Fiscal year 2004*
14 *(Public Law 108–136; 117 Stat. 1664; 41 U.S.C. 433 note)*
15 *is amended by striking subsection (c).*

16 **SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RE-**
17 **LATING TO REDUCTION OF THE DEFENSE AC-**
18 **QUISITION AND SUPPORT WORKFORCE.**

19 (a) *LIMITATION.*—*Notwithstanding any other provi-*
20 *sion of law, the defense acquisition and support workforce*
21 *may not be reduced, during fiscal years 2006, 2007, and*
22 *2008, below the level of that workforce as of September 30,*
23 *2004, determined on the basis of full-time employee equiva-*
24 *lence, except as may be necessary to strengthen the defense*

1 *acquisition and support workforce in higher priority posi-*
2 *tions in accordance with this section.*

3 *(b) INCREASE AND REALIGNMENT OF WORKFORCE.—*

4 *(1)(A) During fiscal years 2006, 2007, and 2008, the Sec-*
5 *retary of Defense shall increase the number of persons em-*
6 *ployed in the defense acquisition and support workforce as*
7 *follows:*

8 *(i) During fiscal year 2006, to 105 percent of the*
9 *baseline number (as defined in subparagraph (B)).*

10 *(ii) During fiscal year 2007, to 110 percent of*
11 *the baseline number.*

12 *(iii) During fiscal year 2008, to 115 percent of*
13 *the baseline number.*

14 *(B) In this paragraph, the term “baseline number”,*
15 *with respect to persons employed in the defense acquisition*
16 *and support workforce, means the number of persons em-*
17 *ployed in such workforce as of September 30, 2004 (deter-*
18 *mined on the basis of full-time employee equivalence).*

19 *(C) The Secretary of Defense may waive a requirement*
20 *in subparagraph (A) and, subject to subsection (a), employ*
21 *in the defense acquisition and support workforce a lesser*
22 *number of employees if the Secretary determines and cer-*
23 *tifies to the congressional defense committees that the cost*
24 *of increasing such workforce to the larger size as required*
25 *under that subparagraph would exceed the savings to be de-*

1 rived from the additional oversight that would be achieved
2 by having a defense acquisition and support workforce of
3 such larger size.

4 (2) During fiscal years 2006, 2007, and 2008, the Sec-
5 retary of Defense may realign any part of the defense acqui-
6 sition and support workforce to support reinvestment in
7 other, higher priority positions in such workforce.

8 (c) *HIGHER PRIORITY POSITIONS.*—For the purposes
9 of this section, higher priority positions in the defense ac-
10 quisition and support workforce include the following posi-
11 tions:

12 (1) Positions the responsibilities of which include
13 system engineering.

14 (2) Positions the responsibilities of which include
15 drafting performance-based work statements for serv-
16 ices contracts and overseeing the performance of con-
17 tracts awarded pursuant to such work statements.

18 (3) Positions the responsibilities of which include
19 conducting spending analyses, negotiating company-
20 wide pricing agreements, and taking other measures
21 to reduce contract costs.

22 (4) Positions the responsibilities of which include
23 reviewing contractor quality control systems, assess-
24 ing and analyzing quality deficiency reports, and
25 taking other measures to improve product quality.

1 (5) *Positions the responsibilities of which include*
2 *effectively conducting public-private competitions in*
3 *accordance with Office of Management and Budget*
4 *Circular A-76.*

5 (6) *Any other positions in the defense acquisition*
6 *and support workforce that the Secretary of Defense*
7 *identifies as being higher priority positions that are*
8 *staffed at levels not likely to ensure efficient and effec-*
9 *tive performance of all of the responsibilities of those*
10 *positions.*

11 (d) *STRATEGIC ASSESSMENT AND PLAN.—(1) The Sec-*
12 *retary of Defense shall—*

13 (A) *assess the extent to which the Department of*
14 *Defense can recruit, retain, train, and provide profes-*
15 *sional development opportunities for acquisition pro-*
16 *fessionals over the 10-fiscal year period beginning*
17 *with fiscal year 2006; and*

18 (B) *develop a human resources strategic plan for*
19 *the defense acquisition and support workforce that in-*
20 *cludes objectives and planned actions for improving*
21 *the management of such workforce.*

22 (2) *The Secretary shall submit to Congress, not later*
23 *than April 1, 2006, a report on the progress made in—*

24 (A) *completing the assessment required under*
25 *paragraph (1); and*

1 (B) completing and implementing the strategic
2 plan required under such paragraph.

3 (e) *DEFENSE ACQUISITION AND SUPPORT WORKFORCE*
4 *DEFINED.*—*In this section, the term “defense acquisition*
5 *and support workforce” means members of the Armed*
6 *Forces and civilian personnel who are assigned to, or are*
7 *employed in, an organization of the Department of Defense*
8 *that has acquisition as its predominant mission, as deter-*
9 *mined by the Secretary of Defense.*

10 **SEC. 833. TECHNICAL AMENDMENTS RELATING TO DE-**
11 **FENSE ACQUISITION WORKFORCE IMPROVE-**
12 **MENTS.**

13 Section 1732 of title 10, United States Code, is
14 amended—

15 (1) in subsection (c)—

16 (A) by striking “(b)(2)(A) and (b)(2)(B)”
17 each place it appears in paragraphs (1) and (2)
18 and inserting “(b)(1)(A) and (b)(1)(B)”; and

19 (B) by striking paragraph (3); and

20 (2) in subsection (d)(2), by striking
21 “(b)(2)A)(ii)” and inserting “(b)(1)(A)(ii)”.

1 **SEC. 834. TRAINING FOR DEFENSE ACQUISITION WORK-**
 2 **FORCE ON THE REQUIREMENTS OF THE**
 3 **BERRY AMENDMENT.**

4 (a) *TRAINING DURING FISCAL YEAR 2006.*—The Sec-
 5 retary of Defense shall ensure that each member of the de-
 6 fense acquisition workforce who participates personally and
 7 substantially in the acquisition of textiles on a regular basis
 8 receives training during fiscal year 2006 on the require-
 9 ments of section 2533a of title 10, United States Code (com-
 10 monly referred to as the “Berry Amendment”), and the reg-
 11 ulations implementing that section.

12 (b) *INCLUSION OF INFORMATION IN NEW TRAINING*
 13 *PROGRAMS.*—The Secretary shall ensure that any training
 14 program for the defense acquisition workforce development
 15 or implemented after the date of the enactment of this Act
 16 includes comprehensive information on the requirements de-
 17 scribed in subsection (a).

18 ***Subtitle E—Other Matters***

19 **SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-**
 20 **ADVANTAGED BUSINESS AND CERTAIN INSTI-**
 21 **TUTIONS OF HIGHER EDUCATION.**

22 Section 2323(k) of title 10, United States Code, is
 23 amended by striking “2006” both places it appears and in-
 24 serting “2009”.

1 **SEC. 842. CODIFICATION AND MODIFICATION OF LIMITA-**
2 **TION ON MODIFICATION OF MILITARY EQUIP-**
3 **MENT WITHIN FIVE YEARS OF RETIREMENT**
4 **OR DISPOSAL.**

5 (a) *CODIFICATION AND MODIFICATION OF LIMITA-*
6 *TION.—*

7 (1) *IN GENERAL.—Chapter 141 of title 10,*
8 *United States Code, as amended by section 821(a)(1)*
9 *of this Act, is further amended by adding at the end*
10 *the following new section:*

11 **“§2410q. Modification of equipment within five years**
12 **of retirement or disposal**

13 “(a) *IN GENERAL.—Except as provided in subsection*
14 *(b), a military department may not modify an aircraft, ves-*
15 *sel, weapon, or other item of equipment if the military de-*
16 *partment plans to retire or otherwise dispose of such equip-*
17 *ment within 5 years of the date of the completion of such*
18 *modification.*

19 “(b) *EXCEPTIONS.—The prohibition in subsection (a)*
20 *shall not apply to any modification as follows:*

21 “(1) *A modification for safety purposes.*

22 “(2) *Any other modification but only if the ag-*
23 *gregate cost of all such modifications for the aircraft,*
24 *vessel, weapon, or other item of equipment concerned*
25 *during any fiscal year, including any procurement,*
26 *installation, or removal costs, is less than \$100,000.*

1 “(c) *WAIVER.*—*The Secretary of a military depart-*
 2 *ment may waive the prohibition in subsection (a) with re-*
 3 *spect to a modification referred to in that subsection if such*
 4 *Secretary—*

5 “(1) *determines that the waiver is in the na-*
 6 *tional security interests of the United States; and*

7 “(2) *notifies the congressional defense committees*
 8 *of such determination in writing.”.*

9 “(2) *CLERICAL AMENDMENT.*—*The table of sec-*
 10 *tions at the beginning of such chapter, as amended by*
 11 *section 821(a)(2) of this Act, is further amended by*
 12 *adding at the end the following new item:*

“2410g. *Modification of equipment within five years of retirement or disposal.”.*

13 “(b) *REPEAL OF SUPERSEDED LIMITATION.*—*Section*
 14 *8053 of the Department of Defense Appropriations Act,*
 15 *1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C. 2241*
 16 *note) is repealed.*

17 **SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHOR-**
 18 **ITY TO RESPOND TO COMBAT EMERGENCIES.**

19 “(a) *SCOPE OF AUTHORITY.*—*Subsection (c) of section*
 20 *806 of the Bob Stump National Defense Authorization Act*
 21 *for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—*

22 “(1) *by striking “combat capability” each place it*
 23 *appears; and*

24 “(2) *by striking “fatalities” each place it appears*
 25 *and inserting “casualties”.*

1 (b) *DELEGATION OF AUTHORITY*.—Such subsection is
 2 further amended in paragraph (1) by inserting “below the
 3 Deputy Secretary of Defense” after “delegation”.

4 (c) *WAIVER AUTHORITY*.—Subsection (d)(1) of such
 5 section is further amended—

6 (1) in subparagraph (B), by striking “or”;

7 (2) in subparagraph (C), by striking the period
 8 and inserting “; or”; and

9 (3) by adding at the end the following new sub-
 10 paragraph:

11 “(D) domestic source or content restrictions that
 12 would inhibit or impede the rapid acquisition of the
 13 equipment.”.

14 **SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT**
 15 **CERTAIN PROTOTYPE PROJECTS.**

16 Section 845 of the National Defense Authorization Act
 17 for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

18 (1) in subsection (a)—

19 (A) by striking “The Director” and insert-
 20 ing “(1) Subject to paragraph (2), the Director”;
 21 and

22 (B) by adding at the end the following new
 23 paragraph:

24 “(2) The authority of this section—

1 “(A) does not extend to any prototype project
2 that is expected to cost in excess of \$100,000,000; and

3 “(B) may be exercised for a prototype project
4 that is expected to cost in excess of \$20,000,000 only
5 upon a written determination by the senior procure-
6 ment executive for the agency (as designated for the
7 purpose of section 16(c) of the Office of Federal Pro-
8 curement Policy Act (41 U.S.C. 414(c)) that—

9 “(i) the requirements of subsection (d) will
10 be met; and

11 “(ii) the use of a standard contract, grant, or
12 cooperative agreement for such project is not fea-
13 sible or appropriate.”;

14 (2) by redesignating subsection (h) as subsection
15 (i); and

16 (3) by inserting after subsection (g) the following
17 new subsection (h):

18 “(h) *APPLICABILITY OF PROCUREMENT ETHICS RE-*
19 *QUIREMENTS.—An agreement entered into under the au-*
20 *thority of this section shall be treated as a Federal agency*
21 *procurement for the purposes of section 27 of the Office of*
22 *Federal Procurement Policy Act (41 U.S.C. 423).”.*

1 **SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CON-**
2 **TRACTING WITH EMPLOYERS OF PERSONS**
3 **WITH DISABILITIES.**

4 *Section 853 of the Ronald W. Reagan National Defense*
5 *Authorization Act for Fiscal Year 2005 (Public Law 108-*
6 *375; 118 Stat. 2021) is amended by striking “September*
7 *30, 2005” in subsections (a)(2)(A) and (b)(2)(A) and in-*
8 *serting “September 30, 2006”.*

9 **SEC. 846. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE**
10 **PARTNERSHIPS FOR RESEARCH AND DEVEL-**
11 **OPMENT.**

12 *(a) PILOT PROGRAM AUTHORIZED.—The Secretary of*
13 *Defense may carry out a pilot program to authorize the*
14 *organizations referred to in subsection (b) to enter into co-*
15 *operative research and development agreements under sec-*
16 *tion 12 of the Stevenson-Wydler Technology Innovation Act*
17 *of 1980 (15 U.S.C. 3710a) in order to assess the benefits*
18 *of such agreements for such organizations and for the De-*
19 *partment of Defense as a whole.*

20 *(b) COVERED ORGANIZATIONS.—The organizations re-*
21 *ferred to in this subsection are as follows:*

- 22 *(1) The National Defense University.*
23 *(2) The Defense Acquisition University.*
24 *(3) The Joint Forces Command.*
25 *(4) The United States Transportation Command.*

1 (c) *LIMITATION.*—No agreement may be entered into,
2 or continue in force, under the pilot program under sub-
3 section (a) after September 30, 2009.

4 (d) *REPORT.*—Not later than February 1, 2009, the
5 Secretary shall submit to the congressional defense commit-
6 tees a report on the pilot program under subsection (a). The
7 report shall include—

8 (1) a description of any agreements entered into
9 under the pilot program; and

10 (2) the assessment of the Secretary of the benefits
11 of the agreements entered into under the pilot pro-
12 gram for the organizations referred to in subsection
13 (b) and for the Department of Defense as a whole.

14 **SEC. 847. INCREASED LIMIT APPLICABLE TO ASSISTANCE**
15 **PROVIDED UNDER CERTAIN PROCUREMENT**
16 **TECHNICAL ASSISTANCE PROGRAMS.**

17 Section 2414(a)(2) of title 10, United States Code, is
18 amended by striking “\$150,000” and inserting “\$300,000”.

19 **SEC. 848. REPORTS OF ADVISORY PANEL ON LAWS AND**
20 **REGULATIONS ON ACQUISITION PRACTICES.**

21 (a) *EXTENSION OF FINAL REPORT.*—Section 1423(d)
22 of the Services Acquisition Reform Act of 2003 (title XIV
23 of Public Law 108–136; 117 Stat. 1669; 41 U.S.C. 405
24 note) is amended by striking “one year” and inserting “two
25 years”.

1 (b) *REQUIREMENT FOR INTERIM REPORT.*—That sec-
2 *tion is further amended—*

3 (1) *by inserting “(1)” before “Not later than”;*
4 *and*

5 (2) *by adding at the end the following new para-*
6 *graph:*

7 “(2) *Not later than one year after the date of the estab-*
8 *lishment of the panel, the panel shall submit to the official*
9 *and committees referred to in paragraph (1) an interim*
10 *report on the matters set forth in that paragraph.”.*

11 **SEC. 849. EXCLUSION OF CERTAIN SECURITY EXPENSES**
12 **FROM CONSIDERATION FOR PURPOSE OF**
13 **SMALL BUSINESS SIZE STANDARDS.**

14 *Section 3(a) of the Small Business Act (15 U.S.C.*
15 *632(a)), is amended by adding at the end the following:*

16 “(4) **EXCLUSION OF CERTAIN SECURITY EXPENSES**
17 **FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS**
18 **SIZE STANDARDS.**—

19 “(A) **DETERMINATION REQUIRED.**—*Not later*
20 *than 30 days after the date of enactment of this para-*
21 *graph, the Administrator shall review the application*
22 *of size standards established pursuant to paragraph*
23 *(2) to small business concerns that are performing*
24 *contracts in qualified areas and determine whether it*
25 *would be fair and appropriate to exclude from consid-*

1 *eration in the average annual gross receipts of such*
2 *small business concerns any payments made to such*
3 *small business concerns by Federal agencies to reim-*
4 *burse such small business concerns for the cost of sub-*
5 *contracts entered for the sole purpose of providing se-*
6 *curity services in a qualified area.*

7 *“(B) ACTION REQUIRED.—Not later than 60*
8 *days after the date of enactment of this paragraph,*
9 *the Administrator shall either—*

10 *“(i) initiate an adjustment to the size*
11 *standards, as described in subparagraph (A), if*
12 *the Administrator determines that such an ad-*
13 *justment would be fair and appropriate; or*

14 *“(ii) provide a report to the Committee on*
15 *Small Business and Entrepreneurship of the*
16 *Senate and the Committee on Small Business of*
17 *the House of Representatives explaining in detail*
18 *the basis for the determination by the Adminis-*
19 *trator that such an adjustment would not be fair*
20 *and appropriate.*

21 *“(C) QUALIFIED AREAS.—In this paragraph, the*
22 *term ‘qualified area’ means—*

23 *“(i) Iraq,*

24 *“(ii) Afghanistan, and*

1 “(iii) any foreign country which included a
2 combat zone, as that term is defined in section
3 112(c)(2) of the Internal Revenue Code of 1986,
4 at the time of performance of the relevant Fed-
5 eral contract or subcontract.”.

6 **SEC. 850. SMALL BUSINESS CONTRACTING IN OVERSEAS**
7 **PROCUREMENTS.**

8 Section 15(g) of the Small Business Act (15 U.S.C.
9 644(g)) is amended by adding at the end the following:

10 “(3) **SMALL BUSINESS CONTRACTING IN OVERSEAS**
11 **PROCUREMENTS.**—

12 “(A) **STATEMENT OF CONGRESSIONAL POLICY.**—
13 It is the policy of the Congress that Federal agencies
14 shall endeavor to meet the contracting goals estab-
15 lished under this subsection, regardless of the geo-
16 graphic area in which the contracts will be performed.

17 “(B) **AUTHORIZATION TO USE CONTRACTING**
18 **MECHANISMS.**—Federal agencies are authorized to use
19 any of the contracting mechanisms authorized in this
20 Act for the purpose of complying with the Congres-
21 sional policy set forth in subparagraph (A).

22 “(C) **REPORT TO CONGRESSIONAL COMMIT-**
23 **TEES.**—Not later than 1 year after the date of enact-
24 ment of this paragraph, the Administrator and the
25 Chief Counsel for Advocacy shall submit to the Com-

1 *mittee on Small Business and Entrepreneurship of*
2 *the Senate and Committee on Small Business of the*
3 *House of Representatives a report on the activities*
4 *undertaken by Federal agencies, offices, and depart-*
5 *ments to carry out this paragraph.”.*

6 **SEC. 851. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.**

7 *Section 15(g) of the Small Business Act (15 U.S.C.*
8 *644(g)) is amended by adding at the end the following:*

9 “(3) *FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.—*

10 “(A) *STATEMENT OF CONGRESSIONAL POLICY.—*

11 *It is the policy of the Congress that Federal agencies*
12 *shall endeavor to meet the contracting goals estab-*
13 *lished under this subsection with regard to orders*
14 *under multiple-award contracts, including Federal*
15 *Supply Schedule contracts and multi-agency con-*
16 *tracts.*

17 “(B) *AUTHORIZATION FOR LIMITED COMPETI-*

18 *TION.—The head of a contracting agency may include*
19 *in any contract entered under section 2304a(d)(1)(B)*
20 *or 2304b(e) of title 10, United States Code, a clause*
21 *setting aside a specific share of awards under such*
22 *contract pursuant to a competition that is limited to*
23 *small business concerns, if the head of the contracting*
24 *agency determines that such limitation is necessary to*

1 *comply with the congressional policy stated in sub-*
2 *paragraph (A).*

3 “(C) *REPORT REQUIREMENT.*—

4 “(i) *IN GENERAL.*—*Not later than 180 days*
5 *after the date of enactment of this paragraph, the*
6 *Administrator shall submit a report on the level*
7 *of participation of small business concerns in*
8 *multiple-award contracts, including Federal*
9 *Supply Schedule contracts, to the Committee on*
10 *Small Business and Entrepreneurship of the*
11 *Senate and the Committee on Small Business of*
12 *the House of Representatives.*

13 “(ii) *CONTENTS.*—*The report required by*
14 *clause (i) shall include, for the most recent 2-*
15 *year period for which data are available—*

16 “(I) *the total number of multiple-*
17 *award contracts;*

18 “(II) *the total number of small busi-*
19 *ness concerns that received multiple-award*
20 *contracts;*

21 “(III) *the total number of orders under*
22 *multiple-award contracts;*

23 “(IV) *the total value of orders under*
24 *multiple-award contracts;*

1 “(V) the number of orders received by
2 small business concerns under multiple-
3 award contracts;

4 “(VI) the value of orders received by
5 small business concerns under multiple-
6 award contracts;

7 “(VII) the number of small business
8 concerns that received orders under mul-
9 tiple-award contracts; and

10 “(VIII) such other information as may
11 be relevant.”.

12 **SEC. 852. DISASTER RELIEF FOR SMALL BUSINESS CON-**
13 **CERNS DAMAGED BY DROUGHT.**

14 (a) *DROUGHT DISASTER AUTHORITY.*—

15 (1) *DEFINITION OF DISASTER.*—Section 3(k) of
16 the Small Business Act (15 U.S.C. 632(k)) is
17 amended—

18 (A) by inserting “(1)” after “(k)”; and

19 (B) by adding at the end the following:

20 “(2) For purposes of section 7(b)(2), the term ‘disaster’
21 includes—

22 “(A) drought; and

23 “(B) below average water levels in the Great
24 Lakes, or on any body of water in the United States
25 that supports commerce by small business concerns.”.

1 (2) *DROUGHT DISASTER RELIEF AUTHORITY.*—
2 *Section 7(b)(2) of the Small Business Act (15 U.S.C.*
3 *636(b)(2)) is amended—*

4 (A) *by inserting “(including drought), with*
5 *respect to both farm-related and nonfarm-related*
6 *small business concerns,” before “if the Adminis-*
7 *tration”;* and

8 (B) *in subparagraph (B), by striking “the*
9 *Consolidated Farmers Home Administration Act*
10 *of 1961 (7 U.S.C. 1961)” and inserting the fol-*
11 *lowing: “section 321 of the Consolidated Farm*
12 *and Rural Development Act (7 U.S.C. 1961), in*
13 *which case, assistance under this paragraph may*
14 *be provided to farm-related and nonfarm-related*
15 *small business concerns, subject to the other ap-*
16 *plicable requirements of this paragraph”.*

17 (b) *LIMITATION ON LOANS.*—*From funds otherwise ap-*
18 *propriated for loans under section 7(b) of the Small Busi-*
19 *ness Act (15 U.S.C. 636(b)), not more than \$9,000,000 may*
20 *be used during each of fiscal years 2005 through 2008, to*
21 *provide drought disaster loans to nonfarm-related small*
22 *business concerns in accordance with this section and the*
23 *amendments made by this section.*

24 (c) *PROMPT RESPONSE TO DISASTER REQUESTS.*—
25 *Section 7(b)(2)(D) of the Small Business Act (15 U.S.C.*

1 636(b)(2)(D)) is amended by striking “Upon receipt of such
2 certification, the Administration may” and inserting “Not
3 later than 30 days after the date of receipt of such certifi-
4 cation by a Governor of a State, the Administration shall
5 respond in writing to that Governor on its determination
6 and the reasons therefore, and may”.

7 (d) *RULEMAKING.*—Not later than 45 days after the
8 date of enactment of this Act, the Administrator of the
9 Small Business Administration shall promulgate final rules
10 to carry out this section and the amendments made by this
11 section.

12 **SEC. 853. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.**

13 (a) *SMALL BUSINESS STRATEGY.*—As part of imple-
14 menting its requirement that contractors use radio fre-
15 quency identifier technology, the Secretary of Defense shall
16 develop and implement a strategy to educate the small busi-
17 ness community regarding radio frequency identifier tech-
18 nology requirements, compliance, standards, and opportu-
19 nities.

20 (b) *REPORTING.*—Not later than 180 days after the
21 date of enactment of this Act, the Secretary of Defense shall
22 submit a report to the Committee on Small Business and
23 Entrepreneurship and the Committee on Armed Services of
24 the Senate and the Committee on Small Business and the
25 Committee on Armed Services of the House of Representa-

1 *tives detailing the status of the efforts by the Secretary of*
2 *Defense to establish requirements for radio frequency identi-*
3 *fier technology used in Department of Defense contracting,*
4 *including—*

5 (1) *standardization of the data required to be re-*
6 *ported by such technology;*

7 (2) *standardization of the manufacturing quality*
8 *required for such technology; and*

9 (3) *the status of the efforts of the Secretary of*
10 *Defense to develop and implement a strategy to edu-*
11 *cate the small business community, as required by*
12 *section (a).*

13 **SEC. 854. ENSURING TRANSPARENCY IN FEDERAL CON-**
14 **TRACTING.**

15 (a) *PUBLICATION OF INFORMATION ON FEDERAL CON-*
16 *TRACTOR PENALTIES AND VIOLATIONS.—*

17 (1) *The Secretary of Defense shall maintain a*
18 *publicly-available website that provides information*
19 *on instances in which major contractors have been*
20 *fined, paid penalties or restitution, settled, plead*
21 *guilty to, or had judgments entered against them in*
22 *connection with allegations of improper conduct. The*
23 *website shall be updated not less than once a year.*

24 (2) *For the purpose of this subsection, a major*
25 *contractor is a contractor that receive at least*

1 \$100,000,000 in Federal contracts in the most recent
2 fiscal year for which data are available.

3 (b) *REPORT ON FEDERAL SOLE SOURCE CONTRACTS*
4 *RELATED TO IRAQ RECONSTRUCTION.*—

5 (1) *REPORT REQUIRED.*—Not later than 120
6 days after the date of the enactment of this Act, the
7 Administrator for Federal Procurement Policy shall
8 submit to Congress a report on all sole source con-
9 tracts in excess of \$2,000,000 entered into by execu-
10 tive agencies in connection with Iraq reconstruction
11 from January 1, 2003, through the date of the enact-
12 ment of this Act.

13 (2) *CONTENT.*—The report submitted under
14 paragraph (1) shall include the following information
15 with respect to each such contract:

16 (A) *The date the contract was awarded.*

17 (B) *The contract number.*

18 (C) *The name of the contractor.*

19 (D) *The amount awarded.*

20 (E) *A brief description of the work to be*
21 *performed under the contract.*

22 (3) *EXECUTIVE AGENCY DEFINED.*—In this sub-
23 section, the term “executive agency” has the meaning
24 given such term in section 4 of the Office of Federal
25 Procurement Policy Act (41 U.S.C. 403).

1 **SEC. 855. TERMINATION OF PROGRAM.**

2 *Section 711(c) of the Small Business Competitive*
3 *Demonstration Program Act of 1988 (15 U.S.C. 644 note)*
4 *is amended by inserting after “January 1, 1989” the fol-*
5 *lowing: “, and shall terminate on the date of enactment of*
6 *the National Defense Authorization Act for Fiscal Year*
7 *2006”.*

8 **SEC. 856. MODIFICATION OF LIMITED ACQUISITION AU-**
9 **THORITY FOR THE COMMANDER OF THE**
10 **UNITED STATES JOINT FORCES COMMAND.**

11 *(a) SCOPE OF AUTHORITY.—Subsection (a) of section*
12 *167a of title 10, United States Code, is amended by striking*
13 *and “and acquire” and inserting “, acquire, and sustain”.*

14 *(b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED*
15 *WITH OPERATION AND MAINTENANCE FUNDS.—Subsection*
16 *(d) of such section is amended—*

17 *(1) in paragraph (1), by striking “or” at the*
18 *end;*

19 *(2) in paragraph (2), by striking the period at*
20 *the end and inserting “; or”; and*

21 *(3) by adding at the end the following new para-*
22 *graph:*

23 *“(3) the total expenditure for operation and*
24 *maintenance is estimated to be \$2,000,000 or more.”.*

25 *(c) EXTENSION OF AUTHORITY.—Subsection (f) of such*
26 *section is amended—*

1 (1) by striking “through 2006” and inserting
2 “through 2009”; and

3 (2) by striking “September 30, 2006” and insert-
4 ing “September 30, 2009”.

5 **SEC. 857. CONTRACTING INCENTIVE FOR SMALL POWER**
6 **PLANTS ON FORMER MILITARY BASES.**

7 (a) *AUTHORIZATION.*—Notwithstanding the limi-
8 tation in section 501(b)(1)(B) of title 40, United
9 States Code, the Administrator of the General Serv-
10 ices Administration is authorized to contract for pub-
11 lic utility services for a period of not more than 20
12 years, provided that such services are electricity serv-
13 ices procured from a small power plant located on a
14 qualified HUBZone base closure area.

15 (b) *DEFINITION OF SMALL POWER PLANT.*—In
16 this section, the term small power plant includes any
17 power facility or project with electrical output of not
18 more than 60 megawatts.

19 (c) *DEFINITION OF PUBLIC UTILITY ELECTRIC*
20 *SERVICES.*—In this section, the term “public utility
21 services”, with respect to electricity services, includes
22 electricity supplies and services, including trans-
23 mission, generation, distribution, and other services
24 directly used in providing electricity.

1 (d) *DEFINITION OF HUBZONE BASE CLOSURE*
 2 *AREA.*—*In this section, the term “HUBZone base clo-*
 3 *sure area” has the same meaning as such term is de-*
 4 *finied in section 3(p)(4)(D) the Small Business Act,*
 5 *15 U.S.C. 632(p)(4)(D).*

6 (e) *APPLICABILITY OF OTHER PROVISIONS OF*
 7 *LAW.*—*Contracting pursuant to this section shall be*
 8 *subject to all other laws and regulations applicable to*
 9 *contracting for public utility services.*

10 **SEC. 858. EXTENSION OF ANNUAL REPORTS ON MATURITY**
 11 **OF TECHNOLOGY AT INITIATION OF MAJOR**
 12 **DEFENSE ACQUISITION PROGRAMS.**

13 Section 804(a) of the National Defense Authorization
 14 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.
 15 1180) is amended by striking “through 2006” and inserting
 16 “through 2010”.

17 **TITLE IX—DEPARTMENT OF DE-**
 18 **FENSE ORGANIZATION AND**
 19 **MANAGEMENT**

20 **Subtitle A—Duties and Functions of**
 21 **Department of Defense Officers**
 22 **and Organizations**

23 **SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

24 (a) *REDESIGNATION OF EXISTING POSITIONS AND OF-*
 25 *FICES.*—(1) *Each of the following positions within the De-*

1 *partment of Defense is redesignated as the Director of Small*
2 *Business Programs:*

3 (A) *The Director of Small and Disadvantaged*
4 *Business Utilization of the Department of Defense.*

5 (B) *The Director of Small and Disadvantaged*
6 *Business Utilization of the Department of the Army.*

7 (C) *The Director of Small and Disadvantaged*
8 *Business Utilization of the Department of the Navy.*

9 (D) *The Director of Small and Disadvantaged*
10 *Business Utilization of the Department of the Air*
11 *Force.*

12 (2) *Each of the following offices within the Department*
13 *of Defense is redesignated as the Office of Small Business*
14 *Programs:*

15 (A) *The Office of Small and Disadvantaged*
16 *Business Utilization of the Department of Defense.*

17 (B) *The Office of Small and Disadvantaged*
18 *Business Utilization of the Department of the Army.*

19 (C) *The Office of Small and Disadvantaged*
20 *Business Utilization of the Department of the Navy.*

21 (D) *The Office of Small and Disadvantaged*
22 *Business Utilization of the Department of the Air*
23 *Force.*

24 (3) *Any reference in any law, regulation, document,*
25 *paper, or other record of the United States to a position*

1 *or office redesignated by paragraph (1) or (2) shall be*
2 *deemed to be a reference to the position or office as so reded-*
3 *ignated.*

4 (b) *DEPARTMENT OF DEFENSE POSITION AND OF-*
5 *FICE.—(1) Chapter 4 of title 10, United States Code, is*
6 *amended by inserting after section 133b the following new*
7 *section:*

8 **“§ 133c. Director of Small Business Programs**

9 “(a) *DIRECTOR.—There is a Director of Small Busi-*
10 *ness Programs in the Department of Defense. The Director*
11 *is appointed by the Secretary of Defense.*

12 “(b) *OFFICE OF SMALL BUSINESS PROGRAMS.—The*
13 *Office of Small Business Programs of the Department of*
14 *Defense is the office that is established within the Office of*
15 *the Secretary of Defense under section 15(k) of the Small*
16 *Business Act (15 U.S.C. 644(k)). The Director of Small*
17 *Business Programs is the head of such office.*

18 “(c) *DUTIES AND POWERS.—(1) The Director of Small*
19 *Business Programs shall, subject to paragraph (2), perform*
20 *such duties regarding small business programs of the De-*
21 *partment of Defense, and shall exercise such powers regard-*
22 *ing those programs, as the Secretary of Defense may pre-*
23 *scribe.*

24 “(2) *Section 15(k) of the Small Business Act (15*
25 *U.S.C. 644(k)), except for the designations of the Director*

1 *and the Office, applies to the Director of Small Business*
2 *Programs.”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter is amended by inserting after the item relating to section*
5 *133b the following new item:*

“133c. Director of Small Business Programs.”.

6 (c) *DEPARTMENT OF THE ARMY POSITION AND OF-*
7 *FICE.—(1) Chapter 303 of title 10, United States Code, is*
8 *amended by adding at the end the following new section:*

9 **“§ 3024. Director of Small Business Programs**

10 “(a) *DIRECTOR.—There is a Director of Small Busi-*
11 *ness Programs in the Department of the Army. The Director*
12 *is appointed by the Secretary of the Army.*

13 “(b) *OFFICE OF SMALL BUSINESS PROGRAMS.—The*
14 *Office of Small Business Programs of the Department of*
15 *the Army is the office that is established within the Depart-*
16 *ment of the Army under section 15(k) of the Small Business*
17 *Act (15 U.S.C. 644(k)). The Director of Small Business*
18 *Programs is the head of such office.*

19 “(c) *DUTIES AND POWERS.—(1) The Director of Small*
20 *Business Programs shall, subject to paragraph (2), perform*
21 *such duties regarding small business programs of the De-*
22 *partment of the Army, and shall exercise such powers re-*
23 *garding those programs, as the Secretary of the Army may*
24 *prescribe.*

1 “(2) Section 15(k) of the Small Business Act (15
2 U.S.C. 644(k)), except for the designations of the Director
3 and the Office, applies to the Director of Small Business
4 Programs.”.

5 (2) The table of sections at the beginning of such chap-
6 ter is amended by adding at the end the following new item:

 “3024. Director of Small Business Programs.”.

7 (d) DEPARTMENT OF THE NAVY POSITION AND OF-
8 FICE.—(1) Chapter 503 of title 10, United States Code, is
9 amended by adding at the end the following new section:
10 **“§ 5028. Director of Small Business Programs**

11 “(a) DIRECTOR.—There is a Director of Small Busi-
12 ness Programs in the Department of the Navy. The Director
13 is appointed by the Secretary of the Navy.

14 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
15 Office of Small Business Programs of the Department of
16 the Navy is the office that is established within the Depart-
17 ment of the Navy under section 15(k) of the Small Business
18 Act (15 U.S.C. 644(k)). The Director of Small Business
19 Programs is the head of such office.

20 “(c) DUTIES AND POWERS.—(1) The Director of Small
21 Business Programs shall, subject to paragraph (2), perform
22 such duties regarding small business programs of the De-
23 partment of the Navy, and shall exercise such powers re-
24 garding those programs, as the Secretary of the Navy may
25 prescribe.

1 “(2) Section 15(k) of the Small Business Act (15
2 U.S.C. 644(k)), except for the designations of the Director
3 and the Office, applies to the Director of Small Business
4 Programs.”.

5 (2) The table of sections at the beginning of such chap-
6 ter is amended by adding at the end the following new item:

“5028. Director of Small Business Programs.”.

7 (d) DEPARTMENT OF THE AIR FORCE POSITION AND
8 OFFICE.—(1) Chapter 803 of title 10, United States Code,
9 is amended by adding at the end the following new section:
10 **“§ 8024. Director of Small Business Programs**

11 “(a) DIRECTOR.—There is a Director of Small Busi-
12 ness Programs in the Department of the Air Force. The Di-
13 rector is appointed by the Secretary of the Air Force.

14 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
15 Office of Small Business Programs of the Department of
16 the Air Force is the office that is established within the De-
17 partment of the Air Force under section 15(k) of the Small
18 Business Act (15 U.S.C. 644(k)). The Director of Small
19 Business Programs is the head of such office.

20 “(c) DUTIES AND POWERS.—(1) The Director of Small
21 Business Programs shall, subject to paragraph (2), perform
22 such duties regarding small business programs of the De-
23 partment of the Air Force, and shall exercise such powers
24 regarding those programs, as the Secretary of the Air Force
25 may prescribe.

1 “(2) Section 15(k) of the Small Business Act (15
2 U.S.C. 644(k)), except for the designations of the Director
3 and the Office, applies to the Director of Small Business
4 Programs.”.

5 (2) The table of sections at the beginning of such chap-
6 ter is amended by adding at the end the following new item:

“8024. Director of Small Business Programs.”.

7 **SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPA-**
8 **BILITIES TO DEFEND THE HOMELAND**
9 **AGAINST CRUISE MISSILES AND OTHER LOW-**
10 **ALTITUDE AIRCRAFT.**

11 (a) *DESIGNATION OF EXECUTIVE AGENT.*—The Sec-
12 retary of Defense shall designate an official within the De-
13 partment of Defense to act as executive agent to manage
14 the acquisition of capabilities necessary to defend the home-
15 land against cruise missiles, unmanned aerial vehicles, and
16 other low-altitude aircraft that may be launched against
17 the United States.

18 (b) *COORDINATION OF ACTIVITIES.*—The official des-
19 igned as executive agent under subsection (a) shall, in
20 order to promote commonality and limit duplication of ef-
21 fort, coordinate in the acquisition of capabilities described
22 in that subsection with appropriate officials of the fol-
23 lowing:

24 (1) *The Missile Defense Agency.*

1 (2) *The Joint Theater Air and Missile Defense*
2 *Organization.*

3 (3) *The United States Northern Command.*

4 (4) *The United States Strategic Command.*

5 (5) *Such other elements of the Department of De-*
6 *fense, and of other departments and agencies of the*
7 *United States Government, as the Secretary considers*
8 *appropriate for purposes of this section.*

9 (c) *PLAN FOR DEFENSE AGAINST ATTACK.—*

10 (1) *PLAN REQUIRED.—Not later than 180 days*
11 *after the date of the enactment of this Act, the Sec-*
12 *retary of Defense shall submit to the congressional de-*
13 *fense committees a plan for the defense of the United*
14 *States against cruise missiles, unmanned aerial vehi-*
15 *cles, and other low altitude aircraft that may be*
16 *launched against the United States.*

17 (2) *FOCUS OF PLAN.—In developing the plan,*
18 *the Secretary shall focus on the role of Department of*
19 *Defense components in the defense of the United*
20 *States against an attack described in paragraph (1),*
21 *but shall also address the role, if any, of other depart-*
22 *ments and agencies of the United States Government*
23 *in that defense.*

24 (3) *ELEMENTS.—The plan shall include the fol-*
25 *lowing:*

1 (A) *An identification of the capabilities re-*
2 *quired by the Department of Defense in order to*
3 *fulfill its mission to defend the homeland against*
4 *cruise missiles, unmanned aerial vehicles, and*
5 *other low altitude aircraft, and an identification*
6 *of any current shortfalls in such capabilities.*

7 (B) *A schedule for implementing the plan.*

8 (C) *A statement of the funding required to*
9 *implement the Department of Defense portion of*
10 *the plan.*

11 (D) *An identification of the roles and mis-*
12 *sions, if any, of other departments and agencies*
13 *of the United States Government in contributing*
14 *to the defense of the United States against attack*
15 *described in subparagraph (A).*

16 (4) *SCOPE OF PLAN.—The plan shall be coordi-*
17 *nated with Department of Defense plans for defending*
18 *the United States against attack by short-range to*
19 *medium-range ballistic missiles.*

20 **SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES**

21 **BY THE WHITE HOUSE COMMUNICATIONS**
22 **AGENCY.**

23 (a) *PROVISION ON NONREIMBURSABLE BASIS.—Sec-*
24 *tion 912 of the National Defense Authorization Act for Fis-*

1 *cal Year 1997 (Public Law 104–201; 110 Stat. 2623; 10*
2 *U.S.C. 111 note) is amended—*

3 *(1) in subsection (a)—*

4 *(A) in the subsection caption, by inserting*
5 *“AND AUDIOVISUAL SUPPORT SERVICES” after*
6 *“TELECOMMUNICATIONS SUPPORT”; and*

7 *(B) by inserting “and audiovisual support*
8 *services” after “provision of telecommunications*
9 *support”; and*

10 *(2) in subsection (b), by inserting “and audio-*
11 *visual” after “other than telecommunications”.*

12 *(b) EFFECTIVE DATE.—The amendments made by sub-*
13 *section (a) shall take effect on October 1, 2005, and shall*
14 *apply with respect to the provision of audiovisual support*
15 *services by the White House Communications Agency in fis-*
16 *cal years beginning on or after that date.*

17 **SEC. 904. AMERICAN FORCES NETWORK.**

18 *(a) FINDINGS.—The Senate makes the following find-*
19 *ings:*

20 *(1) The mission of the American Forces Radio*
21 *and Television Service (AFRTS) and its American*
22 *Forces Network (AFN), a worldwide radio and tele-*
23 *vision broadcast network, is to deliver command in-*
24 *formation by providing United States military com-*
25 *manders overseas and at sea with a broadcast media*

1 *that effectively communicates information to per-*
2 *sonnel under their commands, including information*
3 *from the Department of Defense, information from the*
4 *Armed Forces, and information unique to the theater*
5 *and localities in which such personnel are stationed*
6 *or deployed.*

7 *(2) The American Forces Radio and Television*
8 *Service and the American Forces Network provide a*
9 *“touch of home” to members of the Armed Forces, ci-*
10 *vilian employees of the Department of Defense, and*
11 *their families stationed at bases and at embassies and*
12 *consulates in more than 179 countries, as well as*
13 *Navy, Coast Guard, and Military Sealift Command*
14 *ships at sea, by providing the same type and quality*
15 *of radio and television programming (including news,*
16 *information, sports, and entertainment) that would be*
17 *available in the continental United States. Addition-*
18 *ally, the American Forces Network plays an impor-*
19 *tant role in enabling military commanders to dis-*
20 *seminate official information to members of the*
21 *Armed Forces and their families, thus making popu-*
22 *larity and acceptance key factors in ensuring effective*
23 *communication.*

24 *(3) It is American Forces Radio and Television*
25 *Service and American Forces Network policy that, ex-*

1 *cept for the Pentagon Channel service, programming*
2 *is acquired from distributors of the most popular tele-*
3 *vision program airing in the continental United*
4 *States. Much of the programming is provided at no*
5 *cost to the United States Government. The remainder*
6 *of the programming is provided at less-than-market*
7 *rates to cover distributors' costs and obligations. De-*
8 *pending on the audience segment or demographic tar-*
9 *geted, programs that perform well are acquired and*
10 *scheduled to maximize audiences for internal and*
11 *command information exposure.*

12 *(4) American Forces Radio and Television Serv-*
13 *ice and American Forces Network select programming*
14 *that represents a cross-section of popular American*
15 *radio and television, tailored toward the worldwide*
16 *audience of the American Forces Radio and Tele-*
17 *vision Service and the American Forces Network.*
18 *Schedules emulate programming practices in the*
19 *United States, and programs are aired in accordance*
20 *with network broadcast standards. Specifically, policy*
21 *on programming seeks—*

22 *(A) to provide balance and diversity;*

23 *(B) to deliver a cross-section of popular*
24 *programming;*

1 (C) to target appropriate demographics;
2 and

3 (D) to maintain network broadcast stand-
4 ards.

5 (5) The “Voice Channel”, or radio programming,
6 of the American Forces Radio and Television Service
7 and American Forces Network is chosen to address re-
8 quirements specified by the military broadcasting
9 services and the detachment commanders of their af-
10 filiate radio stations. American Forces Network Radio
11 makes a best faith effort to obtain the top-rated pro-
12 gram of its sort at the time of selection, at no cost
13 to the United States Government. American Forces
14 Network Radio usually retains a scheduled program
15 until it is no longer produced, too few American
16 Forces Network affiliates choose to schedule the pro-
17 gram locally, or a similar program so thoroughly
18 dominates its audience in the United States that the
19 American Forces Radio and Television Service
20 switches to this program to offer the higher rated
21 show to the overseas audience.

22 (6) American Forces Network Radio personnel
23 review the major trade publications to monitor an-
24 nouncements of new programs, follow the ratings of
25 established programs, and keep aware of program-

1 *ming trends. When a program addressing a need*
2 *identified by a Military Broadcasting Service or an*
3 *American Forces Network affiliate becomes available*
4 *to the American Forces Network, or a program seems*
5 *especially worthy of consideration, American Forces*
6 *Network Radio informs the affiliates and supplies*
7 *samples to gauge affiliate interest. If affiliates commit*
8 *to broadcasting the new show, American Forces Net-*
9 *work Radio seeks to schedule it.*

10 *(7) The managers of the American Forces Radio*
11 *and Television Service continually update their pro-*
12 *gramming options and, in November 2005, decided to*
13 *include additional programs that meet the criteria*
14 *that American Forces Radio and Television Service*
15 *managers apply to such decisions, and that, con-*
16 *sistent with American Forces Radio and Television*
17 *Service and American Forces Network procedures,*
18 *local programmers at 33 locations around the globe*
19 *decide which programs actually are broadcast. Amer-*
20 *ican Forces Radio and Television Service have con-*
21 *sistently sought to provide a broad, high quality*
22 *range of choices for local station managers.*

23 *(b) SENSE OF SENATE.—It is the sense of the Senate*
24 *that—*

1 *pendent studies of the feasibility and advisability of estab-*
2 *lishing a Deputy Secretary of Defense for Management.*
3 *Each study under this section shall be delivered to the Sec-*
4 *retary and the congressional defense committees not later*
5 *than March 15, 2006.*

6 (b) *CONTENT OF STUDIES.*—*Each study required by*
7 *this section shall address—*

8 (1) *the extent to which the establishment of a*
9 *Deputy Secretary of Defense for Management would:*

10 (A) *improve the management of the Depart-*
11 *ment of Defense;*

12 (B) *expedite the process of management re-*
13 *form in the Department; and*

14 (C) *enhance the implementation of business*
15 *systems modernization in the Department;*

16 (2) *the appropriate relationship of the Deputy*
17 *Secretary of Defense for Management to other Depart-*
18 *ment of Defense officials;*

19 (3) *the appropriate term of service for a Deputy*
20 *Secretary of Defense for Management; and*

21 (4) *the experience of any other Federal agencies*
22 *that have instituted similar management positions.*

23 (c) *For the purposes of this section, a Deputy Secretary*
24 *of Defense for Management is an official who—*

1 (1) *serves as the Chief Management Officer of the*
2 *Department of Defense;*

3 (2) *is the principal advisor to the Secretary of*
4 *Defense on matters relating to the management of the*
5 *Department of Defense, including defense business ac-*
6 *tivities, to ensure Department-wide capability to*
7 *carry out the strategic plan of the Department of De-*
8 *fense in support of national security objectives; and*

9 (3) *takes precedence in the Department of De-*
10 *fense immediately after the Deputy Secretary of De-*
11 *fense.*

12 **SEC. 906. REDESIGNATION OF THE NAVAL RESERVE AS THE**
13 **NAVY RESERVE.**

14 (a) *REDESIGNATION OF RESERVE COMPONENT.—The*
15 *reserve component of the Armed Forces known as the Naval*
16 *Reserve is redesignated as the Navy Reserve.*

17 (b) *CONFORMING AMENDMENTS TO TITLE 10, UNITED*
18 *STATES CODE.—*

19 (1) *TEXT AMENDMENTS.—Title 10, United*
20 *States Code, is amended by striking “Naval Reserve”*
21 *each place it appears in a provision as follows and*
22 *inserting “Navy Reserve”:*

23 (A) *Section 513(a).*

24 (B) *Section 516.*

25 (C) *Section 526(b)(2)(C)(i).*

- 1 *(D) Section 971(a).*
- 2 *(E) Section 5001(a)(1).*
- 3 *(F) Section 5143.*
- 4 *(G) Section 5596(c).*
- 5 *(H) Section 6323(f).*
- 6 *(I) Section 6327.*
- 7 *(J) Section 6330(b).*
- 8 *(K) Section 6331(a)(2).*
- 9 *(L) Section 6336.*
- 10 *(M) Section 6389.*
- 11 *(N) Section 6911(c)(1).*
- 12 *(O) Section 6913(a).*
- 13 *(P) Section 6915.*
- 14 *(Q) Section 6954(b)(3).*
- 15 *(R) Section 6956(a)(2).*
- 16 *(S) Section 6959.*
- 17 *(T) Section 7225.*
- 18 *(U) Section 7226.*
- 19 *(V) Section 7605(1).*
- 20 *(W) Section 7852.*
- 21 *(X) Section 7853.*
- 22 *(Y) Section 7854.*
- 23 *(Z) Section 10101(3).*
- 24 *(AA) Section 10108.*
- 25 *(BB) Section 10172.*

1 (CC) Section 10301(a)(7).

2 (DD) Section 10303.

3 (EE) Section 12004(e)(2).

4 (FF) Section 12005.

5 (GG) Section 12010.

6 (HH) Section 12011(a)(2).

7 (II) Section 12012(a).

8 (JJ) Section 12103.

9 (KK) Section 12205.

10 (LL) Section 12207(b)(2).

11 (MM) Section 12732.

12 (NN) Section 12774(b) (other than the first
13 place it appears).

14 (OO) Section 14002(b).

15 (PP) Section 14101(a)(1).

16 (QQ) Section 14107(d).

17 (RR) Section 14302(a)(1)(A).

18 (SS) Section 14313(b).

19 (TT) Section 14501(a).

20 (UU) Section 14512(b).

21 (VV) Section 14705(a).

22 (WW) Section 16201(d)(1)(B)(ii).

23 (2) CAPTION AMENDMENTS.—Such title is fur-
24 ther amended by striking “NAVAL RESERVE” each

1 *place it appears in a provision as follows and insert-*
2 *ing “NAVY RESERVE”:*

3 (A) *Section 971(a).*

4 (B) *Section 5143(a).*

5 (3) *SECTION HEADING AMENDMENTS.—(A) The*
6 *heading of section 5143 of such title is amended to*
7 *read as follows:*

8 **“§ 5143. Office of Navy Reserve: appointment of Chief”.**

9 (B) *The heading of section 6327 of such title is*
10 *amended to read as follows:*

11 **“§ 6327. Officers and enlisted members of the Navy Re-**
12 ***serve and Marine Corps Reserve: 30 years;***
13 ***20 years; retired pay”.***

14 (C) *The heading of section 6389 of such title is*
15 *amended to read as follows:*

16 **“§ 6389. Navy Reserve and Marine Corps Reserve; offi-**
17 ***cers: elimination from active status; com-***
18 ***putation of total commissioned service”.***

19 (D) *The heading of section 7225 of such title is*
20 *amended to read as follows:*

21 **“§ 7225. Navy Reserve flag”.**

22 (E) *The heading of section 7226 of such title is*
23 *amended to read as follows:*

1 **“§ 7226. Navy Reserve yacht pennant”.**

2 (F) *The heading of section 10108 of such title is*
3 *amended to read as follows:*

4 **“§ 10108. Navy Reserve: administration”.**

5 (G) *The heading of section 10172 of such title is*
6 *amended to read as follows:*

7 **“§ 10172. Navy Reserve Force”.**

8 (H) *The heading of section 10303 of such title is*
9 *amended to read as follows:*

10 **“§ 10303. Navy Reserve Policy Board”.**

11 (I) *The heading of section 12010 of such title is*
12 *amended to read as follows:*

13 **“§ 12010. Computations for Navy Reserve and Marine**
14 **Corps Reserve: rule when fraction occurs**
15 **in final result”.**

16 (J) *The heading of section 14306 of such title is*
17 *amended to read as follows:*

18 **“§ 14306. Establishment of promotion zones: Navy Re-**
19 **serve and Marine Corps Reserve running**
20 **mate system”.**

21 (4) *TABLES OF CONTENTS AMENDMENTS.—(A)*
22 *The table of sections at the beginning of chapter 513*
23 *of such title is amended by striking the item relating*
24 *to section 5143 and inserting the following new item:*

“5143. Office of Navy Reserve: appointment of Chief.”.

1 (B) *The table of sections at the beginning of*
 2 *chapter 571 of such title is amended by striking the*
 3 *item relating to section 6327 and inserting the fol-*
 4 *lowing new item:*

“6327. *Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.*”.

5 (C) *The table of sections at the beginning of*
 6 *chapter 573 of such title is amended by striking the*
 7 *item relating to section 6389 and inserting the fol-*
 8 *lowing new item:*

“6389. *Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.*”.

9 (D) *The table of sections at the beginning of*
 10 *chapter 631 of such title is amended by striking the*
 11 *items relating to sections 7225 and 7226 and insert-*
 12 *ing the following new items:*

“7225. *Navy Reserve flag.*

“7226. *Navy Reserve yacht pennant.*”.

13 (E) *The table of sections at the beginning of*
 14 *chapter 1003 of such title is amended by striking the*
 15 *item relating to section 10108 and inserting the fol-*
 16 *lowing new item:*

“10108. *Navy Reserve: administration.*”.

17 (F) *The table of sections at the beginning of*
 18 *chapter 1006 of such title is amended by striking the*
 19 *item relating to section 10172 and inserting the fol-*
 20 *lowing new item:*

“10172. *Navy Reserve Force.*”.

1 (G) *The table of sections at the beginning of*
 2 *chapter 1009 of such title is amended by striking the*
 3 *item relating to section 10303 and inserting the fol-*
 4 *lowing new item:*

“10303. Navy Reserve Policy Board.”.

5 (H) *The table of sections at the beginning of*
 6 *chapter 1201 of such title is amended by striking the*
 7 *item relating to section 12010 and inserting the fol-*
 8 *lowing new item:*

*“12010. Computations for Navy Reserve and Marine Corps Reserve: rule when
 fraction occurs in final result.”.*

9 (I) *The table of sections at the beginning of chap-*
 10 *ter 1405 of such title is amended by striking the item*
 11 *relating to section 14306 and inserting the following*
 12 *new item:*

*“14306. Establishment of promotion zones: Navy Reserve and Marine Corps Re-
 serve running mate system.”.*

13 (c) *CONFORMING AMENDMENT TO TITLE 14, UNITED*
 14 *STATES CODE.—Section 705 of title 14, United States*
 15 *Code, is amended by striking “Naval Reserve” each place*
 16 *it appears and inserting “Navy Reserve”.*

17 (d) *CONFORMING AMENDMENTS TO TITLE 37, UNITED*
 18 *STATES CODE.—*

19 (1) *TEXT AMENDMENTS.—Title 37, United*
 20 *States Code, is amended by striking “Naval Reserve”*
 21 *each place it appears in a provision as follows and*
 22 *inserting “Navy Reserve”:*

1 (A) *Section 101(24)(C).*

2 (B) *Section 201(d).*

3 (C) *Section 205(a)(2)(I).*

4 (D) *Section 301c(d).*

5 (E) *Section 319(a).*

6 (F) *Section 905.*

7 (2) *CAPTION AMENDMENT.—Section 301c(d) of*
8 *such title is further amended by striking “NAVAL RE-*
9 *SERVE” and inserting “NAVY RESERVE”.*

10 (e) *CONFORMING AMENDMENTS TO TITLE 38, UNITED*
11 *STATES CODE.—Title 38, United States Code, is amended*
12 *by striking “Naval Reserve” each place it appears in a pro-*
13 *vision as follows and inserting “Navy Reserve”:*

14 (1) *Section 101(27)(B).*

15 (2) *Section 3002(6)(C).*

16 (3) *Section 3202(1)(C)(iii).*

17 (4) *Section 3452(a)(3)(C).*

18 (f) *CONFORMING AMENDMENTS TO OTHER CODIFIED*
19 *TITLES.—*

20 (1) *TITLE 5, UNITED STATES CODE.—Section*
21 *2108(1)(B) of title 5, United States Code, is amended*
22 *by striking “Naval Reserve” and inserting “Navy Re-*
23 *serve”.*

24 (2) *TITLE 18, UNITED STATES CODE.—Section*
25 *2387(b) of title 18, United States Code, is amended*

1 *by striking “Naval Reserve” and inserting “Navy Re-*
2 *serve”.*

3 (3) *TITLE 46, UNITED STATES CODE.—(A) Title*
4 *46, United States Code, is amended by striking*
5 *“Naval Reserve” each place it appears in a provision*
6 *as follows and inserting “Navy Reserve”:*

7 (i) *Section 8103(g).*

8 (ii) *Section 8302(g).*

9 (B) *The heading of section 8103 of such title is*
10 *amended to read as follows:*

11 **“§ 8103. Citizenship and Navy Reserve requirements”.**

12 (C) *The table of sections at the beginning of*
13 *chapter 81 of such title is amended by striking the*
14 *item relating to section 8103 and inserting the fol-*
15 *lowing new item:*

“8103. Citizenship and Navy Reserve requirements.”.

16 (g) *CONFORMING AMENDMENTS TO OTHER LAWS.—*

17 (1) *Section 2301(4)(C) of the Elementary and*
18 *Secondary Education Act of 1965 (20 U.S.C.*
19 *6671(4)(C)) is amended by striking “Naval Reserve”*
20 *and inserting “Navy Reserve”.*

21 (2)(A) *The Merchant Marine Act, 1936 is*
22 *amended by striking “Naval Reserve” each place it*
23 *appears in a provision as follows and inserting*
24 *“Navy Reserve”:*

1 (i) Section 301(b) (46 U.S.C. App.
2 1131(b)).

3 (ii) Section 1303 (46 U.S.C. App. 1295b).

4 (iii) Section 1304 (46 U.S.C. App. 1295c).

5 (B) Such Act is further amended by striking
6 “NAVAL RESERVE” each place it appears in a provi-
7 sion as follows and inserting “NAVY RESERVE”:

8 (i) Section 1303(c).

9 (ii) 1304(h).

10 (3)(A) Section 6(a)(1) of the Military Selective
11 Service Act (50 U.S.C. App. 456(a)(1)) is amended
12 by striking “United States Naval Reserves” and in-
13 serting “members of the United States Navy Reserve”.

14 (B) Section 16(i) of such Act (50 U.S.C. App.
15 466(i)) is amended by striking “Naval Reserve” and
16 inserting “Navy Reserve”.

17 (h) OTHER REFERENCES.—Any reference in any law,
18 regulation, document, record, or other paper of the United
19 States to the Naval Reserve, other than a reference to the
20 Naval Reserve regarding the United States Naval Reserve
21 Retired List, shall be considered to be a reference to the
22 Navy Reserve.

1 **SEC. 907. RESPONSIBILITY OF THE JOINT CHIEFS OF STAFF**
2 **AS MILITARY ADVISERS TO THE HOMELAND**
3 **SECURITY COUNCIL.**

4 (a) *RESPONSIBILITY AS MILITARY ADVISERS.*—

5 (1) *IN GENERAL.*—Subsection (b) of section 151
6 of title 10, United States Code, is amended—

7 (A) in paragraph (1), by inserting “the
8 Homeland Security Council,” after “the Na-
9 tional Security Council,”; and

10 (B) in paragraph (2), by inserting “the
11 Homeland Security Council,” after “the Na-
12 tional Security Council,”.

13 (2) *CONSULTATION BY CHAIRMAN.*—Subsection
14 (c)(2) of such section is amended by inserting “the
15 Homeland Security Council,” after “the National Se-
16 curity Council,” both places it appears.

17 (3) *ADVICE AND OPINIONS OF MEMBERS OTHER*
18 *THAN CHAIRMAN.*—Subsection (d) of such section is
19 amended—

20 (A) in paragraph (1), by inserting “the
21 Homeland Security Council,” after “the Na-
22 tional Security Council,” both places it appears;
23 and

24 (B) in paragraph (2), by inserting “the
25 Homeland Security Council,” after “the Na-
26 tional Security Council,”.

1 (4) *ADVICE ON REQUEST.*—Subsection (e) of such
2 section is amended by inserting “the Homeland Secu-
3 rity Council,” after “the National Security Council,”
4 both places it appears.

5 (b) *ATTENDANCE AT MEETING OF HOMELAND SECU-*
6 *RITY COUNCIL.*—Section 903 of the Homeland Security Act
7 of 2002 (6 U.S.C. 493) is amended—

8 (1) by inserting “(a) *MEMBERS.*—” before “The
9 members”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) *ATTENDANCE OF CHAIRMAN OF JOINT CHIEFS OF*
13 *STAFF AT MEETINGS.*—The Chairman of the Joint Chiefs
14 of Staff (or, in the absence of the Chairman, the Vice Chair-
15 man of the Joint Chiefs of Staff) may, in the role of the
16 Chairman of the Joint Chiefs of Staff as principal military
17 adviser to the Homeland Security Council and subject to
18 the direction of the President, attend and participate in
19 meetings of the Homeland Security Council.”.

20 ***Subtitle B—Space Activities***

21 ***SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DE-*** 22 ***FENSE REQUIREMENTS FOR SPACE CONTROL.***

23 (a) *ADVISORY COMMITTEE REQUIRED.*—

24 (1) *IN GENERAL.*—The Secretary of Defense shall
25 provide for an advisory committee to review and as-

1 *sess Department of Defense requirements for space*
2 *control.*

3 (2) *NEW OR EXISTING ADVISORY COMMITTEE.—*

4 *The Secretary may carry out paragraph (1) through*
5 *the establishment of a new advisory committee, or the*
6 *utilization of a current advisory committee, meeting*
7 *the requirements of subsection (b)(1).*

8 (b) *MEMBERSHIP AND ADMINISTRATION OF ADVISORY*
9 *COMMITTEE.—*

10 (1) *MEMBERSHIP.—The advisory committee*
11 *under subsection (a) shall consist of individuals from*
12 *among officers and employees of the Federal Govern-*
13 *ment, and private citizens of the United States, with*
14 *knowledge and expertise in national security space*
15 *policy.*

16 (2) *ADMINISTRATION.—The Secretary shall es-*
17 *tablish appropriate procedures for the administration*
18 *of the advisory committee for purposes of this section,*
19 *including designation of the chairman of the advisory*
20 *committee from among its members.*

21 (3) *SECURITY CLEARANCES.—All members of the*
22 *advisory committee shall hold security clearances ap-*
23 *propriate for the work of the advisory committee.*

24 (4) *FIRST MEETING.—The advisory committee*
25 *shall convene its first meeting for purposes of this sec-*

1 *tion not later than 30 days after the date on which*
2 *all members of the advisory committee have been se-*
3 *lected for such purposes.*

4 *(c) DUTIES.—The advisory committee shall conduct a*
5 *review and assessment of the following:*

6 *(1) The requirements of the Department of De-*
7 *fense for its space control mission and the efforts of*
8 *the Department to fulfill such requirements.*

9 *(2) Whether or not the Department of Defense is*
10 *allocating appropriate resources to fulfill the current*
11 *space control mission of the Department when com-*
12 *pared with the allocation by the Department of re-*
13 *sources to other military space missions.*

14 *(3) The plans of the Department of Defense to*
15 *meet its future space control mission.*

16 *(d) INFORMATION FROM FEDERAL AND STATE AGEN-*
17 *CIES.—*

18 *(1) IN GENERAL.—The advisory committee may*
19 *secure directly from the Department of Defense, from*
20 *any other department or agency of the Federal Gov-*
21 *ernment, and any State government any information*
22 *that the advisory committee considers necessary to*
23 *carry out its duties under this section.*

24 *(2) LIAISON.—The Secretary of Defense shall*
25 *designate at least one senior civilian employee of the*

1 *Department of Defense and at least one general or*
2 *flag officer of an Armed Force to serve as liaison be-*
3 *tween the Department, the Armed Forces, and the ad-*
4 *visory committee for purposes of this section.*

5 *(e) REPORT.—*

6 *(1) IN GENERAL.—Not later than 6 months after*
7 *the date of the first meeting of the advisory committee*
8 *under subsection (b)(4), the advisory committees shall*
9 *submit to the Secretary of Defense and the congress-*
10 *sional defense committees a report on the results of*
11 *the review and assessment under subsection (c).*

12 *(2) ELEMENTS.—The report shall include—*

13 *(A) the findings and conclusions of the ad-*
14 *visory committee on the requirements of the De-*
15 *partment of Defense for its space control mission*
16 *and the efforts of the Department to fulfill such*
17 *requirements; and*

18 *(B) any recommendations that the advisory*
19 *committee considers appropriate regarding the*
20 *best means by which the Department may fulfill*
21 *such requirements.*

22 *(f) TERMINATION.—The advisory committee shall ter-*
23 *minate for purposes of this section 10 months after the date*
24 *of the first meeting of the advisory committee under sub-*
25 *section (b)(4).*

1 (g) *SPACE CONTROL MISSION.*—*In this section, the*
 2 *term “space control mission” means the mission of the De-*
 3 *partment of Defense involving the following:*

4 (1) *Space situational awareness.*

5 (2) *Defensive counterspace operations.*

6 (3) *Offensive counterspace operations.*

7 (h) *FUNDING.*—*Amounts authorized to be appro-*
 8 *priated to the Department of Defense shall be available to*
 9 *the Secretary of Defense for purposes of the activities of the*
 10 *advisory committee under this section.*

11 ***Subtitle C—Other Matters***

12 ***SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DE-*** 13 ***PARTMENT OF DEFENSE REGIONAL CENTERS*** 14 ***FOR SECURITY STUDIES.***

15 (a) *AUTHORITY TO ACCEPT.*—

16 (1) *IN GENERAL.*—*Section 2611 of title 10,*
 17 *United States Code, is amended to read as follows:*

18 ***“§2611. Regional centers for security studies: accept-***
 19 ***ance of gifts and donations***

20 ***“(a) AUTHORITY TO ACCEPT GIFTS AND DONA-***
 21 ***TIONS.***—*Subject to subsection (c), the Secretary of Defense*
 22 *may, on behalf of any Department of Defense regional cen-*
 23 *ter for security studies, any combination of such centers,*
 24 *or such centers generally, accept from any source specified*
 25 *in subsection (b) any gift or donation for purposes of de-*

1 *fraying the costs, or enhancing the operation, of such center,*
2 *combination of centers, or centers generally, as the case may*
3 *be.*

4 “(b) *SOURCES.*—*The sources from which gifts and do-*
5 *nations may be accepted under subsection (a) are the fol-*
6 *lowing:*

7 “(1) *The government of a State or a political*
8 *subdivision of a State.*

9 “(2) *The government of a foreign country.*

10 “(3) *A foundation or other charitable organiza-*
11 *tion, including a foundation or charitable organiza-*
12 *tion this is organized or operates under the laws of*
13 *a foreign country.*

14 “(4) *Any source in the private sector of the*
15 *United States or a foreign country.*

16 “(c) *LIMITATION.*—*The Secretary may not accept a*
17 *gift or donation under subsection (a) if acceptance of the*
18 *gift or donation would compromise or appear to*
19 *compromise—*

20 “(1) *the ability of the Department of Defense,*
21 *any employee of the Department, or any member of*
22 *the armed forces to carry out the responsibility or*
23 *duty of the Department in a fair and objective man-*
24 *ner; or*

1 “(2) *the integrity of any program of the Depart-*
2 *ment, or of any person involved in such a program.*

3 “(d) *CRITERIA FOR ACCEPTANCE.—The Secretary*
4 *shall prescribe written guidance setting forth the criteria*
5 *to be used in determining whether the acceptance of a gift*
6 *or donation would have a result described in subsection (c).*

7 “(e) *CREDITING OF FUNDS.—(1) There is established*
8 *on the books of the Treasury of the United States an account*
9 *to be known as the ‘Regional Centers for Security Studies*
10 *Account’.*

11 “(2) *Gifts and donations of money accepted under sub-*
12 *section (a) shall be credited to the Account, and shall be*
13 *available until expended, without further appropriation, to*
14 *defray the costs, or enhance the operation, of the regional*
15 *center, combination of centers, or centers generally for*
16 *which donated under that subsection.*

17 “(f) *GIFT OR DONATION DEFINED.—In this section,*
18 *the term ‘gift or donation’ means any gift or donation of*
19 *funds, materials (including research materials), real or per-*
20 *sonal property, or services (including lecture services and*
21 *faculty services).”.*

22 “(2) *CLERICAL AMENDMENT.—The table of sec-*
23 *tions at the beginning of chapter 155 of such title is*
24 *amended by striking the item relating to section 2611*
25 *and inserting the following new item:*

“2611. *Regional centers for security studies: acceptance of gifts and donations.*”.

1 (b) *CONFORMING AMENDMENTS.*—

2 (1) *Section 1306 of the National Defense Author-*
 3 *ization Act for Fiscal Year 1995 (Public Law 103-*
 4 *337; 108 Stat. 2892) is amended by striking sub-*
 5 *section (a).*

6 (2) *Section 1065 of the National Defense Author-*
 7 *ization Act for Fiscal Year 1997 (10 U.S.C. 113 note)*
 8 *is amended—*

9 (A) *by striking subsection (a); and*

10 (B) *by redesignating subsections (b) and (c)*

11 *as subsections (a) and (b), respectively.*

12 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 13 *section shall take effect on October 1, 2005.*

14 **SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTEL-**
 15 **LIGENCE AGENCY.**

16 (a) *PROTECTION OF OPERATIONAL FILES OF DEFENSE*
 17 *INTELLIGENCE AGENCY.*—(1) *Title VII of the National Se-*
 18 *curity Act of 1947 (50 U.S.C. 431 et. seq.) is amended by*
 19 *adding at the end the following new section:*

20 “*OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE*
 21 *AGENCY*”

22 “*SEC. 705. (a) EXEMPTION OF OPERATIONAL FILES.*—
 23 *The Director of the Defense Intelligence Agency, in coordi-*
 24 *nation with the Director of National Intelligence, may ex-*
 25 *empt operational files of the Defense Intelligence Agency*
 26 *from the provisions of section 552 of title 5, United States*

1 Code, which require publication, disclosure, search, or re-
2 view in connection therewith.

3 “(b) *OPERATIONAL FILES DEFINED.*—(1) *In this sec-*
4 *tion, the term ‘operational files’ means—*

5 “(A) *files of the Directorate of Human Intel-*
6 *ligence of the Defense Intelligence Agency (and any*
7 *successor organization of that directorate) that docu-*
8 *ment the conduct of foreign intelligence or counter-*
9 *intelligence operations or intelligence or security liai-*
10 *son arrangements or information exchanges with for-*
11 *ign governments or their intelligence or security*
12 *services; and*

13 “(B) *files of the Directorate of Technology of the*
14 *Defense Intelligence Agency (and any successor orga-*
15 *nization of that directorate) that document the means*
16 *by which foreign intelligence or counterintelligence is*
17 *collected through technical systems.*

18 “(2) *Files that are the sole repository of disseminated*
19 *intelligence are not operational files.*

20 “(c) *SEARCH AND REVIEW FOR INFORMATION.*—*Not-*
21 *withstanding subsection (a), exempted operational files*
22 *shall continue to be subject to search and review for infor-*
23 *mation concerning:*

24 “(1) *United States citizens or aliens lawfully ad-*
25 *mitted for permanent residence who have requested*

1 *information on themselves pursuant to the provisions*
2 *of section 552 or 552a of title 5, United States Code.*

3 *“(2) Any special activity the existence of which*
4 *is not exempt from disclosure under the provisions of*
5 *section 552 of title 5, United States Code.*

6 *“(3) The specific subject matter of an investiga-*
7 *tion by any of the following for any impropriety, or*
8 *violation of law, Executive Order, or Presidential di-*
9 *rective, in the conduct of an intelligence activity:*

10 *“(A) The Committee on Armed Services and*
11 *the Permanent Select Committee on Intelligence*
12 *of the House of Representatives.*

13 *“(B) The Committee on Armed Services and*
14 *the Select Committee on Intelligence of the Sen-*
15 *ate.*

16 *“(C) The Intelligence Oversight Board.*

17 *“(D) The Department of Justice.*

18 *“(E) The Office of General Counsel of the*
19 *Department of Defense or of the Defense Intel-*
20 *ligence Agency.*

21 *“(F) The Office of Inspector General of the*
22 *Department of Defense or of the Defense Intel-*
23 *ligence Agency.*

24 *“(G) The Office of the Director of the De-*
25 *fense Intelligence Agency.*

1 “(d) *INFORMATION DERIVED OR DISSEMINATED FROM*
2 *EXEMPTED OPERATIONAL FILES.*—(1) *Files that are not*
3 *exempted under subsection (a) and contain information de-*
4 *rived or disseminated from exempted operational files shall*
5 *be subject to search and review.*

6 “(2) *The inclusion of information from exempted oper-*
7 *ational files in files that are not exempted under subsection*
8 *(a) shall not affect the exemption under subsection (a) of*
9 *the originating operational files from search, review, publi-*
10 *cation, or disclosure.*

11 “(3) *The declassification of some of the information*
12 *contained in exempted operational files shall not affect the*
13 *status of the operational file as being exempt from search,*
14 *review, publication, or disclosure.*

15 “(4) *Records from exempted operational files that have*
16 *been disseminated to and referenced in files that are not*
17 *exempted under subsection (a) and that have been returned*
18 *to exempted operational files for sole retention shall be sub-*
19 *ject to search and review.*

20 “(e) *ALLEGATION; IMPROPER WITHHOLDING OF*
21 *RECORDS; JUDICIAL REVIEW.*—(1) *Except as provided in*
22 *paragraph (2), whenever any person who has requested*
23 *agency records under section 552 of title 5, alleges that the*
24 *Defense Intelligence Agency has withheld records improv-*
25 *erly because of failure to comply with any provision of this*

1 *section, judicial review shall be available under the terms*
2 *set forth in section 552(a)(4)(B) of title 5, United States*
3 *Code.*

4 “(2) *Judicial review shall not be available in the man-*
5 *ner provided under paragraph (1) as follows:*

6 “(A) *In any case in which information specifi-*
7 *cally authorized under criteria established by an Ex-*
8 *ecutive order to be kept secret in the interest of na-*
9 *tional defense or foreign relations which is filed with,*
10 *or produced for, the court by the Defense Intelligence*
11 *Agency, such information shall be examined ex parte,*
12 *in camera by the court.*

13 “(B) *The court shall determine, to the fullest ex-*
14 *tent practicable, issues of fact based on sworn written*
15 *submissions of the parties.*

16 “(C) *When a complainant alleges that requested*
17 *records were improperly withheld because of improper*
18 *placement solely in exempted operational files, the*
19 *complainant shall support such allegation with a*
20 *sworn written submission based upon personal knowl-*
21 *edge or otherwise admissible evidence.*

22 “(D)(i) *When a complainant alleges that re-*
23 *quested records were improperly withheld because of*
24 *improper exemption of operational files, the Defense*
25 *Intelligence Agency shall meet its burden under sec-*

1 *tion 552(a)(4)(B) of title 5, United States Code, by*
2 *demonstrating to the court by sworn written submis-*
3 *sion that exempted operational files likely to contain*
4 *responsible records currently perform the functions set*
5 *forth in subsection (b).*

6 *“(i) The court may not order the Defense Intel-*
7 *ligence Agency to review the content of any exempted*
8 *operational file or files in order to make the dem-*
9 *onstration required under clause (i), unless the com-*
10 *plainant disputes the Defense Intelligence Agency’s*
11 *showing with a sworn written submission based on*
12 *personal knowledge or otherwise admissible evidence.*

13 *“(E) In proceedings under subparagraphs (C)*
14 *and (D), the parties shall not obtain discovery pursu-*
15 *ant to rules 26 through 36 of the Federal Rules of*
16 *Civil Procedure, except that requests for admission*
17 *may be made pursuant to rules 26 and 36.*

18 *“(F) If the court finds under this subsection that*
19 *the Defense Intelligence Agency has improperly with-*
20 *held requested records because of failure to comply*
21 *with any provision of this subsection, the court shall*
22 *order the Defense Intelligence Agency to search and*
23 *review the appropriate exempted operational file or*
24 *files for the requested records and make such records,*
25 *or portions thereof, available in accordance with the*

1 provisions of section 552 of title 5, United States
2 Code, and such order shall be the exclusive remedy for
3 failure to comply with this section (other than sub-
4 section (f)).

5 “(G) If at any time following the filing of a com-
6 plaint pursuant to this paragraph the Defense Intel-
7 ligence Agency agrees to search the appropriate ex-
8 empted operational file or files for the requested
9 records, the court shall dismiss the claim based upon
10 such complaint; and

11 “(H) Any information filed with, or produced
12 for the court pursuant to subparagraphs (A) and (D)
13 shall be coordinated with the Director of National In-
14 telligence before submission to the court.

15 “(f) *DECENNIAL REVIEW OF EXEMPTED OPERATIONAL*
16 *FILES.*—(1) Not less than once every 10 years, the Director
17 of the Defense Intelligence Agency and the Director of Na-
18 tional Intelligence shall review the exemptions in force
19 under subsection (a) to determine whether such exemptions
20 may be removed from a category of exempted files or any
21 portion thereof. The Director of National Intelligence must
22 approve any determinations to remove such exemptions.

23 “(2) The review required by paragraph (1) shall in-
24 clude consideration of the historical value or other public
25 interest in the subject matter of the particular category of

1 *files or portions thereof and the potential for declassifying*
2 *a significant part of the information contained therein.*

3 “(3) *A complainant that alleges that the Defense Intel-*
4 *ligence Agency has improperly withheld records because of*
5 *failure to comply with this subsection may seek judicial re-*
6 *view in the district court of the United States of the district*
7 *in which any of the parties reside, or in the District of*
8 *Columbia. In such a proceeding, the court’s review shall be*
9 *limited to determining the following:*

10 “(A) *Whether the Defense Intelligence Agency has*
11 *conducted the review required by paragraph (1) before*
12 *the expiration of the 10-year period beginning on the*
13 *date of the enactment of this section or before the ex-*
14 *piration of the 10-year period beginning on the date*
15 *of the most recent review.*

16 “(B) *Whether the Defense Intelligence Agency, in*
17 *fact, considered the criteria set forth in paragraph (2)*
18 *in conducting the required review.”.*

19 “(2) *The table of contents for that Act is amended by*
20 *inserting after the item relating to section 704 the following*
21 *new item:*

 “*Sec. 705. Operational files of the Defense Intelligence Agency.*”.

22 “(b) *SEARCH AND REVIEW OF CERTAIN OTHER OPER-*
23 *ATIONAL FILES.—The National Security Act of 1947 is fur-*
24 *ther amended—*

1 (1) *in section 702(a)(3)(C) (50 U.S.C.*
2 *432(a)(3)(C)), by adding the following new clause:*

3 “(vi) *The Office of the Inspector General of*
4 *the National Geospatial-Intelligence Agency.*”;

5 (2) *in section 703(a)(3)(C) (50 U.S.C.*
6 *432a(a)(3)(C)), by adding at the end the following*
7 *new clause:*

8 “(vii) *The Office of the Inspector General of*
9 *the NRO.*”; and

10 (3) *in section 704(c)(3) (50 U.S.C. 432b(c)(3)),*
11 *by adding at the end the following subparagraph:*

12 “(H) *The Office of the Inspector General of*
13 *the National Security Agency.*”.

14 **SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN**
15 **ORDERS AND GUIDANCE ON FUNCTIONS AND**
16 **DUTIES OF THE GENERAL COUNSEL AND THE**
17 **JUDGE ADVOCATE GENERAL OF THE AIR**
18 **FORCE.**

19 *No funds authorized to be appropriated by this Act*
20 *may be obligated or expended to implement or enforce either*
21 *of the following:*

22 (1) *The order of the Secretary of the Air Force*
23 *dated May 15, 2003, and entitled “Functions and*
24 *Duties of the General Counsel and the Judge Advocate*
25 *General”.*

1 (2) *Any internal operating instruction or memo-*
2 *randum issued by the General Counsel of the Depart-*
3 *ment of the Air Force in reliance upon the order re-*
4 *ferred to in paragraph (1).*

5 **SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.**

6 (a) *ESTABLISHMENT.*—Chapter 104 of title 10, United
7 *States Code, is amended by adding at the end the following*
8 *new section:*

9 **“§2117. United States Military Cancer Institute**

10 “(a) *ESTABLISHMENT.*—(1) *There is a United States*
11 *Military Cancer Institute in the University. The Director*
12 *of the United States Military Cancer Institute is the head*
13 *of the Institute.*

14 “(2) *The Institute is composed of clinical and basic*
15 *scientists in the Department of Defense who have an exper-*
16 *tise in research, patient care, and education relating to on-*
17 *cology and who meet applicable criteria for participation*
18 *in the Institute.*

19 “(3) *The components of the Institute include military*
20 *treatment and research facilities that meet applicable cri-*
21 *teria and are designated as affiliates of the Institute.*

22 “(b) *RESEARCH.*—(1) *The Director of the United*
23 *States Military Cancer Institute shall carry out research*
24 *studies on the following:*

1 “(A) *The epidemiological features of cancer, in-*
2 *cluding assessments of the carcinogenic effect of ge-*
3 *netic and environmental factors, and of disparities in*
4 *health, inherent or common among populations of*
5 *various ethnic origins.*

6 “(B) *The prevention and early detection of can-*
7 *cer.*

8 “(C) *Basic, translational, and clinical investiga-*
9 *tion matters relating to the matters described in sub-*
10 *paragraphs (A) and (B).*

11 “(2) *The research studies under paragraph (1) shall*
12 *include complementary research on oncologic nursing.*

13 “(c) *COLLABORATIVE RESEARCH.—The Director of the*
14 *United States Military Cancer Institute shall carry out the*
15 *research studies under subsection (b) in collaboration with*
16 *other cancer research organizations and entities selected by*
17 *the Institute for purposes of the research studies.*

18 “(d) *ANNUAL REPORT.—(1) Promptly after the end of*
19 *each fiscal year, the Director of the United States Military*
20 *Cancer Institute shall submit to the President of the Univer-*
21 *sity a report on the results of the research studies carried*
22 *out under subsection (b).*

23 “(2) *Not later than 60 days after receiving the annual*
24 *report under paragraph (1), the President of the University*

1 *shall transmit such report to the Secretary of Defense and*
 2 *to Congress.”.*

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

“2117. United States Military Cancer Institute.”.

6 **SEC. 925. AUTHORITY FOR UNITED STATES AIR FORCE IN-**
 7 **STITUTE OF TECHNOLOGY TO RECEIVE FAC-**
 8 **ULTY RESEARCH GRANTS FOR CERTAIN PUR-**
 9 **POSES.**

10 *Section 9314 of title 10, United States Code, is amend-*
 11 *ed by adding at the end the following new subsection:*

12 *“(d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The*
 13 *Secretary of the Air Force may authorize the Commandant*
 14 *of the United States Air Force Institute of Technology to*
 15 *accept qualifying research grants. Any such grant may only*
 16 *be accepted if the work under the grant is to be carried*
 17 *out by a professor or instructor of the Institute for a sci-*
 18 *entific, literary, or educational purpose.*

19 *“(2) For purposes of this subsection, a qualifying re-*
 20 *search grant is a grant that is awarded on a competitive*
 21 *basis by an entity referred to in paragraph (3) for a re-*
 22 *search project with a scientific, literary, or educational pur-*
 23 *pose.*

24 *“(3) An entity referred to in this paragraph is a cor-*
 25 *poration, fund, foundation, educational institution, or*

1 *similar entity that is organized and operated primarily for*
 2 *scientific, literary, or educational purposes.*

3 “(4) *The Secretary shall establish an account for the*
 4 *administration of funds received as qualifying research*
 5 *grants under this subsection. Funds in the account with re-*
 6 *spect to a grant shall be used in accordance with the terms*
 7 *and condition of the grant and subject to applicable provi-*
 8 *sions of the regulations prescribed under paragraph (6).*”

9 “(5) *Subject to such limitations as may be provided*
 10 *in appropriations Acts, appropriations available for the*
 11 *United States Air Force Institute of Technology may be*
 12 *used to pay expenses incurred by the Institute in applying*
 13 *for, and otherwise pursuing, the award of qualifying re-*
 14 *search grants.*”

15 “(6) *The Secretary of the Air Force shall prescribe reg-*
 16 *ulations for purposes of the administration of this sub-*
 17 *section.*”

18 **TITLE X—GENERAL PROVISIONS**

19 **Subtitle A—Financial Matters**

20 **SEC. 1001. TRANSFER AUTHORITY.**

21 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

22 (1) *AUTHORITY.—Upon determination by the*
 23 *Secretary of Defense that such action is necessary in*
 24 *the national interest, the Secretary may transfer*
 25 *amounts of authorizations made available to the De-*

1 *partment of Defense in this division for fiscal year*
2 *2006 between any such authorizations for that fiscal*
3 *year (or any subdivisions thereof). Amounts of au-*
4 *thorizations so transferred shall be merged with and*
5 *be available for the same purposes as the authoriza-*
6 *tion to which transferred.*

7 (2) *AGGREGATE LIMITATION.—The total amount*
8 *of authorizations that the Secretary may transfer*
9 *under the authority of this section may not exceed*
10 *\$3,500,000,000.*

11 (b) *LIMITATIONS.—The authority provided by this sec-*
12 *tion to transfer authorizations—*

13 (1) *may only be used to provide authority for*
14 *items that have a higher priority than the items from*
15 *which authority is transferred; and*

16 (2) *may not be used to provide authority for an*
17 *item that has been denied authorization by Congress.*

18 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
19 *fer made from one account to another under the authority*
20 *of this section shall be deemed to increase the amount au-*
21 *thorized for the account to which the amount is transferred*
22 *by an amount equal to the amount transferred.*

23 (d) *NOTICE TO CONGRESS.—The Secretary shall*
24 *promptly notify Congress of each transfer made under sub-*
25 *section (a).*

1 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

2 (a) *STATUS OF CLASSIFIED ANNEX.*—*The Classified*
3 *Annex prepared by the Committee on Armed Services of the*
4 *Senate to accompany its report on the bill S. 1042 of the*
5 *One Hundred Ninth Congress and transmitted to the Presi-*
6 *dent is hereby incorporated into this Act.*

7 (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*
8 *ACT.*—*The amounts specified in the Classified Annex are*
9 *not in addition to amounts authorized to be appropriated*
10 *by other provisions of this Act.*

11 (c) *LIMITATION ON USE OF FUNDS.*—*Funds appro-*
12 *priated pursuant to an authorization contained in this Act*
13 *that are made available for a program, project, or activity*
14 *referred to in the Classified Annex may only be expended*
15 *for such program, project, or activity in accordance with*
16 *such terms, conditions, limitations, restrictions, and re-*
17 *quirements as are set out for that program, project, or activ-*
18 *ity in the Classified Annex.*

19 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—*The*
20 *President shall provide for appropriate distribution of the*
21 *Classified Annex, or of appropriate portions of the annex,*
22 *within the executive branch of the Government.*

23 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**
24 **MON-FUNDED BUDGETS IN FISCAL YEAR 2006.**

25 (a) *FISCAL YEAR 2006 LIMITATION.*—*The total*
26 *amount contributed by the Secretary of Defense in fiscal*

1 year 2006 for the common-funded budgets of NATO may
2 be any amount up to, but not in excess of, the amount speci-
3 fied in subsection (b) (rather than the maximum amount
4 that would otherwise be applicable to those contributions
5 under the fiscal year 1998 baseline limitation).

6 (b) *TOTAL AMOUNT.*—The amount of the limitation
7 applicable under subsection (a) is the sum of the following:

8 (1) The amounts of unexpended balances, as of
9 the end of fiscal year 2005, of funds appropriated for
10 fiscal years before fiscal year 2006 for payments for
11 those budgets.

12 (2) The amount specified in subsection (c)(1).

13 (3) The amount specified in subsection (c)(2).

14 (4) The total amount of the contributions author-
15 ized to be made under section 2501.

16 (c) *AUTHORIZED AMOUNTS.*—Amounts authorized to
17 be appropriated by titles II and III of this Act are available
18 for contributions for the common-funded budgets of NATO
19 as follows:

20 (1) Of the amount provided in section 201(1),
21 \$763,000 for the Civil Budget.

22 (2) Of the amount provided in section 301(1),
23 \$238,364,000 for the Military Budget.

24 (d) *DEFINITIONS.*—For purposes of this section:

1 (1) *COMMON-FUNDED BUDGETS OF NATO.*—The
2 term “common-funded budgets of NATO” means the
3 Military Budget, the Security Investment Program,
4 and the Civil Budget of the North Atlantic Treaty Or-
5 ganization (and any successor or additional account
6 or program of NATO).

7 (2) *FISCAL YEAR 1998 BASELINE LIMITATION.*—
8 The term “fiscal year 1998 baseline limitation”
9 means the maximum annual amount of Department
10 of Defense contributions for common-funded budgets of
11 NATO that is set forth as the annual limitation in
12 section 3(2)(C)(ii) of the resolution of the Senate giv-
13 ing the advice and consent of the Senate to the ratifi-
14 cation of the Protocols to the North Atlantic Treaty
15 of 1949 on the Accession of Poland, Hungary, and the
16 Czech Republic (as defined in section 4(7) of that res-
17 olution), approved by the Senate on April 30, 1998.

18 **SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**
19 **TO SAVINGS RELATING TO LOWER INFLA-**
20 **TION.**

21 (a) *REDUCTION.*—The aggregate amount authorized to
22 be appropriated by titles I, II, and III is the amount equal
23 to the sum of all the amounts authorized to be appropriated
24 by such titles reduced by \$1,300,000,000.

1 (b) *SOURCE OF SAVINGS.*—Reductions required in
2 order to comply with subsection (a) shall be derived from
3 savings resulting from lower-than-expected inflation as a
4 result of the annual review of the budget conducted by the
5 Congressional Budget Office.

6 (c) *ALLOCATION OF REDUCTION.*—The Secretary of
7 Defense shall allocate the reduction required by subsection
8 (a) among the amounts authorized to be appropriated for
9 accounts in titles I, II, and III to reflect the extent to which
10 net savings from lower-than-expected inflation are allocable
11 to amounts authorized to be appropriated to such accounts.

12 **SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPRO-**
13 **PRIATIONS FOR FISCAL YEAR 2005.**

14 Amounts authorized to be appropriated to the Depart-
15 ment of Defense and the Department of Energy for fiscal
16 year 2005 in the Ronald W. Reagan National Defense Au-
17 thorization Act for Fiscal Year 2005 (Public Law 108–375)
18 are hereby adjusted, with respect to any such authorized
19 amount, by the amount by which appropriations pursuant
20 to such authorization are increased (by a supplemental ap-
21 propriation) or decreased (by a rescission), or both, or are
22 increased by a transfer of funds, pursuant to title I or chap-
23 ter 2 of title IV of the Emergency Supplemental Appropria-
24 tions Act for Defense, the Global War on Terror, and Tsu-
25 nami Relief, 2005 (Public Law 109–13).

1 **SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AU-**
2 **THORITY.**

3 *Section 1001(a)(2) of the Ronald W. Reagan National*
4 *Defense Authorization Act for Fiscal Year 2005 (Public*
5 *Law 108–375; 118 Stat. 2034) is amended by striking*
6 *“\$3,500,000,000” and inserting “\$6,185,000,000”.*

7 **SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE**
8 **INCOME TAX VOLUNTARILY WITHHELD FROM**
9 **RETIRED OR RETAINER PAY.**

10 *Section 1045(a) of title 10, United States Code, is*
11 *amended—*

12 *(1) by striking “quarter” the first place it ap-*
13 *pears and inserting “month”; and*

14 *(2) by striking “during the month following that*
15 *calendar quarter” and inserting “during the following*
16 *calendar month”.*

17 **SEC. 1008. AUTHORIZATION OF EMERGENCY SUPPLE-**
18 **MENTAL APPROPRIATIONS FOR THE DEPART-**
19 **MENT OF DEFENSE.**

20 *(a) FIRST EMERGENCY SUPPLEMENTAL TO MEET*
21 *NEEDS ARISING FROM HURRICANE KATRINA.—Amounts*
22 *authorized to be appropriated to the Department of Defense*
23 *for fiscal year 2005 in the Ronald W. Reagan National De-*
24 *fense Authorization Act for Fiscal Year 2005 (Public Law*
25 *108–375) are hereby adjusted, with respect to any such au-*
26 *thorized amount, by the amount by which appropriations*

1 *pursuant to such authorized amount are increased by a*
2 *supplemental appropriation, or by a transfer of funds, pur-*
3 *suant to the Emergency Supplemental Appropriations Act*
4 *to Meet Immediate Needs Arising From the Consequences*
5 *of Hurricane Katrina, 2005 (Public Law 109–61).*

6 (b) *SECOND EMERGENCY SUPPLEMENTAL TO MEET*
7 *NEEDS ARISING FROM HURRICANE KATRINA.—Amounts*
8 *authorized to be appropriated to the Department of Defense*
9 *for fiscal year 2005 in the Ronald W. Reagan National De-*
10 *fense Authorization Act for Fiscal Year 2005 are hereby ad-*
11 *justed, with respect to any such authorized amount, by the*
12 *amount by which appropriations pursuant to such author-*
13 *ized amount are increased by a supplemental appropri-*
14 *ation, or by a transfer of funds, pursuant to the Second*
15 *Emergency Supplemental Appropriations Act to Meet Im-*
16 *mediate Needs Arising From the Consequences of Hurricane*
17 *Katrina, 2005 (Public Law 109–62).*

18 (c) *SUPPLEMENTAL APPROPRIATIONS FOR AVIAN FLU*
19 *PREPAREDNESS.—Amounts authorized to be appropriated*
20 *to the Department of Defense for fiscal year 2006 in this*
21 *Act are hereby adjusted, with respect to any such authorized*
22 *amount, by the amount by which appropriations pursuant*
23 *to such authorized amount are increased by a supplemental*
24 *appropriation, or by a transfer of funds, arising from the*
25 *proposal of the Administration relating to avian flu pre-*

1 *paredness that was submitted to Congress on November 1,*
2 *2006.*

3 (d) *AMOUNTS REALLOCATED FOR HURRICANE-RE-*
4 *LATED DISASTER RELIEF.*—*Amounts authorized to be ap-*
5 *propriated to the Department of Defense for fiscal year*
6 *2006 in this Act are hereby adjusted, with respect to any*
7 *such authorized amount, by the amount by which appro-*
8 *priations pursuant to such authorized amount are in-*
9 *creased by a reallocation of funds from the Disaster Relief*
10 *Fund (DRF) of the Federal Emergency Management Agen-*
11 *cy arising from the proposal of the Director of the Office*
12 *of Management and Budget on the reallocation of amounts*
13 *for hurricane-related disaster relief that was submitted to*
14 *the President on October 28, 2005, and transmitted to the*
15 *Speaker of the House of Representatives on that date.*

16 (e) *AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR*
17 *EARTHQUAKE VICTIMS IN PAKISTAN.*—*There is authorized*
18 *to be appropriated as emergency supplemental appropri-*
19 *ations for the Department of Defense for fiscal year 2006,*
20 *\$40,000,000 for the use of the Department of Defense for*
21 *overseas, humanitarian, disaster, and civic aid for the pur-*
22 *pose of providing humanitarian assistance to the victims*
23 *of the earthquake that devastated northern Pakistan on Oc-*
24 *tober 8, 2005.*

25 (f) *REPORTS ON USE OF CERTAIN FUNDS.*—

1 (1) *REPORT ON USE OF EMERGENCY SUPPLE-*
2 *MENTAL FUNDS.*—Not later than six months after the
3 date of the enactment of this Act, the Secretary of De-
4 fense shall submit to the congressional defense com-
5 mittees a report on the obligation and expenditure, as
6 of that date, of any funds appropriated to the Depart-
7 ment of Defense for fiscal year 2005 pursuant to the
8 Acts referred to in subsections (a) and (b) as author-
9 ized by such subsections. The report shall set forth—

10 (A) the amounts so obligated and expended;

11 and

12 (B) the purposes for which such amounts
13 were so obligated and expended.

14 (2) *REPORT ON EXPENDITURE OF REIMBURS-*
15 *ABLE FUNDS.*—The Secretary shall include in the re-
16 port required by paragraph (1) a statement of any
17 expenditure by the Department of Defense of funds
18 that were reimbursable by the Federal Emergency
19 Management Agency, or any other department or
20 agency of the Federal Government, from funds appro-
21 priated in an Act referred to in subsection (a) or (b)
22 to such department or agency.

23 (3) *REPORT ON USE OF CERTAIN OTHER*
24 *FUNDS.*—Not later than May 15, 2006, and quarterly
25 thereafter through November 15, 2006, the Secretary

1 *shall submit to the congressional defense committees a*
 2 *report on the obligation and expenditure, during the*
 3 *previous fiscal year quarter, of any funds appro-*
 4 *propriated to the Department of Defense as specified in*
 5 *subsection (c) and any funds reallocated to the De-*
 6 *partment as specified in subsection (d). Each report*
 7 *shall, for the fiscal year quarter covered by such re-*
 8 *port, set forth—*

9 *(A) the amounts so obligated and expended;*
 10 *and*
 11 *(B) the purposes for which such amounts*
 12 *were so obligated and expended.*

13 *(g) REPORT ON ASSISTANCE FOR EARTHQUAKE VIC-*
 14 *TIMS IN PAKISTAN.—Not later than 30 days after the date*
 15 *of the enactment of this Act, the Secretary of Defense shall*
 16 *submit to the congressional defense committees a report de-*
 17 *scribing Department of Defense efforts to provide relief to*
 18 *victims of the earthquake that devastated northern Pakistan*
 19 *on October 8, 2005, and assessing the need for further recon-*
 20 *struction and relief assistance.*

21 ***Subtitle B—Naval Vessels and***
 22 ***Shipyards***

23 ***SEC. 1021. TRANSFER OF BATTLESHIPS.***

24 *(a) TRANSFER OF BATTLESHIP WISCONSIN.—The Sec-*
 25 *retary of the Navy is authorized—*

1 (1) *to strike the Battleship U.S.S. WISCONSIN*
2 *(BB-64) from the Naval Vessel Register; and*

3 (2) *subject to section 7306 of title 10, United*
4 *States Code, to transfer the vessel by gift or otherwise*
5 *provided that the Secretary requires, as a condition*
6 *of transfer, that the transferee locate the vessel in the*
7 *Commonwealth of Virginia.*

8 (b) *TRANSFER OF BATTLESHIP IOWA.—The Secretary*
9 *of the Navy is authorized—*

10 (1) *to strike the Battleship U.S.S. IOWA (BB-*
11 *61) from the Naval Vessel Register; and*

12 (2) *subject to section 7306 of title 10, United*
13 *States Code, to transfer the vessel by gift or otherwise*
14 *provided that the Secretary requires, as a condition*
15 *of transfer, that the transferee locate the vessel in the*
16 *State of California.*

17 (c) *INAPPLICABILITY OF NOTICE AND WAIT REQUIRE-*
18 *MENT.—Notwithstanding any provision of subsection (a) or*
19 *(b), section 7306(d) of title 10, United States Code, shall*
20 *not apply to the transfer authorized by subsection (a) or*
21 *the transfer authorized by subsection (b).*

22 (d) *REPEAL OF SUPERSEDED REQUIREMENTS AND*
23 *AUTHORITIES.—*

1 (1) *Section 1011 of the National Defense Author-*
2 *ization Act for Fiscal Year 1996 (Public Law 104-*
3 *106; 110 Stat. 421) is repealed.*

4 (2) *Section 1011 of the Strom Thurmond Na-*
5 *tional Defense Authorization Act for Fiscal Year 1999*
6 *(Public Law 105–261; 112 Stat. 2118) is repealed.*

7 **SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSON-**
8 **VILLE, FLORIDA.**

9 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
10 *Navy may convey to Atlantic Marine Property Holding*
11 *Company (in this section referred to as the “Company”)*
12 *all right, title, and interest of the United States in and to*
13 *Navy Drydock No. AFDM 7 (the SUSTAIN), located in*
14 *Duval County, Florida. The Company is the current user*
15 *of the drydock.*

16 (b) *CONDITION OF CONVEYANCE.*—*The conveyance*
17 *under subsection (a) shall be subject to the condition that*
18 *the drydock remain at the facilities of the Company until*
19 *September 30, 2010.*

20 (c) *CONSIDERATION.*—*As consideration for the convey-*
21 *ance under subsection (a), the Company shall pay the Sec-*
22 *retary an amount equal to the fair market value of the dry-*
23 *dock as determined by the Secretary.*

24 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
25 *retary may require such additional terms and conditions*

1 *in connection with the conveyance under subsection (a) as*
 2 *the Secretary considers appropriate to protect the interests*
 3 *of the United States.*

4 ***Subtitle C—Counterdrug Matters***

5 ***SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR*** 6 ***UNITED STATES BORDER RECONNAISSANCE.***

7 *(a) IN GENERAL.—Chapter 18 of title 10, United*
 8 *States Code, is amended by adding at the end the following*
 9 *new section:*

10 ***“§383. Use of unmanned aerial vehicles for United*** 11 ***States border reconnaissance***

12 *“(a) IN GENERAL.—The Secretary of Defense is au-*
 13 *thorized to use Department of Defense personnel and equip-*
 14 *ment to conduct aerial reconnaissance within the area of*
 15 *responsibility of the United States Northern Command with*
 16 *unmanned aerial vehicles in order to conduct, for the pur-*
 17 *poses specified in subsection (b), the following:*

18 *“(1) The detection and monitoring of, and com-*
 19 *munication on, the movement of air and sea traffic*
 20 *along the United States border.*

21 *“(2) The detection and monitoring of, and com-*
 22 *munication on, the movement of surface traffic that*
 23 *is—*

24 *“(A) outside of the geographic boundary of*
 25 *the United States; or*

1 “(B) *inside the United States, but within*
2 *not more than 25 miles of the geographic bound-*
3 *ary of the United States, with respect to surface*
4 *traffic first detected outside the geographic*
5 *boundary of the United States.*

6 “(b) *PURPOSES OF AUTHORIZED ACTIVITIES.—The*
7 *purposes of activities authorized by subsection (a) are as*
8 *follows:*

9 “(1) *To detect and monitor suspicious air, sea,*
10 *and surface traffic.*

11 “(2) *To communicate information on such traffic*
12 *to appropriate Federal law enforcement officials,*
13 *State law enforcement officials, and local law enforce-*
14 *ment officials.*

15 “(c) *FUNDS.—Amounts available to the Department of*
16 *Defense for counterdrug activities shall be available for ac-*
17 *tivities authorized by subsection (a).*

18 “(d) *LIMITATIONS.—Any limitations and restrictions*
19 *under this chapter with respect to the use of personnel,*
20 *equipment, and facilities under this chapter shall apply to*
21 *the exercise of the authority in subsection (a).*

22 “(e) *ANNUAL REPORTS ON USE OF UNMANNED AERIAL*
23 *VEHICLES.—(1) The Secretary of Defense shall submit to*
24 *the congressional defense committees each year a report on*
25 *the operation of unmanned aerial vehicles along the United*

1 *States border under this section during the preceding year.*
2 *Each report shall include, for the year covered by such re-*
3 *port, the following:*

4 “(A) *A description of the aerial reconnaissance*
5 *missions carried out along the United States border*
6 *by unmanned aerial vehicles under this section, in-*
7 *cluding the total number of sorties and flight hours.*

8 “(B) *A statement of the costs of such missions.*

9 “(C) *A statement of the number of times data*
10 *collected by the Department of Defense from such mis-*
11 *sions was communicated to other authorities of the*
12 *Federal Government or to State or local authorities.*

13 “(2) *A report is not required under this subsection for*
14 *a year if no operations of unmanned aerial vehicles along*
15 *the United States border occurred under this section during*
16 *such year.*

17 “(3) *Each report under this subsection shall be sub-*
18 *mitted in unclassified form, but may include a classified*
19 *annex.*

20 “(f) *DEFINITIONS.—In this section:*

21 “(1) *The term ‘suspicious air, sea, and surface*
22 *traffic’ means any air, sea, or surface traffic that is*
23 *suspected of illegal activities, including involvement*
24 *in activities that would constitute a violation of any*

1 *provision of law set forth in or described under sec-*
2 *tion 374(b)(4)(A) of this title.*

3 “(2) *The term ‘State law enforcement officials’*
4 *includes authorized members of the National Guard*
5 *operating under authority of title 32.”.*

6 (b) *CLERICAL AMENDMENT.—The table of sections at*
7 *the beginning of chapter 18 of such title is amended by add-*
8 *ing at the end the following new item:*

 “383. *Use of unmanned aerial vehicles for United States border reconnaissance.”.*

9 **SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN**
10 **COUNTERTERRORISM OPERATIONS.**

11 (a) *AUTHORITY TO USE FUNDS.—In conjunction with*
12 *counterdrug activities authorized by law, the Secretary of*
13 *Defense may use funds authorized to be appropriated to the*
14 *Department of Defense for drug interdiction and*
15 *counterdrug activities in fiscal years 2006 and 2007 for the*
16 *detection, monitoring, and interdiction of terrorists, ter-*
17 *rorism-related activities, and other related transnational*
18 *threats along the borders and within the territorial waters*
19 *of the United States.*

20 (b) *CONSTRUCTION WITH OTHER AUTHORITY.—The*
21 *authority provided by subsection (a) is in addition to the*
22 *authority provided in section 124 of title 10, United States*
23 *Code.*

1 **SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES**
 2 **THROUGH BASES OF OPERATION AND TRAIN-**
 3 **ING FACILITIES IN AFGHANISTAN.**

4 *In providing support for counterdrug activities under*
 5 *section 1004 of the National Defense Authorization Act for*
 6 *Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary of De-*
 7 *fense may, in accordance with a request under subsection*
 8 *(a) of such section, provide through or utilizing bases of*
 9 *operation or training facilities in Afghanistan—*

10 *(1) any type of support specified in subsection*

11 *(b) of such section for counter-drug activities; and*

12 *(2) any type of support for counter-drug related*

13 *Afghan criminal justice activities.*

14 **Subtitle D—Reports and Studies**

15 **SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL**
 16 **OF JOINT WARFIGHTING SCIENCE AND TECH-**
 17 **NOLOGY PLAN.**

18 *(a) SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND*
 19 *TECHNOLOGY PLAN.—Section 270 of the National Defense*
 20 *Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501*
 21 *note) is amended by striking “(a) ANNUAL PLAN RE-*
 22 *QUIRED.—On March 1 of each year,” and inserting “Not*
 23 *later than March 1 of each year through 2006, and March*
 24 *1 every two years thereafter.”*

25 *(b) CONFORMING AMENDMENT.—The heading of such*
 26 *section is amended by striking “ANNUAL”.*

1 **SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE**
2 **ACT INSURANCE.**

3 (a) *IN GENERAL.*—*The Secretary of Defense shall, in*
4 *coordination with the Director of the Office of Management*
5 *and Budget and appropriate officials of the Department of*
6 *Labor, the Department of State and the United States*
7 *Agency for International Development, review current and*
8 *future needs, options, and risks associated with Defense*
9 *Base Act insurance.*

10 (b) *MATTERS TO BE ADDRESSED.*—*The review under*
11 *subsection (a) shall address the following matters:*

12 (1) *Cost-effective options for acquiring Defense*
13 *Base Act insurance.*

14 (2) *Methods for coordinating data collection ef-*
15 *forts among agencies and contractors on numbers of*
16 *employees, costs of insurance, and other information*
17 *relevant to decisions on Defense Base Act insurance.*

18 (3) *Improved communication and coordination*
19 *within and among agencies on the implementation of*
20 *Defense Base Act insurance.*

21 (4) *Actions to be taken to address difficulties in*
22 *the administration of Defense Base Act insurance, in-*
23 *cluding on matters relating to cost, data, enforcement,*
24 *and claims processing.*

25 (c) *REPORT REQUIRED.*—*Not later than one year after*
26 *the date of the enactment of this Act, the Secretary shall*

1 *submit to the congressional defense committees a report on*
2 *the results of the review under subsection (a). The report*
3 *shall set forth the findings of the Secretary as a result of*
4 *the review and such recommendations, including rec-*
5 *ommendations for legislative or administrative action, as*
6 *the Secretary considers appropriate in light of the review.*

7 (d) *DEFENSE BASE ACT INSURANCE DEFINED.—In*
8 *this section, the term “Defense Base Act insurance” means*
9 *workers’ compensation insurance provided to contractor*
10 *employees pursuant to the Defense Base Act (42 U.S.C.*
11 *1651 et seq.).*

12 **SEC. 1043. COMPTROLLER GENERAL REPORT ON CORRO-**
13 **SION PREVENTION AND MITIGATION PRO-**
14 **GRAMS OF THE DEPARTMENT OF DEFENSE.**

15 (a) *REPORT REQUIRED.—Not later than April 1,*
16 *2007, the Comptroller General of the United States shall*
17 *submit to the congressional defense committees a report on*
18 *the effectiveness of the corrosion prevention and mitigation*
19 *programs of the Department of Defense.*

20 (b) *ELEMENTS.—The report required by subsection (a)*
21 *shall include the following:*

22 (1) *An assessment of the document of the Depart-*
23 *ment of Defense entitled “Long-Term Strategy to Re-*
24 *duce Corrosion and the Effects of Corrosion on the*

1 *Military Equipment and Infrastructure of the De-*
2 *partment of Defense”, dated November 2004.*

3 (2) *An assessment of the adequacy for purposes*
4 *of the strategy set forth in that document of the fund-*
5 *ing requested in the budget of the President for fiscal*
6 *year 2006, as submitted to Congress pursuant to sec-*
7 *tion 1105(a) of title 31, United States Code, and the*
8 *associated Future-Years Defense Program under sec-*
9 *tion 221 of title 10, United States Code.*

10 (3) *An assessment of the adequacy and effective-*
11 *ness of the organizational structure of the Department*
12 *of Defense in implementing that strategy.*

13 (4) *An assessment of the progress made as of the*
14 *date of the report in establishing throughout the De-*
15 *partment common metrics, definitions, and proce-*
16 *dures on corrosion prevention and mitigation.*

17 (5) *An assessment of the progress made as of the*
18 *date of the report in establishing a baseline estimate*
19 *of the scope of the corrosion problems of the Depart-*
20 *ment.*

21 (6) *An assessment of the extent to which the*
22 *strategy of the Department on corrosion prevention*
23 *and mitigation has been revised to incorporate the*
24 *recommendations of the October 2004 Defense Science*
25 *Board report on corrosion control.*

1 (7) *An assessment of the implementation of the*
2 *corrosion prevention and mitigation programs of the*
3 *Department during fiscal year 2006.*

4 (8) *Recommendations by the Comptroller Gen-*
5 *eral for addressing any shortfalls or areas of potential*
6 *improvement identified in the review for purposes of*
7 *the report.*

8 **SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RE-**
9 **SPONSE TO FINDINGS AND RECOMMENDA-**
10 **TIONS OF DEFENSE SCIENCE BOARD TASK**
11 **FORCE ON HIGH PERFORMANCE MICROCHIP**
12 **SUPPLY.**

13 (a) *REPORT REQUIRED.*—*Not later than March 15,*
14 *2006, the Secretary of Defense shall submit to the congres-*
15 *sional defense committees a report on the implementation*
16 *of the recommendations of the Defense Science Board Task*
17 *Force on High Performance Microchip Supply.*

18 (b) *CONTENTS.*—*The report required by subsection (a)*
19 *shall include the following:*

20 (1) *An analysis of each finding of the Task*
21 *Force.*

22 (2) *A detailed description of the response of the*
23 *Department of Defense to each recommendation of the*
24 *Task Force, including—*

1 (A) for each recommendation that is being
2 implemented or that the Secretary plans to
3 implement—

4 (i) a summary of actions that have
5 been taken to implement the recommenda-
6 tion; and

7 (ii) a schedule, with specific mile-
8 stones, for completing the implementation of
9 the recommendation; and

10 (B) For each recommendation that the Sec-
11 retary does not plan to implement—

12 (i) the reasons for the decision not to
13 implement the recommendation; and

14 (ii) a summary of alternative actions
15 the Secretary plans to take to address the
16 purposes underlying the recommendation.

17 (3) A summary of any additional actions the
18 Secretary plan to take to address concerns raised by
19 the Task Force.

20 (c) CONSULTATION.—To the extent practicable, the
21 Secretary may consult with other departments and agencies
22 of the Federal Government, institutions of higher education
23 and other academic organizations, and industry in the de-
24 velopment of the report required by subsection (a).

1 **SEC. 1045. REPORT ON USE OF SPACE RADAR FOR TOPO-**
2 **GRAPHICAL MAPPING FOR SCIENTIFIC AND**
3 **CIVIL PURPOSES.**

4 (a) *IN GENERAL.*—Not later than January 15, 2006,
5 the Secretary of Defense shall submit to the congressional
6 defense committees on report on the feasibility and advis-
7 ability of utilizing the Space Radar for purposes of pro-
8 viding coastal zone and other topographical mapping infor-
9 mation, and related information, to the scientific commu-
10 nity and other elements of the private sector for scientific
11 and civil purposes.

12 (b) *REPORT ELEMENTS.*—The report required by sub-
13 section (a) shall include the following:

14 (1) *A description and evaluation of any uses of*
15 *the Space Radar for scientific or civil purposes that*
16 *are identified by the Secretary for purposes of the re-*
17 *port.*

18 (2) *A description and evaluation of any addi-*
19 *tions or modifications to the Space Radar identified*
20 *by the Secretary for purposes of the report that would*
21 *increase the utility of the Space Radar to the sci-*
22 *entific community or other elements of the private*
23 *sector for scientific or civil purposes, including the*
24 *utilization of additional frequencies, the development*
25 *or enhancement of ground systems, and the enhance-*
26 *ment of operations.*

1 (3) *A description of the costs of any additions or*
2 *modifications identified pursuant to paragraph (2).*

3 (4) *A description and evaluation of processes to*
4 *be utilized to determine the means of modifying the*
5 *Space Radar in order to meet the needs of the sci-*
6 *entific community or other elements of the private*
7 *sector with respect to the use of the Space Radar for*
8 *scientific or civil purposes, and a proposal for meet-*
9 *ing the costs of such modifications.*

10 (5) *A description and evaluation of the impacts,*
11 *if any, on the primary missions of the Space Radar,*
12 *and on the development of the Space Radar, of the use*
13 *of the Space Radar for scientific or civil purposes.*

14 (6) *A description of the process for developing re-*
15 *quirements for the Space Radar, including the in-*
16 *volvement of the Civil Applications Committee.*

17 **SEC. 1046. PILOT PROJECT FOR CIVILIAN LINGUIST RE-**
18 **SERVE CORPS.**

19 (a) *ESTABLISHMENT.*—*The Secretary of Defense (re-*
20 *ferred to in this section as the “Secretary”), through the*
21 *National Security Education Program, shall conduct a 3-*
22 *year pilot project to establish the Civilian Linguist Reserve*
23 *Corps, which shall be composed of United States citizens*
24 *with advanced levels of proficiency in foreign languages*
25 *who would be available, upon request from the President,*

1 *to perform any services or duties with respect to such for-*
2 *ign languages in the Federal Government as the President*
3 *may require.*

4 (b) *IMPLEMENTATION.—In establishing the Civilian*
5 *Linguist Reserve Corps, the Secretary, after reviewing the*
6 *findings and recommendations contained in the report re-*
7 *quired under section 325 of the Intelligence Authorization*
8 *Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.*
9 *2393), shall—*

10 (1) *identify several foreign languages that are*
11 *critical for the national security of the United States*
12 *and the relative priority of each such language;*

13 (2) *identify United States citizens with advanced*
14 *levels of proficiency in those foreign languages who*
15 *would be available to perform the services and duties*
16 *referred to in subsection (a);*

17 (3) *cooperate with other Federal agencies with*
18 *national security responsibilities to implement a pro-*
19 *cedure for calling for the performance of the services*
20 *and duties referred to in subsection (a); and*

21 (4) *implement a call for the performance of such*
22 *services and duties.*

23 (c) *CONTRACT AUTHORITY.—In establishing the Civil-*
24 *ian Linguist Reserve Corps, the Secretary may enter into*
25 *contracts with appropriate agencies or entities.*

1 (d) *FEASIBILITY STUDY.*—During the course of the
2 pilot project, the Secretary shall conduct a study of the best
3 practices in implementing the Civilian Linguist Reserve
4 Corps, including—

5 (1) *administrative structure;*

6 (2) *languages to be offered;*

7 (3) *number of language specialists needed for*
8 *each language;*

9 (4) *Federal agencies who may need language*
10 *services;*

11 (5) *compensation and other operating costs;*

12 (6) *certification standards and procedures;*

13 (7) *security clearances;*

14 (8) *skill maintenance and training; and*

15 (9) *the use of private contractors to supply lan-*
16 *guage specialists.*

17 (e) *REPORTS.*—

18 (1) *EVALUATION REPORTS.*—

19 (A) *IN GENERAL.*—Not later than 1 year
20 after the date of enactment of this Act, and an-
21 nually thereafter until the expiration of the 3-
22 year period beginning on such date of enactment,
23 the Secretary shall submit to Congress an eval-
24 uation report on the pilot project conducted
25 under this section.

1 (B) *CONTENTS.*—*Each report required*
2 *under subparagraph (A) shall contain informa-*
3 *tion on the operation of the pilot project, the suc-*
4 *cess of the pilot project in carrying out the objec-*
5 *tives of the establishment of a Civilian Linguist*
6 *Reserve Corps, and recommendations for the con-*
7 *tinuation or expansion of the pilot project.*

8 (2) *FINAL REPORT.*—*Not later than 6 months*
9 *after the completion of the pilot project, the Secretary*
10 *shall submit to Congress a final report summarizing*
11 *the lessons learned, best practices, and recommenda-*
12 *tions for full implementation of the Civilian Linguist*
13 *Reserve Corps.*

14 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
15 *authorized to be appropriated \$3,100,000 for fiscal year*
16 *2006 to carry out the pilot project under this section.*

17 (g) *OFFSET.*—*The amounts authorized to be appro-*
18 *priated by section 301(4) are hereby reduced by \$3,100,000*
19 *from operation and maintenance, Air Force.*

20 **SEC. 1047. REPORT ON ALLEGED CLANDESTINE DETENTION**
21 **FACILITIES FOR INDIVIDUALS CAPTURED IN**
22 **THE GLOBAL WAR ON TERRORISM.**

23 (a) *IN GENERAL.*—*The President shall ensure that the*
24 *United States Government continues to comply with the au-*
25 *thorization, reporting, and notification requirements of title*

1 *V of the National Security Act of 1947 (50 U.S.C. 413 et*
2 *seq.).*

3 (b) *DIRECTOR OF NATIONAL INTELLIGENCE RE-*
4 *PORT.—*

5 (1) *REPORT REQUIRED.—Not later than 60 days*
6 *after the date of the enactment of this Act, the Direc-*
7 *tor of National Intelligence shall provide to the mem-*
8 *bers of the Select Committee on Intelligence of the*
9 *Senate and the Permanent Select Committee on Intel-*
10 *ligence of the House of Representatives a detailed re-*
11 *port setting forth the nature and cost of, and other-*
12 *wise providing a full accounting on, any clandestine*
13 *prison or detention facility currently or formerly op-*
14 *erated by the United States Government, regardless of*
15 *location, where detainees in the global war on ter-*
16 *rorism are or were being held.*

17 (2) *ELEMENTS.—The report required by para-*
18 *graph (1) shall set forth, for each prison or facility,*
19 *if any, covered by such report, the following:*

20 (A) *The location and size of such prison or*
21 *facility.*

22 (B) *If such prison or facility is no longer*
23 *being operated by the United States Government,*
24 *the disposition of such prison or facility.*

1 (C) *The number of detainees currently held*
2 *or formerly held, as the case may be, at such*
3 *prison or facility.*

4 (D) *Any plans for the ultimate disposition*
5 *of any detainees currently held at such prison or*
6 *facility.*

7 (E) *A description of the interrogation pro-*
8 *cedures used or formerly used on detainees at*
9 *such prison or facility, and a determination, in*
10 *coordination with other appropriate officials, on*
11 *whether such procedures are or were in compli-*
12 *ance with United States obligations under the*
13 *Geneva Conventions and the Convention Against*
14 *Torture.*

15 (3) *FORM OF REPORT.*—*The report required by*
16 *paragraph (1) shall be submitted in classified form.*

17 **SEC. 1048. RECORDS OF CIVILIAN CASUALTIES IN AFGHANI-**
18 **STAN AND IRAQ.**

19 *Not later than 90 days after enactment of this Act,*
20 *the Secretary of Defense shall submit a report to the Com-*
21 *mittee on Armed Services and the Committee on Appropria-*
22 *tions with the following information—*

23 (a) *Whether records of civilian casualties in Afghani-*
24 *stan and Iraq are kept by United States Armed Forces, and*
25 *if so, how and from what sources this information is col-*

1 lected, where it is kept, and who is responsible for main-
2 taining such records.

3 (b) Whether such records contain—

4 (1) any information relating to the cir-
5 cumstances under which the casualties occurred and
6 whether they were fatalities or injuries;

7 (2) if any condolence payment, compensation or
8 assistance was provided to the victim or to the vic-
9 tim's family; and

10 (3) any other information relating to the casual-
11 ties.

12 **SEC. 1049. ANNUAL REPORTS ON BUDGETING RELATING TO**
13 **KEY MILITARY EQUIPMENT.**

14 (a) *IN GENERAL.*—Chapter 9 of title 10, United States
15 Code, is amended by adding at the end the following new
16 section:

17 **“§234. Budgeting for key military equipment: annual**
18 **reports**

19 “(a) *ANNUAL REPORT REQUIRED.*—The Secretary of
20 Defense shall submit to Congress each year, at or about the
21 time that the budget of the President is submitted to Con-
22 gress that year under section 1105(a) of title 31, a report
23 on the budgeting of the Department of Defense for key mili-
24 tary equipment.

1 “(b) *REPORT ELEMENTS.*—*The report required by sub-*
2 *section (a) for a year shall set forth the following:*

3 “(1) *A description of the current strategies of the*
4 *Department of Defense for sustaining key military*
5 *equipment, and for any modernization that will be*
6 *required of such equipment.*

7 “(2) *A description of the amounts required for*
8 *the Department for the fiscal year beginning in such*
9 *year in order to fully fund the strategies described in*
10 *paragraph (1).*

11 “(3) *A description of the amounts requested for*
12 *the Department for such fiscal year in order to fully*
13 *fund such strategies.*

14 “(4) *A description of the risks, if any, of failing*
15 *to fund such strategies in the amounts required to*
16 *fully fund such strategies (as specified in paragraph*
17 *(2)).*

18 “(5) *A description of the actions being taken by*
19 *the Department of Defense to mitigate the risks de-*
20 *scribed in paragraph (4).*

21 “(c) *KEY MILITARY EQUIPMENT DEFINED.*—*In this*
22 *section, the term ‘key military equipment’—*

23 “(1) *means—*

1 *provide the appropriate committees of Congress a briefing*
2 *on the strategy for the war in Iraq, including the measures*
3 *of evaluation utilized in determining the progress made in*
4 *the execution of that strategy.*

5 (b) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
6 *FINED.—In this section, the term “appropriate committees*
7 *of Congress” means—*

8 (1) *the Committees on Armed Services and Ap-*
9 *propriations of the Senate; and*

10 (2) *the Committees on Armed Services and Ap-*
11 *propriations of the House of Representatives.*

12 ***Subtitle E—Technical Amendments***

13 ***SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CER-*** 14 ***TAIN PROVISIONS OF ENVIRONMENTAL DE-*** 15 ***FENSE LAWS.***

16 (a) *DEFINITION OF “MILITARY MUNITIONS”.—Section*
17 *101(e)(4)(B)(ii) of title 10, United States Code, is amended*
18 *by striking “explosives, and” and inserting “explosives*
19 *and”.*

20 (b) *DEFENSE ENVIRONMENTAL RESTORATION PRO-*
21 *GRAM.—Section 2703(b) of such title is amended by striking*
22 *“‘unexploded ordnance’, ‘discarded military munitions’,*
23 *and” and inserting “‘discarded military munitions’ and”.*

1 ***Subtitle F—Military Mail Matters***

2 ***SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL***
3 ***SYSTEM.***

4 ***(a) PLAN REQUIRED.—***

5 ***(1) IN GENERAL.—****The Secretary of Defense shall*
6 *promptly develop and implement a plan to ensure*
7 *that the mail within the military mail system is safe*
8 *for delivery.*

9 ***(2) SCREENING.—****The plan under this subsection*
10 *shall provide for the screening of all mail within the*
11 *military mail system in order to detect the presence*
12 *in such mail of biological, chemical, or radiological*
13 *weapons, agents, or pathogens, or explosive devices,*
14 *before such mail is delivered to its intended recipi-*
15 *ents.*

16 ***(b) FUNDING FOR PLAN.—****The budget justification ma-*
17 *terials that are submitted to Congress with the budget of*
18 *the President for any fiscal year after fiscal year 2006, as*
19 *submitted under section 1105(a) of title 31, United States*
20 *Code, shall include a description of the amounts required*
21 *in such fiscal year to carry out the plan under subsection*
22 ***(a).***

23 ***(c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—***

24 ***(1) REPORT REQUIRED.—****Not later than 120*
25 *days after the date of the enactment of this Act, the*

1 *Secretary shall submit to the congressional defense*
2 *committees a report on the safety of mail within the*
3 *military mail system for delivery.*

4 (2) *ELEMENTS.—The report shall include the fol-*
5 *lowing:*

6 (A) *An assessment of any existing defi-*
7 *ciencies in the military mail system in ensuring*
8 *that mail within such system is safe for delivery.*

9 (B) *The plan developed under subsection*
10 *(a).*

11 (C) *An estimate of the time and resources*
12 *required to implement the plan.*

13 (D) *A description of the delegation within*
14 *the Department of Defense of responsibility for*
15 *ensuring that mail within the military mail sys-*
16 *tem is safe for delivery, including responsibility*
17 *for the development, implementation, and over-*
18 *sight of improvements to that system in order to*
19 *ensure the safety of such mail for delivery.*

20 (3) *FORM.—The report shall be submitted in un-*
21 *classified form, but may include a classified annex.*

22 (d) *MAIL WITHIN THE MILITARY MAIL SYSTEM DE-*
23 *FINED.—*

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), in this section, the term “mail within the*
3 *military mail system”*—

4 (A) *means*—

5 (i) *any mail that is posted through the*
6 *Military Post Offices (including Army Post*
7 *Offices (APOs) and Fleet Post Offices*
8 *(FPOs)), Department of Defense mail cen-*
9 *ters, military Air Mail Terminals, and*
10 *military Fleet Mail Centers; and*

11 (ii) *any mail or package posted in the*
12 *United States that is addressed to an un-*
13 *specified member of the Armed Forces; and*

14 (B) *includes any official mail posted by the*
15 *Department of Defense.*

16 (2) *EXCEPTION.*—*The term does not include any*
17 *mail posted as otherwise described in paragraph (1)*
18 *that has been screened for safety for delivery by the*
19 *United States Postal Service before its posting as so*
20 *described.*

21 **SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERVICE**
22 **MEMBER.**

23 (a) *PROGRAM OF DELIVERY OF MAIL.*—*The Secretary*
24 *of Defense shall carry out a program under which mail and*
25 *packages addressed to Any Service Member that are posted*

1 *in the United States shall be delivered to deployed members*
2 *of the Armed Forces overseas at or through such Army Post*
3 *Offices (APOs) and Fleet Post Offices (FPOs) as the Sec-*
4 *retary shall designate for purposes of the program.*

5 **(b) SCREENING OF MAIL.**—*In carrying out the pro-*
6 *gram required by subsection (a), the Secretary shall take*
7 *appropriate actions to ensure that the mail and packages*
8 *covered by the program are screened in order to detect the*
9 *presence in such mail and packages of biological, chemical,*
10 *or radiological weapons, agents, or pathogens, or explosive*
11 *devices, before such mail and packages are delivered to*
12 *members of the Armed Forces.*

13 **(c) DISTRIBUTION.**—*The Secretary shall ensure that*
14 *mail and packages delivered under the program required*
15 *by subsection (a) are widely distributed on an equitable*
16 *basis among all the Armed Forces in their overseas areas.*

17 **(d) OUTREACH.**—

18 **(1) IN GENERAL.**—*The Secretary shall, in col-*
19 *laboration with the Postmaster General, take appro-*
20 *priate actions to provide information to the public on*
21 *the program required by subsection (a).*

22 **(2) OUTLETS.**—*Information shall be provided to*
23 *the public under this subsection through Department*
24 *of Defense facilities and communications outlets,*
25 *Postal Service facilities, and such other means as the*

1 **SEC. 1072. IMPROVEMENTS OF INTERNAL SECURITY ACT OF**
2 **1950.**

3 (a) *PROHIBITION ON HOLDING OF SECURITY CLEAR-*
4 *ANCE AFTER CERTAIN VIOLATIONS ON HANDLING OF CLAS-*
5 *SIFIED INFORMATION.—*

6 (1) *PROHIBITION.—Section 4 of the Internal Se-*
7 *curity Act of 1950 (50 U.S.C. 783) is amended by*
8 *adding at the end the following new subsection:*

9 “(b) *No person, including individuals in the executive*
10 *branch and Members of Congress and their staffs, who*
11 *knowingly violates a law or regulation regarding the han-*
12 *dling of classified information in a manner that could have*
13 *a significant adverse impact on the national security of the*
14 *United States, including the knowing disclosure of the iden-*
15 *tity of a covert agent of the Central Intelligence Agency or*
16 *the existence of classified programs or operations, the disclo-*
17 *sure of which could have such an impact, to a person not*
18 *authorized to receive such information, shall be permitted*
19 *to hold a security clearance for or obtain access to, classified*
20 *information.”.*

21 (2) *APPLICABILITY.—Subsection (f) of section 4*
22 *of the Internal Security Act of 1950, as added by*
23 *paragraph (1), shall apply to any individual holding*
24 *a security clearance on or after the date of the enact-*
25 *ment of this Act with respect to any knowing viola-*
26 *tion of law or regulation described in such subsection,*

1 *regardless of whether such violation occurs before, on,*
2 *or after that date.*

3 **(b) CLARIFICATION OF AUTHORITY TO ISSUE SECUR-**
4 **RITY REGULATIONS AND ORDERS.**—*Section 21(a) of the In-*
5 *ternal Security Act of 1950 (Public Law 81–831; 64 Stat.*
6 *1005) is amended by inserting “or military or civilian di-*
7 *rector” after “military commander”.*

8 **SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.**

9 **(a) SHORT TITLE.**—*This Act may be cited as the*
10 *“Support Our Scouts Act of 2005”.*

11 **(b) SUPPORT FOR YOUTH ORGANIZATIONS.**—

12 **(1) DEFINITIONS.**—*In this subsection—*

13 **(A)** *the term “Federal agency” means each*
14 *department, agency, instrumentality, or other*
15 *entity of the United States Government; and*

16 **(B)** *the term “youth organization”—*

17 **(i)** *means any organization that is des-*
18 *ignated by the President as an organization*
19 *that is primarily intended to—*

20 **(I)** *serve individuals under the*
21 *age of 21 years;*

22 **(II)** *provide training in citizen-*
23 *ship, leadership, physical fitness, serv-*
24 *ice to community, and teamwork; and*

- 1 (III) promote the development of
2 character and ethical and moral val-
3 ues; and
4 (ii) shall include—
5 (I) the Boy Scouts of America;
6 (II) the Girl Scouts of the United
7 States of America;
8 (III) the Boys Clubs of America;
9 (IV) the Girls Clubs of America;
10 (V) the Young Men’s Christian
11 Association;
12 (VI) the Young Women’s Chris-
13 tian Association;
14 (VII) the Civil Air Patrol;
15 (VIII) the United States Olympic
16 Committee;
17 (IX) the Special Olympics;
18 (X) Campfire USA;
19 (XI) the Young Marines;
20 (XII) the Naval Sea Cadets Corps;
21 (XIII) 4–H Clubs;
22 (XIV) the Police Athletic League;
23 (XV) Big Brothers—Big Sisters of
24 America; and

1 (XVI) *National Guard Youth*
2 *Challenge.*

3 (2) *IN GENERAL.*—

4 (A) *SUPPORT FOR YOUTH ORGANIZA-*
5 *TIONS.*—

6 (i) *SUPPORT.*—*No Federal law (including any rule,*
7 *regulation, directive, instruction, or order) shall be con-*
8 *strued to limit any Federal agency from providing any*
9 *form of support for a youth organization (including the Boy*
10 *Scouts of America or any group officially affiliated with*
11 *the Boy Scouts of America) that would result in that Fed-*
12 *eral agency providing less support to that youth organiza-*
13 *tion (or any similar organization chartered under the chap-*
14 *ter of title 36, United States Code, relating to that youth*
15 *organization) than was provided during the preceding fiscal*
16 *year. This clause shall be subject to the availability of ap-*
17 *propriations.*

18 (ii) *YOUTH ORGANIZATIONS THAT*
19 *CEASE TO EXIST.*—*Clause (i) shall not*
20 *apply to any youth organization that ceases*
21 *to exist.*

22 (iii) *WAIVERS.*—*The head of a Federal*
23 *agency may waive the application of clause*
24 *(i) to any youth organization with respect*
25 *to each conviction or investigation described*

1 under subclause (I) or (II) for a period of
2 not more than 2 fiscal years if—

3 (I) any senior officer (including
4 any member of the board of directors)
5 of the youth organization is convicted
6 of a criminal offense relating to the of-
7 ficial duties of that officer or the youth
8 organization is convicted of a criminal
9 offense; or

10 (II) the youth organization is the
11 subject of a criminal investigation re-
12 lating to fraudulent use or waste of
13 Federal funds.

14 (B) *TYPES OF SUPPORT.*—Support de-
15 scribed under this paragraph shall include—

16 (i) holding meetings, camping events,
17 or other activities on Federal property;

18 (ii) hosting any official event of such
19 organization;

20 (iii) loaning equipment; and

21 (iv) providing personnel services and
22 logistical support.

23 (c) *SUPPORT FOR SCOUT JAMBOREES.*—

24 (1) *FINDINGS.*—Congress makes the following
25 findings:

1 (A) *Section 8 of article I of the Constitution*
2 *of the United States commits exclusively to Con-*
3 *gress the powers to raise and support armies,*
4 *provide and maintain a Navy, and make rules*
5 *for the government and regulation of the land*
6 *and naval forces.*

7 (B) *Under those powers conferred by section*
8 *8 of article I of the Constitution of the United*
9 *States to provide, support, and maintain the*
10 *Armed Forces, it lies within the discretion of*
11 *Congress to provide opportunities to train the*
12 *Armed Forces.*

13 (C) *The primary purpose of the Armed*
14 *Forces is to defend our national security and*
15 *prepare for combat should the need arise.*

16 (D) *One of the most critical elements in de-*
17 *fending the Nation and preparing for combat is*
18 *training in conditions that simulate the prepa-*
19 *ration, logistics, and leadership required for de-*
20 *fense and combat.*

21 (E) *Support for youth organization events*
22 *simulates the preparation, logistics, and leader-*
23 *ship required for defending our national security*
24 *and preparing for combat.*

1 (F) For example, Boy Scouts of America's
2 National Scout Jamboree is a unique training
3 event for the Armed Forces, as it requires the
4 construction, maintenance, and disassembly of a
5 “tent city” capable of supporting tens of thou-
6 sands of people for a week or longer. Camporees
7 at the United States Military Academy for Girl
8 Scouts and Boy Scouts provide similar training
9 opportunities on a smaller scale.

10 (2) *SUPPORT.*—Section 2554 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 “(i)(1) The Secretary of Defense shall provide at least
14 the same level of support under this section for a national
15 or world Boy Scout Jamboree as was provided under this
16 section for the preceding national or world Boy Scout Jam-
17 boree.

18 “(2) The Secretary of Defense may waive paragraph
19 (1), if the Secretary—

20 “(A) determines that providing the support sub-
21 ject to paragraph (1) would be detrimental to the na-
22 tional security of the United States; and

23 “(B) reports such a determination to the Con-
24 gress in a timely manner, and before such support is
25 not provided.”.

1 (d) *EQUAL ACCESS FOR YOUTH ORGANIZATIONS.*—
2 *Section 109 of the Housing and Community Development*
3 *Act of 1974 (42 U.S.C. 5309) is amended—*

4 (1) *in the first sentence of subsection (b) by in-*
5 *serting “or (e)” after “subsection (a)”;* and

6 (2) *by adding at the end the following:*

7 “(e) *EQUAL ACCESS.*—

8 “(1) *DEFINITION.*—*In this subsection, the term*
9 *‘youth organization’ means any organization de-*
10 *scribed under part B of subtitle II of title 36, United*
11 *States Code, that is intended to serve individuals*
12 *under the age of 21 years.*

13 “(2) *IN GENERAL.*—*No State or unit of general*
14 *local government that has a designated open forum,*
15 *limited public forum, or nonpublic forum and that is*
16 *a recipient of assistance under this chapter shall deny*
17 *equal access or a fair opportunity to meet to, or dis-*
18 *criminate against, any youth organization, including*
19 *the Boy Scouts of America or any group officially af-*
20 *filiated with the Boy Scouts of America, that wishes*
21 *to conduct a meeting or otherwise participate in that*
22 *designated open forum, limited public forum, or non-*
23 *public forum.”.*

1 **SEC. 1074. UNIFORM STANDARDS FOR THE INTERROGATION**
2 **OF PERSONS UNDER THE DETENTION OF THE**
3 **DEPARTMENT OF DEFENSE.**

4 (a) *IN GENERAL.*—No person in the custody or under
5 the effective control of the Department of Defense or under
6 detention in a Department of Defense facility shall be sub-
7 ject to any treatment or technique of interrogation not au-
8 thorized by and listed in the United States Army Field
9 Manual on Intelligence Interrogation.

10 (b) *APPLICABILITY.*—Subsection (a) shall not apply to
11 with respect to any person in the custody or under the effec-
12 tive control of the Department of Defense pursuant to a
13 criminal law or immigration law of the United States.

14 (c) *CONSTRUCTION.*—Nothing in this section shall be
15 construed to affect the rights under the United States Con-
16 stitution of any person in the custody or under the physical
17 jurisdiction of the United States.

18 **SEC. 1075. PROHIBITION ON CRUEL, INHUMAN, OR DEGRAD-**
19 **ING TREATMENT OR PUNISHMENT OF PER-**
20 **SONS UNDER CUSTODY OR CONTROL OF THE**
21 **UNITED STATES GOVERNMENT.**

22 (a) *IN GENERAL.*—No individual in the custody or
23 under the physical control of the United States Government,
24 regardless of nationality or physical location, shall be sub-
25 ject to cruel, inhuman, or degrading treatment or punish-
26 ment.

1 (b) *CONSTRUCTION.*—Nothing in this section shall be
2 construed to impose any geographical limitation on the ap-
3 plicability of the prohibition against cruel, inhuman, or de-
4 grading treatment or punishment under this section.

5 (c) *LIMITATION ON SUPERSEDURE.*—The provisions of
6 this section shall not be superseded, except by a provision
7 of law enacted after the date of the enactment of this Act
8 which specifically repeals, modifies, or supersedes the provi-
9 sions of this section.

10 (d) *CRUEL, INHUMAN, OR DEGRADING TREATMENT OR*
11 *PUNISHMENT DEFINED.*—In this section, the term “cruel,
12 inhuman, or degrading treatment or punishment” means
13 the cruel, unusual, and inhumane treatment or punishment
14 prohibited by the Fifth, Eighth, and Fourteenth Amend-
15 ments to the Constitution of the United States, as defined
16 in the United States Reservations, Declarations and Under-
17 standings to the United Nations Convention Against Tor-
18 ture and Other Forms of Cruel, Inhuman or Degrading
19 Treatment or Punishment done at New York, December 10,
20 1984.

21 **SEC. 1076. POLICY OF THE UNITED STATES ON THE INTER-**
22 **CONTINENTAL BALLISTIC MISSILE FORCE.**

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

24 (1) *Consistent with warhead levels agreed to in*
25 *the Moscow Treaty, the United States is modifying*

1 *the capacity of the Minuteman III intercontinental*
2 *ballistic missile (ICBM) from its prior capability to*
3 *carry up to 3 independent reentry vehicles (RVs) to*
4 *carry as few as a single reentry vehicle, a process*
5 *known as downloading.*

6 (2) *A series of Department of Defense studies of*
7 *United States strategic forces, including the 2001 Nu-*
8 *clear Posture Review, has confirmed the continued*
9 *need for 500 intercontinental ballistic missiles.*

10 (3) *In a potential nuclear crisis it is important*
11 *that the nuclear weapons systems of the United States*
12 *be configured so as to discourage other nations from*
13 *making a first strike.*

14 (4) *The intercontinental ballistic missile force is*
15 *currently being considered as part of the deliberations*
16 *of the Department of Defense for the Quadrennial De-*
17 *fense Review.*

18 (b) *STATEMENT OF UNITED STATES POLICY.—It is the*
19 *policy of the United States to continue to deploy a force*
20 *of 500 intercontinental ballistic missiles, provided that un-*
21 *anticipated strategic developments may compel the United*
22 *States to make changes to this force structure in the future.*

23 (c) *MOSCOW TREATY DEFINED.—In this section, the*
24 *term “Moscow Treaty” means the Treaty Between the*
25 *United States of America and the Russian Federation on*

1 *Strategic Offensive Reductions, done at Moscow on May 24,*
 2 *2002.*

3 **SEC. 1077. GRANT OF FEDERAL CHARTER TO KOREAN WAR**
 4 **VETERANS ASSOCIATION, INCORPORATED.**

5 *(a) GRANT OF CHARTER.—Part B of subtitle II of title*
 6 *36, United States Code, is amended—*

7 *(1) by striking the following:*

8 **“CHAPTER 1201—[RESERVED]”;**

9 *and*

10 *(2) by inserting after chapter 1103 the following*
 11 *new chapter:*

12 **“CHAPTER 1201—KOREAN WAR VETERANS**
 13 **ASSOCIATION, INCORPORATED**

“Sec.

“120101. Organization.

“120102. Purposes.

“120103. Membership.

“120104. Governing body.

“120105. Powers.

“120106. Restrictions.

“120107. Tax-exempt status required as condition of charter.

“120108. Records and inspection.

“120109. Service of process.

“120110. Liability for acts of officers and agents.

“120111. Annual report.

“120112. Definition.

14 **“§ 120101. Organization**

15 *“(a) FEDERAL CHARTER.—Korean War Veterans As-*
 16 *sociation, Incorporated (in this chapter, the ‘corporation’),*
 17 *a nonprofit organization that meets the requirements for*
 18 *a veterans service organization under section 501(c)(19) of*
 19 *the Internal Revenue Code of 1986 and that is organized*

1 *under the laws of the State of New York, is a federally char-*
2 *tered corporation.*

3 “(b) *EXPIRATION OF CHARTER.—If the corporation*
4 *does not comply with the provisions of this chapter, the*
5 *charter granted by subsection (a) expires.*

6 **“§ 120102. Purposes**

7 “*The purposes of the corporation are those provided*
8 *in its articles of incorporation and shall include the fol-*
9 *lowing:*

10 “(1) *Organize as a veterans service organization*
11 *in order to maintain a continuing interest in the wel-*
12 *fare of veterans of the Korean War, and rehabilitation*
13 *of the disabled veterans of the Korean War to include*
14 *all that served during active hostilities and subse-*
15 *quently in defense of the Republic of Korea, and their*
16 *families.*

17 “(2) *To establish facilities for the assistance of*
18 *all veterans and to represent them in their claims be-*
19 *fore the Department of Veterans Affairs and other or-*
20 *ganizations without charge.*

21 “(3) *To perpetuate and preserve the comradeship*
22 *and friendships born on the field of battle and nur-*
23 *tured by the common experience of service to our na-*
24 *tion during the time of war and peace.*

1 “(4) *To honor the memory of those men and*
2 *women who gave their lives that a free America and*
3 *a free world might live by the creation of living me-*
4 *memorial, monuments, and other forms of additional*
5 *educational, cultural, and recreational facilities.*

6 “(5) *To preserve for ourselves and our posterity*
7 *the great and basic truths and enduring principles*
8 *upon which this nation was founded.*

9 **“§ 120103. Membership**

10 *“Eligibility for membership in the corporation, and*
11 *the rights and privileges of members of the corporation, are*
12 *as provided in the bylaws of the corporation.*

13 **“§ 120104. Governing body**

14 “(a) *BOARD OF DIRECTORS.—The composition of the*
15 *board of directors of the corporation, and the responsibil-*
16 *ities of the board, are as provided in the articles of incorpo-*
17 *ration of the corporation.*

18 “(b) *OFFICERS.—The positions of officers of the cor-*
19 *poration, and the election of the officers, are as provided*
20 *in the articles of incorporation.*

21 **“§ 120105. Powers**

22 *“The corporation has only those powers provided in*
23 *its bylaws and articles of incorporation filed in each State*
24 *in which it is incorporated.*

1 **“§ 120106. Restrictions**

2 “(a) *STOCK AND DIVIDENDS.*—*The corporation may*
3 *not issue stock or declare or pay a dividend.*

4 “(b) *POLITICAL ACTIVITIES.*—*The corporation, or a*
5 *director or officer of the corporation as such, may not con-*
6 *tribute to, support, or participate in any political activity*
7 *or in any manner attempt to influence legislation.*

8 “(c) *LOAN.*—*The corporation may not make a loan to*
9 *a director, officer, or employee of the corporation.*

10 “(d) *CLAIM OF GOVERNMENTAL APPROVAL OR AU-*
11 *THORITY.*—*The corporation may not claim congressional*
12 *approval, or the authority of the United States, for any of*
13 *its activities.*

14 “(e) *CORPORATE STATUS.*—*The corporation shall*
15 *maintain its status as a corporation incorporated under*
16 *the laws of the State of New York.*

17 **“§ 120107. Tax-exempt status required as condition of**
18 ***charter***

19 “*If the corporation fails to maintain its status as an*
20 *organization exempt from taxation under the Internal Rev-*
21 *enue Code of 1986, the charter granted under this chapter*
22 *shall terminate.*

23 **“§ 120108. Records and inspection**

24 “(a) *RECORDS.*—*The corporation shall keep—*

25 “(1) *correct and complete records of account;*

1 “(2) minutes of the proceedings of its members,
2 board of directors, and committees having any of the
3 authority of its board of directors; and

4 “(3) at its principal office, a record of the names
5 and addresses of its members entitled to vote on mat-
6 ters relating to the corporation.

7 “(b) *INSPECTION*.—A member entitled to vote on mat-
8 ters relating to the corporation, or an agent or attorney
9 of the member, may inspect the records of the corporation
10 for any proper purpose, at any reasonable time.

11 **“§ 120109. Service of process**

12 “The corporation shall have a designated agent in the
13 District of Columbia to receive service of process for the cor-
14 poration. Notice to or service on the agent is notice to or
15 service on the Corporation.

16 **“§ 120110. Liability for acts of officers and agents**

17 “The corporation is liable for the acts of its officers
18 and agents acting within the scope of their authority.

19 **“§ 120111. Annual report**

20 “The corporation shall submit to Congress an annual
21 report on the activities of the corporation during the pre-
22 ceding fiscal year. The report shall be submitted at the same
23 time as the report of the audit required by section 10101(b)
24 of this title. The report may not be printed as a public docu-
25 ment.

1 *the USS Arizona Memorial, a unit of the National Park*
2 *System, in accordance with the laws and regulations appli-*
3 *cable to land administered by the National Park Service*
4 *and any Memorandum of Understanding between the Sec-*
5 *retary of the Navy and the Secretary of the Interior. The*
6 *Secretary of the Navy shall continue to have jurisdiction*
7 *over the land selected as the site.*

8 (c) *FUTURE MEMORIALS.*—*Any future memorials for*
9 *United States Naval Vessels that were attacked at Pearl*
10 *Harbor on December 7, 1941, shall be consistent with the*
11 *“Pearl Harbor Naval Complex Design Guidelines and Eval-*
12 *uation Criteria for Memorials, April 2005”.*

13 (d) *MASTER PLAN.*—*Not later than one year after the*
14 *date of the enactment of this Act, the Secretary of the Navy,*
15 *in consultation with the Secretary of the Interior, shall sub-*
16 *mit to the Committee on Armed Services and Committee*
17 *on Resources of the House of Representatives and the Com-*
18 *mittee on Armed Services and the Committee on Energy*
19 *and Natural Resources of the Senate, a master plan for op-*
20 *eration and management of the site presently encompassing*
21 *the visitors center for the USS Arizona Memorial, the area*
22 *commonly known as the “Halawa Landing”, and any adja-*
23 *cent properties.*

1 **SEC. 1079. PRAYER AT MILITARY SERVICE ACADEMY ACTIVI-**
2 **TIES.**

3 (a) *IN GENERAL.*—*The superintendent of a service*
4 *academy may have in effect such policy as the super-*
5 *intendent considers appropriate with respect to the offering*
6 *of a voluntary, nondenominational prayer at an otherwise*
7 *authorized activity of the academy, subject to the United*
8 *States Constitution and such limitations as the Secretary*
9 *of Defense may prescribe.*

10 (b) *SERVICE ACADEMIES.*—*For purposes of this sec-*
11 *tion, the term “service academy” means any of the fol-*
12 *lowing:*

13 (1) *The United States Military Academy.*

14 (2) *The United States Naval Academy.*

15 (3) *The United States Air Force Academy.*

16 **SEC. 1080. RIOT CONTROL AGENTS.**

17 (a) *RESTATEMENT OF POLICY.*—*It is the policy of the*
18 *United States that riot control agents are not chemical*
19 *weapons and that the president may authorize their use as*
20 *legitimate, legal, and non-lethal alternatives to the use of*
21 *force that, as provided in Executive Order 11850 (40 Fed.*
22 *Reg. 16187) and consistent with the resolution of ratifica-*
23 *tion of the Chemical Weapons convention, may be employed*
24 *by members of the Armed Forces in war in defensive mili-*
25 *tary modes to save lives, including the illustrative purposes*
26 *cited in Executive Order 11850.*

1 **(b) REPORT REQUIRED.**—

2 **(1) IN GENERAL.**—*Not later than 180 days after*
3 *the date of the enactment of this Act, the President*
4 *shall submit to Congress a report on the use of riot*
5 *control agents by members of the Armed Forces.*

6 **(2) CONTENT.**—*The report required by para-*
7 *graph (1) shall include—*

8 **(A)** *a description of all regulations, doc-*
9 *trines, training materials, and any other infor-*
10 *mation related to the use of riot control agents*
11 *by members of the Armed Forces;*

12 **(B)** *a description of the doctrinal publica-*
13 *tions, training, and other resources provided or*
14 *available to members of the Armed Forces on an*
15 *annual basis with regard to the tactical employ-*
16 *ment of riot control agents;*

17 **(C)** *a description of how the material de-*
18 *scribed in subparagraphs (A) and (B) is con-*
19 *sistent with United States policy on the use of*
20 *riot control agents;*

21 **(D)** *a description of the availability of riot*
22 *control agents, and the means to employ them, to*
23 *members of the Armed Forces deployed in Iraq*
24 *and Afghanistan;*

1 (E) a description of the frequency of use of
2 riot control agents since January 1, 1992, and
3 a summary of views held by military com-
4 manders about the utility of the employing riot
5 control agents by members of the Armed Forces;

6 (F) a general description of steps taken or
7 to be taken by the Department of Defense to clar-
8 ify the circumstances under which riot control
9 agents may be used by members of the Armed
10 Forces; and

11 (G) an assessment of the legality of Execu-
12 tive Order 11850, including an explanation why
13 Executive Order 11850 remains valid under
14 United States law.

15 (3) FORM.—The report required by paragraph
16 (1) shall be submitted in unclassified form, but may
17 include a classified annex.

18 (c) DEFINITIONS.—In this section:

19 (1) CHEMICAL WEAPONS CONVENTION.—The
20 term “Chemical Weapons Convention” means the
21 Convention on the Prohibitions of Development, Pro-
22 duction, Stockpiling and Use of Chemical Weapons
23 and on Their Destruction, with annexes, done at
24 Paris, January 13, 1993, and entered into force April
25 29, 1997 (T. Doc. 103–21).

1 (2) *RESOLUTION OF RATIFICATION OF THE*
2 *CHEMICAL WEAPONS CONVENTION.—The term “resolu-*
3 *tion of ratification of the Chemical Weapons Conven-*
4 *tion” means S. Res. 75, 105th Congress, agreed to*
5 *April 24, 1997, advising and consenting to the ratifi-*
6 *cation of the Chemical Weapons Convention.*

7 **SEC. 1081. DRUG TRAFFICKING DETERRENCE.**

8 (a) *FINDINGS.—*

9 (1) *According to the Department of State, drug*
10 *trafficking organizations shipped approximately nine*
11 *tons of cocaine to the United States through the Do-*
12 *minican Republic in 2004, and are increasingly*
13 *using small, high-speed watercraft.*

14 (2) *Drug traffickers use the Caribbean corridor*
15 *to smuggle narcotics to the United States via Puerto*
16 *Rico and the Dominican Republic. This route is ideal*
17 *for drug trafficking because of its geographic expanse,*
18 *numerous law enforcement jurisdictions and frag-*
19 *mented investigative efforts.*

20 (3) *The tethered aerostat system in Lajas, Puerto*
21 *Rico contributes to deterring and detecting smugglers*
22 *moving illicit drugs into Puerto Rico. The aerostat’s*
23 *range and operational capabilities allow it to provide*
24 *surveillance coverage of the eastern Caribbean cor-*
25 *ridor and the strategic waterway between Puerto Rico*

1 (5) *The Secretary of Homeland Security.*

2 (6) *The Attorney General.*

3 (7) *The Director of National Intelligence.*

4 (8) *The Secretary of Labor.*

5 (9) *The Director of the Office of Personnel Man-*
6 *agement.*

7 (10) *The Director of the Office of Management*
8 *and Budget.*

9 (11) *The Secretary of Commerce.*

10 (12) *The Secretary of Health and Human Serv-*
11 *ices.*

12 (13) *The Secretary of the Treasury.*

13 (14) *The Secretary of Housing and Urban Devel-*
14 *opment.*

15 (15) *The Secretary of Agriculture.*

16 (16) *The Chairman and President of the Export-*
17 *Import Bank of the United States.*

18 (17) *The heads of such other Federal agencies as*
19 *the Council considers appropriate.*

20 (c) *RESPONSIBILITIES.—*

21 (1) *IN GENERAL.—The Council shall be charged*
22 *with—*

23 (A) *developing a national foreign language*
24 *strategy, within 18 months of the date of enact-*
25 *ment of this section, in consultation with—*

- 1 (i) *State and local government agen-*
2 *cies;*
- 3 (ii) *academic sector institutions;*
- 4 (iii) *foreign language related interest*
5 *groups;*
- 6 (iv) *business associations;*
- 7 (v) *industry;*
- 8 (vi) *heritage associations; and*
- 9 (vii) *other relevant stakeholders;*
- 10 (B) *conducting a survey of the status of*
11 *Federal agency foreign language and area exper-*
12 *tise and agency needs for such expertise; and*
- 13 (C) *monitoring the implementation of such*
14 *strategy through—*
- 15 (i) *application of current and recently*
16 *enacted laws; and*
- 17 (ii) *the promulgation and enforcement*
18 *of rules and regulations.*
- 19 (2) *STRATEGY CONTENT.—The strategy developed*
20 *under paragraph (1) shall include—*
- 21 (A) *identification of crucial priorities*
22 *across all sectors;*
- 23 (B) *identification and evaluation of Federal*
24 *foreign language programs and activities,*
25 *including—*

- 1 (i) any duplicative or overlapping pro-
2 grams that may impede efficiency;
- 3 (ii) recommendations on coordination;
- 4 (iii) program enhancements; and
- 5 (iv) allocation of resources so as to
6 maximize use of resources;
- 7 (C) needed national policies and cor-
8 responding legislative and regulatory actions in
9 support of, and allocation of designated resources
10 to, promising programs and initiatives at all
11 levels (Federal, State, and local), especially in
12 the less commonly taught languages that are seen
13 as critical for national security and global com-
14 petitiveness during the next 20 to 50 years;
- 15 (D) effective ways to increase public aware-
16 ness of the need for foreign language skills and
17 career paths in all sectors that can employ those
18 skills, with the objective of increasing support for
19 foreign language study among—
- 20 (i) Federal, State, and local leaders;
- 21 (ii) students;
- 22 (iii) parents;
- 23 (iv) elementary, secondary, and post-
24 secondary educational institutions; and
- 25 (v) employers;

1 (E) recommendations for incentives for re-
2 lated educational programs, including foreign
3 language teacher training;

4 (F) coordination of cross-sector efforts, in-
5 cluding public-private partnerships;

6 (G) coordination initiatives to develop a
7 strategic posture for language research and rec-
8 ommendations for funding for applied foreign
9 language research into issues of national con-
10 cern;

11 (H) recommendations for assistance for—

12 (i) the development of foreign language
13 achievement standards; and

14 (ii) corresponding assessments for the
15 elementary, secondary, and postsecondary
16 education levels, including the National As-
17 sessment of Educational Progress in foreign
18 languages;

19 (I) recommendations for development of—

20 (i) language skill-level certification
21 standards;

22 (ii) frameworks for pre-service and
23 professional development study for those
24 who teach foreign language;

1 (iii) suggested graduation criteria for
2 foreign language studies and appropriate
3 non-language studies, such as—

4 (I) international business;

5 (II) national security;

6 (III) public administration;

7 (IV) health care;

8 (V) engineering;

9 (VI) law;

10 (VII) journalism; and

11 (VIII) sciences;

12 (J) identification of and means for repli-
13 cating best practices at all levels and in all sec-
14 tors, including best practices from the inter-
15 national community; and

16 (K) recommendations for overcoming bar-
17 riers in foreign language proficiency.

18 (d) *SUBMISSION OF STRATEGY TO PRESIDENT AND*
19 *CONGRESS.*—Not later than 18 months after the date of en-
20 *actment of this section, the Council shall prepare and trans-*
21 *mit to the President and the relevant committees of Con-*
22 *gress the strategy required under subsection (c).*

23 (e) *MEETINGS.*—*The Council may hold such meetings,*
24 *and sit and act at such times and places, as the Council*
25 *considers appropriate, but shall meet in formal session at*

1 *least 2 times a year. State and local government agencies*
2 *and other organizations (such as academic sector institu-*
3 *tions, foreign language-related interest groups, business as-*
4 *sociations, industry, and heritage community organiza-*
5 *tions) shall be invited, as appropriate, to public meetings*
6 *of the Council at least once a year.*

7 (f) *STAFF.—*

8 (1) *IN GENERAL.—The Director may—*

9 (A) *appoint, without regard to the provi-*
10 *sions of title 5, United States Code, governing*
11 *the competitive service, such personnel as the Di-*
12 *rector considers necessary; and*

13 (B) *compensate such personnel without re-*
14 *gard to the provisions of chapter 51 and sub-*
15 *chapter III of chapter 53 of that title.*

16 (2) *DETAIL OF GOVERNMENT EMPLOYEES.—*
17 *Upon request of the Council, any Federal Government*
18 *employee may be detailed to the Council without re-*
19 *imbursement, and such detail shall be without inter-*
20 *ruption or loss of civil service status or privilege*

21 (3) *EXPERTS AND CONSULTANTS.—With the ap-*
22 *proval of the Council, the Director may procure tem-*
23 *porary and intermittent services under section*
24 *3109(b) of title 5, United States Code.*

1 (4) *TRAVEL EXPENSES.*—*Council members and*
2 *staff shall be allowed travel expenses, including per*
3 *diem in lieu of subsistence, at rates authorized for*
4 *employees of agencies under subchapter I of chapter*
5 *57 of title 5, United States Code, while away from*
6 *their homes or regular places of business in the per-*
7 *formance of services for the Council.*

8 (5) *SECURITY CLEARANCE.*—

9 (A) *IN GENERAL.*—*Subject to subparagraph*
10 *(B), the appropriate Federal agencies or depart-*
11 *ments shall cooperate with the Council in expedi-*
12 *tiously providing to the Council members and*
13 *staff appropriate security clearances to the extent*
14 *possible pursuant to existing procedures and re-*
15 *quirements.*

16 (B) *EXCEPTION.*—*No person shall be pro-*
17 *vided with access to classified information under*
18 *this section without the appropriate required se-*
19 *curity clearance access.*

20 (6) *COMPENSATION.*—*The rate of pay for any*
21 *employee of the Council (including the Director) may*
22 *not exceed the rate payable for level V of the Executive*
23 *Schedule under section 5316 of title 5, United States*
24 *Code.*

25 (g) *POWERS.*—

1 (1) *DELEGATION.*—Any member or employee of
2 the Council may, if authorized by the Council, take
3 any action that the Council is authorized to take in
4 this section.

5 (2) *INFORMATION.*—

6 (A) *COUNCIL AUTHORITY TO SECURE.*—The
7 Council may secure directly from any Federal
8 agency such information, consistent with Federal
9 privacy laws, including The Family Educational
10 Rights and Privacy Act (20 U.S.C. 1232g) and
11 Department of Education’s General Education
12 Provisions Act (20 U.S.C. 1232(h)), the Council
13 considers necessary to carry out its responsibil-
14 ities.

15 (B) *REQUIREMENT TO FURNISH RE-*
16 *QUESTED INFORMATION.*—Upon request of the
17 Director, the head of such agency shall furnish
18 such information to the Council.

19 (3) *DONATIONS.*—The Council may accept, use,
20 and dispose of gifts or donations of services or prop-
21 erty.

22 (4) *MAIL.*—The Council may use the United
23 States mail in the same manner and under the same
24 conditions as other Federal agencies.

1 (h) *CONFERENCES, NEWSLETTER, AND WEBSITE.*—In
2 *carrying out this section, the Council—*

3 (1) *may arrange Federal, regional, State, and*
4 *local conferences for the purpose of developing and co-*
5 *ordinating effective programs and activities to im-*
6 *prove foreign language education;*

7 (2) *may publish a newsletter concerning Federal,*
8 *State, and local programs that are effectively meeting*
9 *the foreign language needs of the nation; and*

10 (3) *shall create and maintain a website con-*
11 *taining information on the Council and its activities,*
12 *best practices on language education, and other rel-*
13 *evant information.*

14 (i) *REPORTS.*—*Not later than 90 days after the date*
15 *of enactment of this section, and annually thereafter, the*
16 *Council shall prepare and transmit to the President and*
17 *the relevant committees of Congress a report that*
18 *describes—*

19 (1) *the activities of the Council;*

20 (2) *the efforts of the Council to improve foreign*
21 *language education and training; and*

22 (3) *impediments to the use of a National Foreign*
23 *Language program, including any statutory and reg-*
24 *ulatory restrictions.*

1 (j) *ESTABLISHMENT OF A NATIONAL LANGUAGE DI-*
2 *RECTOR.*—

3 (1) *IN GENERAL.*—*There is established a Na-*
4 *tional Language Director who shall be appointed by*
5 *the President. The National Language Director shall*
6 *be a nationally recognized individual with credentials*
7 *and abilities across the sectors to be involved with cre-*
8 *ating and implementing long-term solutions to*
9 *achieving national foreign language and cultural*
10 *competency.*

11 (2) *RESPONSIBILITIES.*—*The National Language*
12 *Director shall—*

13 (A) *develop and monitor the implementa-*
14 *tion of a national foreign language strategy*
15 *across all sectors;*

16 (B) *establish formal relationships among*
17 *the major stakeholders in meeting the needs of*
18 *the Nation for improved capabilities in foreign*
19 *languages and cultural understanding, including*
20 *Federal, State, and local government agencies,*
21 *academia, industry, labor, and heritage commu-*
22 *nities; and*

23 (C) *coordinate and lead a public informa-*
24 *tion campaign that raises awareness of public*
25 *and private sector careers requiring foreign lan-*

1 *guage skills and cultural understanding, with the*
2 *objective of increasing interest in and support*
3 *for the study of foreign languages among na-*
4 *tional leaders, the business community, local offi-*
5 *cial, parents, and individuals.*

6 *(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—*

7 *(1) STATE CONTACT PERSONS.—The Council*
8 *shall consult with each State to provide for the des-*
9 *ignation by each State of an individual to serve as*
10 *a State contact person for the purpose of receiving*
11 *and disseminating information and communications*
12 *received from the Council.*

13 *(2) STATE INTERAGENCY COUNCILS AND LEAD*
14 *AGENCIES.—Each State is encouraged to establish a*
15 *State interagency council on foreign language coordi-*
16 *nation or designate a lead agency for the State for the*
17 *purpose of assuming primary responsibility for co-*
18 *ordinating and interacting with the Council and*
19 *State and local government agencies as necessary.*

20 *(l) AUTHORIZATION OF APPROPRIATIONS.—There are*
21 *authorized to be appropriated such sums as necessary to*
22 *carry out this section.*

1 **SEC. 1083. RETENTION OF REIMBURSEMENT FOR PROVI-**
2 **SION OF RECIPROCAL FIRE PROTECTION**
3 **SERVICES.**

4 *Section 5 of the Act of May 27, 1955 (chapter 105;*
5 *69 Stat. 67; 42 U.S.C. 1856d) is amended—*

6 *(1) by striking “Funds” and inserting “(a)*
7 *Funds”; and*

8 *(2) by adding at the end the following new sub-*
9 *section:*

10 *“(b) Notwithstanding the provisions of subsection (a),*
11 *all sums received for any Department of Defense activity*
12 *for fire protection rendered pursuant to this Act shall be*
13 *credited to the appropriation fund or account from which*
14 *the expenses were paid. Amounts so credited shall be merged*
15 *with funds in such appropriation fund or account and shall*
16 *be available for the same purposes and subject to the same*
17 *limitations as the funds with which the funds are merged.”.*

18 **SEC. 1084. EXPANSION OF EMERGENCY SERVICES UNDER**
19 **RECIPROCAL AGREEMENTS.**

20 *Subsection (b) of the first section of the Act of May*
21 *27, 1955 (69 Stat. 66, chapter 105; 42 U.S.C. 1856(b)) is*
22 *amended by striking “and fire fighting” and inserting “,*
23 *fire fighting, and emergency services, including basic and*
24 *advanced life support, hazardous material containment and*
25 *confinement, and special rescue events involving vehicular*

1 *and water mishaps, and trench, building, and confined*
2 *space extractions”.*

3 **SEC. 1085. RENEWAL OF MORATORIUM ON RETURN OF VET-**
4 **ERANS MEMORIAL OBJECTS TO FOREIGN NA-**
5 **TIONS WITHOUT SPECIFIC AUTHORIZATION**
6 **IN LAW.**

7 *Section 1051(c) of the National Defense Authorization*
8 *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*
9 *763; 10 U.S.C. 2572 note) is amended by inserting “, and*
10 *during the period beginning on the date of the enactment*
11 *of the National Defense Authorization Act for Fiscal Year*
12 *2006 and ending on September 30, 2010.*

13 **SEC. 1086. SENSE OF THE SENATE REGARDING MANNED**
14 **SPACE FLIGHT.**

15 *(a) FINDINGS.—The Congress finds that—*

16 *(1) human spaceflight preeminence allows the*
17 *United States to project leadership around the world*
18 *and forms an important component of United States*
19 *national security;*

20 *(2) continued development of human spaceflight*
21 *in low-Earth orbit, on the Moon, and beyond adds to*
22 *the overall national strategic posture;*

23 *(3) human spaceflight enables continued steward-*
24 *ship of the region between the earth and the Moon—*

1 *Foreign Relations of the Senate, and the Committee on*
2 *International Relations of the House of Representatives an*
3 *annual report that sets forth all direct and indirect costs*
4 *(including incremental costs) incurred by the Department*
5 *of Defense during the preceding year in implementing or*
6 *supporting any resolution adopted by the United Nations*
7 *Security Council, including any such resolution calling for*
8 *international sanctions, international peacekeeping oper-*
9 *ations, international peace enforcement operations, moni-*
10 *toring missions, observer missions, or humanitarian mis-*
11 *sions undertaken by the Department of Defense. Each such*
12 *report shall include an aggregate of all such Department*
13 *of Defense costs by operation or mission, the percentage of*
14 *the United States contribution by operation or mission, and*
15 *the total cost of each operation or mission.*

16 **(b) COSTS FOR ASSISTING FOREIGN TROOPS.**—*The*
17 *Secretary of Defense and the Secretary of State shall detail*
18 *in each annual report required by this section all direct*
19 *and indirect costs (including incremental costs) incurred*
20 *in training, equipping, and otherwise assisting, preparing,*
21 *resourcing, and transporting foreign troops for imple-*
22 *menting or supporting any resolution adopted by the*
23 *United Nations Security Council, including any such reso-*
24 *lution calling for international sanctions, international*
25 *peacekeeping operations, international peace enforcement*

1 *operations, monitoring missions, observer missions, or hu-*
2 *manitarian missions.*

3 (c) *CREDIT AND COMPENSATION.*—*The Secretary of*
4 *Defense and the Secretary of State shall detail in each an-*
5 *nual report required by this section all efforts made to seek*
6 *credit against past United Nations expenditures and all ef-*
7 *forts made to seek compensation from the United Nations*
8 *for costs incurred by the Department of Defense in imple-*
9 *menting and supporting United Nations activities.*

10 (d) *FORM OF REPORT.*—*Each annual report required*
11 *by this section shall be submitted in unclassified form, but*
12 *may include a classified annex.*

13 **SEC. 1088. SENSE OF SENATE ON AERONAUTICS RESEARCH**
14 **AND DEVELOPMENT.**

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

16 (1) *The advances made possible by Government-*
17 *funded research in emerging aeronautics technologies*
18 *have enabled longstanding military air superiority*
19 *for the United States in recent decades.*

20 (2) *Military aircraft incorporate advanced tech-*
21 *nologies developed at research centers of the National*
22 *Aeronautics and Space Administration.*

23 (3) *The vehicle systems program of the National*
24 *Aeronautics and Space Administration has provided*
25 *major technology advances that have been used in*

1 *every major civil and military aircraft developed over*
2 *the last 50 years.*

3 *(4) It is important for the cooperative research*
4 *efforts of the National Aeronautics and Space Admin-*
5 *istration and the Department of Defense that funding*
6 *of research on military aviation technologies be ro-*
7 *bust.*

8 *(5) Recent National Aeronautics and Space Ad-*
9 *ministration and independent studies have dem-*
10 *onstrated the competitiveness, scientific merit, and*
11 *necessity of existing aeronautics programs.*

12 *(6) The economic and military security of the*
13 *United States is enhanced by the continued develop-*
14 *ment of improved aeronautics technologies.*

15 *(7) A national effort is needed to ensure that the*
16 *National Aeronautics and Space Administration can*
17 *help meet future aviation needs.*

18 *(b) SENSE OF SENATE.—It is the sense of the Senate*
19 *that it is in the national security interest of the United*
20 *States to maintain a strong aeronautics research and devel-*
21 *opment program within the Department of Defense and the*
22 *National Aeronautics and Space Administration.*

1 **SEC. 1089. REPORT ON CLAIMS RELATED TO THE BOMBING**
2 **OF THE LABELLE DISCOTHEQUE.**

3 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
4 *that—*

5 (1) *the Government of Libya should be com-*
6 *mended for the steps the Government has taken to re-*
7 *nounce terrorism and to eliminate Libya's weapons of*
8 *mass destruction and related programs; and*

9 (2) *an important priority for improving rela-*
10 *tions between the United States and Libya should be*
11 *a good faith effort on the part of the Government of*
12 *Libya to resolve the claims of members of the Armed*
13 *Forces of the United States and other United States*
14 *citizens who were injured in the bombing of the*
15 *LaBelle Discotheque in Berlin, Germany that oc-*
16 *curred in April 1986, and of family members of mem-*
17 *bers of the Armed Forces of the United States who*
18 *were killed in that bombing.*

19 (b) *REPORTS.*—

20 (1) *INITIAL REPORT.*—*Not later than 90 days*
21 *after the date of enactment of this Act, the Secretary*
22 *of State shall submit to the appropriate congressional*
23 *committees a report on the status of negotiations be-*
24 *tween the Government of Libya and United States*
25 *claimants in connection with the bombing of the*
26 *LaBelle Discotheque in Berlin, Germany that oc-*

1 *curred in April 1986, regarding resolution of their*
2 *claims. The report shall also include information on*
3 *efforts by the Government of the United States to urge*
4 *the Government of Libya to make a good faith effort*
5 *to resolve such claims.*

6 (2) *UPDATE.*—*Not later than one year after en-*
7 *actment of this Act, the Secretary of State shall sub-*
8 *mit to the appropriate congressional committees an*
9 *update of the report required by paragraph (1).*

10 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
11 *FINED.*—*In this section, the term “appropriate congres-*
12 *sional committees” means the Committee on Armed Services*
13 *and the Committee on Foreign Relations of the Senate and*
14 *the Committee on Armed Services and the Committee on*
15 *International Relations of the House of Representatives.*

16 **SEC. 1090. COAL-TO-LIQUID FUEL DEVELOPMENT PLAN.**

17 (a) *DEFINITION OF DESIGNATED COMMITTEES.*—*In*
18 *this section, the term “designated committees” means—*

19 (1) *the Committees on Armed Services, Energy*
20 *and Natural Resources, and Appropriations of the*
21 *Senate; and*

22 (2) *the Committees on Armed Services, Energy*
23 *and Commerce, and Appropriations of the House of*
24 *Representatives.*

1 (b) *DEVELOPMENT PLAN AND REPORT.*—Not later
2 than 90 days after the date of enactment of this Act, using
3 amounts available to the Department of Defense and the
4 National Energy Technology Laboratory of the Department
5 of Energy—

6 (1) the Secretary of Energy, in coordination
7 with the Secretary of Defense, shall prepare and sub-
8 mit to the designated committees a development plan
9 for a coal-to-liquid fuels program; and

10 (2) the Secretary of Defense, in coordination
11 with the Secretary of Energy, shall prepare and sub-
12 mit to the designated committees a report on the po-
13 tential use of the fuels by the Department of Defense.

14 (c) *REQUIREMENTS.*—The development plan described
15 in subsection (b)(1) shall be prepared taking into
16 consideration—

17 (1) technology needs and developmental barriers;

18 (2) economic and national security effects;

19 (3) environmental standards and carbon capture
20 and storage opportunities;

21 (4) financial incentives;

22 (5) timelines and milestones;

23 (6) diverse regions having coal reserves that
24 would be suitable for liquefaction plants;

1 (7) *coal-liquid fuel testing to meet civilian and*
2 *military engine standards and markets; and*

3 (8) *any roles other Federal agencies, State gov-*
4 *ernments, and international entities could play in de-*
5 *veloping a coal-to-liquid fuel industry.*

6 **SEC. 1091. SENSE OF SENATE ON COMMON REMOTELY OP-**
7 **ERATED WEAPONS STATION (CROWS) PLAT-**
8 **FORM.**

9 (a) *FINDINGS.—The Senate makes the following find-*
10 *ings:*

11 (1) *With only a few systems deployed, the Com-*
12 *mon Remotely Operated Weapons Station (CROWS)*
13 *platform is already saving the lives of soldiers today*
14 *in Iraq by moving soldiers out of the exposed gunner's*
15 *seat and into the protective shell of an up-armored*
16 *Humvee.*

17 (2) *The Common Remotely Operated Weapons*
18 *Station platform dramatically improves battlefield*
19 *awareness by providing a laser rangefinder, night vi-*
20 *sion, telescopic vision, a fire control computer that al-*
21 *lows on-the-move target acquisition, and one-shot one-*
22 *kill accuracy at the maximum range of a weapon.*

23 (3) *As they become available, new technologies*
24 *can be incorporated into the Common Remotely Oper-*

1 *ated Weapons Station platform, thus making the*
2 *platform scalable.*

3 *(4) The Army has indicated that an additional*
4 *\$206,000,000 will be required in fiscal year 2006 to*
5 *procure 750 Common Remotely Operated Weapons*
6 *Station units for the Armed Forces, and to prepare*
7 *for future production of such weapons stations.*

8 *(b) SENSE OF SENATE.—It is the sense of the Senate*
9 *that the President should include in the next request sub-*
10 *mitted to Congress for supplemental funding for military*
11 *operations in Iraq and Afghanistan sufficient funds for the*
12 *production in fiscal year 2006 of a number of Common Re-*
13 *motely Operated Weapons Station units that is adequate*
14 *to meet the requirements of the Armed Forces.*

15 **SEC. 1092. REVIEW OF STATUS OF DETAINEES.**

16 *(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW*
17 *OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later*
18 *than 180 days after the date of the enactment of this Act,*
19 *the Secretary of Defense shall submit to the congressional*
20 *defense committees, and to the Committees on the Judiciary*
21 *of the Senate and the House of Representatives, a report*
22 *setting forth the procedures of the Combatant Status Review*
23 *Tribunals and the noticed Administrative Review Boards*
24 *in operation at Guantanamo Bay, Cuba, for determining*
25 *the status of the detainees held at Guantanamo Bay.*

1 (b) *PROCEDURES.*—*The procedures submitted to Con-*
2 *gress pursuant to subsection (a) shall, with respect to pro-*
3 *ceedings beginning after the date of the submittal of such*
4 *procedures under that subsection, ensure that—*

5 (1) *in making a determination of status of any*
6 *detainee under such procedures, a Combatant Status*
7 *Review Tribunal or Administrative Review Board*
8 *may not consider statements derived from persons*
9 *that, as determined by such Tribunal or Board, by*
10 *the preponderance of the evidence, were obtained with*
11 *undue coercion; and*

12 (2) *the Designated Civilian Official shall be an*
13 *officer of the United States Government whose ap-*
14 *pointment to office was made by the President, by*
15 *and with the advice and consent of the Senate.*

16 (c) *REPORT ON MODIFICATION OF PROCEDURES.*—*The*
17 *Secretary of Defense shall submit to the committees of Con-*
18 *gress referred to in subsection (a) a report on any modifica-*
19 *tion of the procedures submitted under subsection (a) not*
20 *later than 60 days before the date on which such modifica-*
21 *tion goes into effect.*

22 (d) *JUDICIAL REVIEW OF DETENTION OF ENEMY COM-*
23 *BATANTS.*—

1 (1) *IN GENERAL.*—Section 2241 of title 28,
2 *United States Code, is amended by adding at the end*
3 *the following:*

4 “(e) *No court, justice, or judge shall have jurisdiction*
5 *to hear or consider an application for a writ of habeas cor-*
6 *pus filed by or on behalf of an alien outside the United*
7 *States (as that term is defined in section 101(a)(38) of the*
8 *Immigration and Naturalization Act (8 U.S.C.*
9 *1101(a)(38)) who is detained by the Department of Defense*
10 *at Guantanamo Bay, Cuba.”.*

11 (2) *REVIEW OF DECISIONS OF COMBATANT STA-*
12 *TUS REVIEW TRIBUNALS OF PROPRIETY OF DETEN-*
13 *TION.*—

14 (A) *IN GENERAL.*—Subject to subpara-
15 graphs (B), (C), and (D), the United States
16 Court of Appeals for the District of Columbia
17 Circuit shall have exclusive jurisdiction to deter-
18 mine the validity of any decision of a Des-
19 ignated Civilian Official described in subsection
20 (b)(2) that an alien is properly detained as an
21 enemy combatant.

22 (B) *LIMITATION ON CLAIMS.*—The jurisdic-
23 tion of the United States Court of Appeals for
24 the District of Columbia Circuit under this

1 paragraph shall be limited to claims brought by
2 or on behalf of an alien—

3 (i) who is, at the time a request for re-
4 view by such court is filed, detained by the
5 Department of Defense at Guantanamo
6 Bay, Cuba; and

7 (ii) for whom a Combatant Status Re-
8 view Tribunal has been conducted, pursuant
9 to applicable procedures specified by the
10 Secretary of Defense.

11 (C) SCOPE OF REVIEW.—The jurisdiction of
12 the United States Court of Appeals for the Dis-
13 trict of Columbia Circuit on any claims with re-
14 spect to an alien under this paragraph shall be
15 limited to the consideration of—

16 (i) whether the status determination of
17 the Combatant Status Review Tribunal
18 with regard to such alien applied the cor-
19 rect standards and was consistent with the
20 procedures specified by the Secretary of De-
21 fense for Combatant Status Review Tribu-
22 nals (including the requirement that the
23 conclusion of the Tribunal be supported by
24 a preponderance of the evidence and allow-

1 *ing a rebuttable presumption in favor the*
2 *Government's evidence); and*

3 *(ii) whether subjecting an alien enemy*
4 *combatant to such standards and procedures*
5 *is consistent with the Constitution and laws*
6 *of the United States.*

7 *(D) TERMINATION ON RELEASE FROM CUS-*
8 *TODY.—The jurisdiction of the United States*
9 *Court of Appeals for the District of Columbia*
10 *Circuit with respect to the claims of an alien*
11 *under this paragraph shall cease upon the release*
12 *of such alien from the custody of the Department*
13 *of Defense.*

14 *(3) REVIEW OF FINAL DECISIONS OF MILITARY*
15 *COMMISSIONS.—*

16 *(A) IN GENERAL.—Subject to subpara-*
17 *graphs (C) and (D), the United States Court of*
18 *Appeals for the District of Columbia Circuit*
19 *shall have exclusive jurisdiction to determine the*
20 *validity of any final decision rendered pursuant*
21 *to Military Commission Order No. 1, dated Au-*
22 *gust 31, 2005 (or any successor military order).*

23 *(B) GRANT OF REVIEW.—Review under this*
24 *paragraph—*

1 (i) *with respect to a capital case or a*
2 *case in which the alien was sentenced to a*
3 *term of imprisonment of 10 years or more,*
4 *shall be as of right; or*

5 (ii) *with respect to any other case,*
6 *shall be at the discretion of the United*
7 *States Court of Appeals for the District of*
8 *Columbia Circuit.*

9 (C) *LIMITATION ON APPEALS.—The juris-*
10 *isdiction of the United States Court of Appeals for*
11 *the District of Columbia Circuit under this*
12 *paragraph shall be limited to an appeal brought*
13 *by or on behalf of an alien—*

14 (i) *who was, at the time of the pro-*
15 *ceedings pursuant to the military order re-*
16 *ferred to in subparagraph (A), detained by*
17 *the Department of Defense at Guantanamo*
18 *Bay, Cuba; and*

19 (ii) *for whom a final decision has been*
20 *rendered pursuant to such military order.*

21 (D) *SCOPE OF REVIEW.—The jurisdiction of*
22 *the United States Court of Appeals for the Dis-*
23 *trict of Columbia Circuit on an appeal of a final*
24 *decision with respect to an alien under this*

1 paragraph shall be limited to the consideration
2 of—

3 (i) whether the final decision applied
4 the correct standards and was consistent
5 with the procedures specified in the mili-
6 tary order referred to in subparagraph (A);
7 and

8 (ii) whether subjecting an alien enemy
9 combatant to such order is consistent with
10 the Constitution and laws of the United
11 States.

12 (e) *EFFECTIVE DATE.*—

13 (1) *IN GENERAL.*—Except as provided in para-
14 graph (2), this section shall take effect on the day
15 after the date of the enactment of this Act.

16 (2) *REVIEW OF COMBATANT STATUS TRIBUNAL*
17 *AND MILITARY COMMISSION DECISIONS.*—Paragraphs
18 (2) and (3) of subsection (d) shall apply with respect
19 to any claim whose review is governed by one of such
20 paragraphs and that is pending on or after the date
21 of the enactment of this Act.

1 **TITLE XI—DEPARTMENT OF DE-**
2 **FENSE CIVILIAN PERSONNEL**
3 **POLICY**

4 **SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY**
5 **SEPARATIONS IN REDUCTIONS IN FORCE.**

6 *Section 3502(f)(5) of title 5, United States Code, is*
7 *amended by striking “September 30, 2005” and inserting*
8 *“September 30, 2010”.*

9 **SEC. 1102. COMPENSATORY TIME OFF FOR NON-**
10 **APPROPRIATED FUND EMPLOYEES OF THE**
11 **DEPARTMENT OF DEFENSE.**

12 *Section 5543 of title 5, United States Code, is amended*
13 *by adding at the end the following new subsection:*

14 *“(d) The Secretary of Defense may, on request of a*
15 *Department of Defense employee paid from non-*
16 *appropriated funds, grant such employee compensatory*
17 *time off from duty instead of overtime pay for overtime*
18 *work.”.*

19 **SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE**
20 **PAYMENTS IN LUMP SUMS.**

21 *Section 5595(i)(4) of title 5, United States Code, is*
22 *amended by striking “October 1, 2006” and inserting “Oc-*
23 *tober 1, 2010”.*

1 **SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH**
 2 **BENEFITS PROGRAM ELIGIBILITY.**

3 *Section 8905a(d)(4)(B) of title 5, United States Code,*
 4 *is amended—*

5 (1) *in clause (i), by striking “October 1, 2006”*
 6 *and inserting “October 1, 2010”; and*

7 (2) *in clause (ii)—*

8 (A) *by striking “February 1, 2007” and in-*
 9 *serting “February 1, 2011”; and*

10 (B) *by striking “October 1, 2006” and in-*
 11 *serting “October 1, 2010”.*

12 **SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR**
 13 **SCIENCE, MATHEMATICS, AND RESEARCH**
 14 **FOR TRANSFORMATION (SMART) DEFENSE**
 15 **EDUCATION PROGRAM.**

16 (a) *PERMANENT AUTHORITY FOR PROGRAM.—Section*
 17 *1105 of the Ronald W. Reagan National Defense Authoriza-*
 18 *tion Act for Fiscal Year 2005 (Public Law 108–375; 118*
 19 *Stat. 2074; 10 U.S.C. 2192 note) is amended—*

20 (1) *in subsection (a)—*

21 (A) *by striking “(1)”;* and

22 (B) *by striking paragraph (2); and*

23 (2) *by striking “pilot” each place it appears.*

24 (b) *ASSISTANCE UNDER PROGRAM.—Such section is*
 25 *further amended—*

26 (1) *in subsection (b)—*

1 (A) by striking “(b)” and all that follows
2 through “a scholarship” and inserting “(b) AS-
3 SISTANCE.—(1) Under the program under this
4 section, the Secretary of Defense may award a
5 scholarship or fellowship”;

6 (B) in paragraph (1)(B), by inserting “ac-
7 credited” before “institution of higher edu-
8 cation”;

9 (C) in paragraph (2)—

10 (i) by inserting “or fellowship” after
11 “scholarship”;

12 (ii) by inserting “equipment expenses,”
13 after “laboratory expenses,”; and

14 (iii) by striking the second sentence;
15 and

16 (D) by adding at the end the following new
17 paragraph:

18 “(3) Any assistance payable to a person under this
19 subsection may be paid directly to the person awarded such
20 assistance or to an administering entity that shall disburse
21 such assistance to the person.”; and

22 (2) in subsection (c)(2)—

23 (A) by striking “a scholarship” and insert-
24 ing “financial assistance”;

1 (B) by striking “the financial assistance
2 provided under the scholarship” and inserting
3 “such financial assistance”; and

4 (C) by striking “the scholarship.” and in-
5 serting “such financial assistance.”.

6 (c) *EMPLOYMENT OF PROGRAM PARTICIPANTS.*—Such
7 section is further amended—

8 (1) by redesignating subsections (d), (e), (f), (g),
9 and (h) as subsections (e), (f), (g), (h), and (i), respec-
10 tively; and

11 (2) by inserting after subsection (c) the following
12 new subsection (d):

13 “(d) *EMPLOYMENT OF PROGRAM PARTICIPANTS.*—(1)
14 *The Secretary of Defense may—*

15 “(A) appoint or retain a person participating in
16 the program under this section in a position on an
17 interim basis during the period of such person’s pur-
18 suit of a degree under the program and for a period
19 not to exceed 2 years after completion of the degree,
20 but only if, in the case of the period after completion
21 of the degree—

22 “(i) there is no readily available appro-
23 priate permanent position for such person; and

24 “(ii) there is an active and ongoing effort to
25 identify and assign such person to an appro-

1 *priate permanent position as soon as prac-*
2 *ticable; and*

3 “(B) *if there is no appropriate permanent posi-*
4 *tion available after the end of the periods described in*
5 *subparagraph (A), separate such person from employ-*
6 *ment with the Department without regard to any*
7 *other provision of law, in which event the service*
8 *agreement of such person under subsection (c) shall*
9 *terminate.*

10 “(2) *The period of service of a person covered by para-*
11 *graph (1) in a position on an interim basis under that*
12 *paragraph shall, after completion of the degree, be treated*
13 *as a period of service for purposes of satisfying the obligated*
14 *service requirements of the person under the service agree-*
15 *ment of the person under subsection (c).”.*

16 (d) *REFUND FOR PERIOD OF UNSERVED OBLIGATED*
17 *SERVICE.—Paragraph (1) of subsection (e) of such section,*
18 *as redesignated by subsection (c)(1) of this section, is*
19 *amended to read as follows:*

20 “(1)(A) *A participant in the program under this sec-*
21 *tion who is not an employee of the Department of Defense*
22 *and who voluntarily fails to complete the educational pro-*
23 *gram for which financial assistance has been provided*
24 *under this section, or fails to maintain satisfactory aca-*
25 *demic progress as determined in accordance with regula-*

1 tions prescribed by the Secretary of Defense, shall refund
2 to the United States an appropriate amount, as determined
3 by the Secretary.

4 “(B) A participant in the program under this section
5 who is an employee of the Department of Defense and
6 who—

7 “(i) voluntarily fails to complete the educational
8 program for which financial assistance has been pro-
9 vided, or fails to maintain satisfactory academic
10 progress as determined in accordance with regulations
11 prescribed by the Secretary; or

12 “(ii) before completion of the period of obligated
13 service required of such participant—

14 “(I) voluntarily terminates such partici-
15 pant’s employment with the Department; or

16 “(II) is removed from such participant’s
17 employment with the Department on the basis of
18 misconduct,

19 shall refund the United States an appropriate amount, as
20 determined by the Secretary.”.

21 (e) CONFORMING AMENDMENTS.—

22 (1) Subsection (f) of such section, as redesignated
23 by subsection (c)(1) of this section, is further amended
24 by striking “PILOT”.

1 (2) *The heading of such section is amended to*
2 *read as follows:*

3 **“SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR**
4 **TRANSFORMATION (SMART) DEFENSE EDU-**
5 **CATION PROGRAM.”.**

6 (3) *Section 3304(a)(3)(B)(ii) of title 5, United*
7 *States Code, is—*

8 (A) *by striking “Scholarship Pilot Pro-*
9 *gram” and inserting “Defense Education Pro-*
10 *gram”;* and

11 (B) *by inserting “(10 U.S.C. 2912 note)”*
12 *after “for Fiscal Year 2005”.*

13 **SEC. 1106. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN**
14 **EMPLOYEES OF THE DEPARTMENT OF DE-**
15 **FENSE.**

16 (a) *PLAN REQUIRED.—(1) Not later than six months*
17 *after the date of the enactment of this Act, the Secretary*
18 *of Defense shall develop and submit to the appropriate com-*
19 *mittees of Congress a strategic plan to shape and improve*
20 *the civilian employee workforce of the Department of De-*
21 *fense.*

22 (2) *The plan shall be known as the “strategic human*
23 *capital plan”.*

24 (b) *CONTENTS.—The strategic human capital plan re-*
25 *quired by subsection (a) shall include—*

1 (1) a workforce gap analysis, including an as-
2 sessment of—

3 (A) the critical skills and competencies that
4 will be needed in the future civilian employee
5 workforce of the Department of Defense to sup-
6 port national security requirements and effec-
7 tively manage the Department over the next dec-
8 ade;

9 (B) the skills and competencies of the exist-
10 ing civilian employee workforce of the Depart-
11 ment and projected trends in that workforce
12 based on expected losses due to retirement and
13 other attrition; and

14 (C) gaps in the existing or projected civil-
15 ian employee workforce of the Department that
16 should be addressed to ensure that the Depart-
17 ment has continued access to the critical skills
18 and competencies described in subparagraph (A);
19 and

20 (2) a plan of action for developing and reshap-
21 ing the civilian employee workforce of the Department
22 to address the gaps in critical skills and competencies
23 identified under paragraph (1)(C), including—

1 (A) *specific recruiting and retention goals,*
2 *including the program objectives of the Depart-*
3 *ment to be achieved through such goals; and*

4 (B) *specific strategies for development,*
5 *training, deploying, compensating, and moti-*
6 *vating the civilian employee workforce of the De-*
7 *partment, including the program objectives of the*
8 *Department to be achieved through such strate-*
9 *gies.*

10 (c) *INAPPLICABILITY OF CERTAIN LIMITATIONS.—The*
11 *recruitment and retention of civilian employees to meet the*
12 *goals established under subsection (b)(2)(A) shall not be sub-*
13 *ject to any limitation or constraint under statute or regula-*
14 *tions on the end strength of the civilian workforce of the*
15 *Department of Defense or any part of the workforce of the*
16 *Department.*

17 (d) *ANNUAL UPDATES.—Not later than March 1 of*
18 *each year from 2007 through 2012, the Secretary shall up-*
19 *date the strategic human capital plan required by sub-*
20 *section (a), as previously updated under this subsection.*

21 (e) *ANNUAL REPORTS.—Not later than March 1 of*
22 *each year from 2007 through 2012, the Secretary shall sub-*
23 *mit to the appropriate committees of Congress—*

24 (1) *the update of the strategic human capital*
25 *plan prepared in such year under subsection (d); and*

1 (2) *the assessment of the Secretary, using results-*
2 *oriented performance measures, of the progress of the*
3 *Department of Defense in implementing the strategic*
4 *human capital plan.*

5 (f) *COMPTROLLER GENERAL REVIEW.—(1) Not later*
6 *than 90 days after the Secretary submits under subsection*
7 *(a) the strategic human capital plan required by that sub-*
8 *section, the Comptroller General shall submit to the appro-*
9 *priate committees of Congress a report on the plan.*

10 (2) *Not later than 90 days after the Secretary submits*
11 *under subsection (e) an update of the strategic human cap-*
12 *ital plan under subsection (d), the Comptroller General*
13 *shall submit to the appropriate committees of Congress a*
14 *report on the update.*

15 (3) *A report on the strategic human capital plan under*
16 *paragraph (1), or on an update of the plan under para-*
17 *graph (2), shall include the assessment of the Comptroller*
18 *General of the extent to which the plan or update, as the*
19 *case may be—*

20 (A) *complies with the requirements of this sec-*
21 *tion; and*

22 (B) *complies with applicable best management*
23 *practices (as determined by the Comptroller General).*

1 (g) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
 2 *FINED.*—*In this section, the term “appropriate committees*
 3 *of Congress” means—*

4 (1) *the Committees on Armed Services and*
 5 *Homeland Security and Governmental Affairs of the*
 6 *Senate; and*

7 (2) *the Committees on Armed Services and Gov-*
 8 *ernment Reform of the House of Representatives.*

9 **SEC. 1107. INCREASE IN AUTHORIZED NUMBER OF DE-**
 10 **FENSE INTELLIGENCE SENIOR EXECUTIVE**
 11 **SERVICE EMPLOYEES.**

12 Section 1606(a) of title 10, United States Code, is
 13 amended by striking “544” and inserting “the following:

14 “(1) In fiscal year 2005, 544.

15 “(2) In fiscal year 2006, 619.

16 “(3) In fiscal years after fiscal year 2006, 694.”.

17 **SEC. 1108. COMPTROLLER GENERAL STUDY ON FEATURES**
 18 **OF SUCCESSFUL PERSONNEL MANAGEMENT**
 19 **SYSTEMS OF HIGHLY TECHNICAL AND SCI-**
 20 **ENTIFIC WORKFORCES.**

21 (a) *IN GENERAL.*—*The Comptroller General of the*
 22 *United States shall conduct a study to identify the features*
 23 *of successful personnel management systems of the highly*
 24 *technical and scientific workforces of the Department of De-*

1 *fense laboratories and similar scientific facilities and insti-*
2 *tutions.*

3 (b) *ELEMENTS.*—*The study required by subsection (a)*
4 *shall include the following:*

5 (1) *An examination of the flexible personnel*
6 *management authorities, whether under statute or*
7 *regulations, currently being utilized at Department of*
8 *Defense demonstration laboratories to assist in the*
9 *management of the workforce of such laboratories.*

10 (2) *An identification of any flexible personnel*
11 *management authorities, whether under statute or*
12 *regulations, available for use in the management of*
13 *Department of Defense laboratories to assist in the*
14 *management of the workforces of such laboratories*
15 *that are not currently being utilized.*

16 (3) *An assessment of personnel management*
17 *practices utilized by scientific and technical labora-*
18 *tories and institutions that are similar to the Depart-*
19 *ment of Defense laboratories.*

20 (4) *A comparative analysis of the specific fea-*
21 *tures identified by the Comptroller General in success-*
22 *ful personnel management systems of highly technical*
23 *and scientific workforces to attract and retain critical*
24 *employees and to provide local management authority*
25 *to Department of Defense laboratory officials.*

1 (c) *PURPOSES.*—*The purposes of the study shall*
2 *include—*

3 (1) *the identification of the specific features of*
4 *successful personnel management systems of highly*
5 *technical and scientific workforces;*

6 (2) *an assessment of the potential effects of the*
7 *utilization of such features by Department of Defense*
8 *laboratories on the missions of such laboratories and*
9 *on the mission of the Department of Defense as a*
10 *whole; and*

11 (3) *recommendations as to the future utilization*
12 *of such features in Department of Defense labora-*
13 *tories.*

14 (d) *LABORATORY PERSONNEL DEMONSTRATION AU-*
15 *THORITIES.*—*The laboratory personnel demonstration au-*
16 *thorities set forth in this subsection are as follows:*

17 (1) *The authorities in section 342(b) of the Na-*
18 *tional Defense Authorization Act for Fiscal Year 1995*
19 *(Public Law 103–337; 108 Stat. 2721), as amended*
20 *by section 1114 of the Floyd D. Spence National De-*
21 *fense Authorization Act for Fiscal Year 2001 (as en-*
22 *acted into law by Public Law 106–398 (114 Stat.*
23 *1654A–315)).*

24 (2) *The authorities in section 1101 of the Strom*
25 *Thurmond National Defense Authorization Act for*

1 *Fiscal Year 1999 (Public Law 105–261; 5 U.S.C.*
2 *3104 note).*

3 *(e) REPORT.—Not later than one year after the date*
4 *of the enactment of this Act, the Comptroller General shall*
5 *submit to the appropriate committees of Congress a report*
6 *on the study required by this section. The report shall*
7 *include—*

8 *(1) a description of the study;*

9 *(2) an assessment of the effectiveness of the cur-*
10 *rent utilization by the Department of Defense of the*
11 *laboratory personnel demonstration authorities set*
12 *forth in subsection (d); and*

13 *(3) such recommendations as the Comptroller*
14 *General considers appropriate for the effective use of*
15 *available personnel management authorities to ensure*
16 *the successful personnel management of the highly*
17 *technical and scientific workforce of the Department*
18 *of Defense laboratories.*

19 *(f) APPROPRIATE COMMITTEES OF CONGRESS DE-*
20 *FINED.—In this section, the term “appropriate committees*
21 *of Congress” means—*

22 *(1) the Committees on Armed Services, Appro-*
23 *propriations, and Homeland Security and Governmental*
24 *Affairs of the Senate; and*

1 (2) *the Committees on Armed Services, Appro-*
2 *priations, and Government Reform of the House of*
3 *Representatives.*

4 **SEC. 1109. BID PROTESTS BY FEDERAL EMPLOYEES IN AC-**
5 **TIONS UNDER OFFICE OF MANAGEMENT AND**
6 **BUDGET CIRCULAR A-76.**

7 (a) *ELIGIBILITY TO PROTEST.*—(1) *Section 3551(2) of*
8 *title 31, United States Code, is amended to read as follows:*

9 “(2) *The term ‘interested party’—*

10 “(A) *with respect to a contract or a solicita-*
11 *tion or other request for offers described in para-*
12 *graph (1), means an actual or prospective bidder*
13 *or offeror whose direct economic interest would*
14 *be affected by the award of the contract or by*
15 *failure to award the contract; and*

16 “(B) *with respect to a public-private com-*
17 *petition conducted under Office of Management*
18 *and Budget Circular A-76 regarding perform-*
19 *ance of an activity or function of a Federal*
20 *agency, includes—*

21 “(i) *any official who submitted the*
22 *agency tender in such competition; and*

23 “(ii) *any one person who, for the pur-*
24 *pose of representing them in a protest under*
25 *this subchapter that relates to such competi-*

1 tion, has been designated as their agent by
2 a majority of the employees of such Federal
3 agency who are engaged in the performance
4 of such activity or function.”.

5 (2)(A) Subchapter V of chapter 35 of such title is
6 amended by adding at the end the following new section:

7 **“§3557. Expedited action in protests for Public-Pri-**
8 **vate competitions**

9 “*For protests in cases of public-private competitions*
10 *conducted under Office of Management and Budget Cir-*
11 *cular A–76 regarding performance of an activity or func-*
12 *tion of Federal agencies, the Comptroller General shall ad-*
13 *minister the provisions of this subchapter in a manner best*
14 *suited for expediting final resolution of such protests and*
15 *final action in such competitions.”.*

16 (B) The chapter analysis at the beginning of such
17 chapter is amended by inserting after the item relating to
18 section 3556 the following new item:

 “3557. *Expedited action in protests for public-private competitions.*”.

19 (b) *RIGHT TO INTERVENE IN CIVIL ACTION.*—Section
20 1491(b) of title 28, United States Code, is amended by add-
21 ing at the end the following new paragraph:

22 “(5) *If a private sector interested party commences an*
23 *action described in paragraph (1) in the case of a public-*
24 *private competition conducted under Office of Management*
25 *and Budget Circular A–76 regarding performance of an ac-*

1 *tivity or function of a Federal agency, then an official or*
2 *person described in section 3551(2)(B) of title 31 shall be*
3 *entitled to intervene in that action.”.*

4 *(c) APPLICABILITY.—Subparagraph (B) of section*
5 *3551(2) of title 31, United States Code (as added by sub-*
6 *section (a)), and paragraph (5) of section 1491(b) of title*
7 *28, United States Code (as added by subsection (b)), shall*
8 *apply to—*

9 *(1) protests and civil actions that challenge final*
10 *selections of sources of performance of an activity or*
11 *function of a Federal agency that are made pursuant*
12 *to studies initiated under Office of Management and*
13 *Budget Circular A–76 on or after January 1, 2004;*
14 *and*

15 *(2) any other protests and civil actions that re-*
16 *late to public-private competitions initiated under Of-*
17 *fice of Management and Budget Circular A–76 on or*
18 *after the date of the enactment of this Act.*

19 **TITLE XII—MATTERS RELATING**
20 **TO OTHER NATIONS**

21 **SEC. 1201. COMMANDERS’ EMERGENCY RESPONSE PRO-**
22 **GRAM.**

23 *(a) AUTHORITY FOR FISCAL YEARS 2006 AND 2007.—*
24 *During fiscal year 2006 and fiscal year 2007, from funds*
25 *made available to the Department of Defense for operation*

1 *and maintenance for such fiscal year, not to exceed*
2 *\$500,000,000 may be used in each such fiscal year to pro-*
3 *vide funds—*

4 *(1) for the Commanders' Emergency Response*
5 *Program; and*

6 *(2) for a similar program to assist the people of*
7 *Afghanistan.*

8 *(b) QUARTERLY REPORTS.—Not later than 15 days*
9 *after the end of each fiscal-year quarter (beginning with*
10 *the first quarter of fiscal year 2006), the Secretary of De-*
11 *fense shall submit to the congressional defense committees*
12 *a report regarding the source of funds and the allocation*
13 *and use of funds during that quarter that were made avail-*
14 *able pursuant to the authority provided in this section or*
15 *under any other provision of law for the purposes of the*
16 *programs under subsection (a).*

17 *(c) COMMANDERS' EMERGENCY RESPONSE PROGRAM*
18 *DEFINED.—In this section, the term "Commanders' Emer-*
19 *gency Response Program" means the program established*
20 *by the Administrator of the Coalition Provisional Authority*
21 *for the purpose of enabling United States military com-*
22 *manders in Iraq to respond to urgent humanitarian relief*
23 *and reconstruction requirements within their areas of re-*
24 *sponsibility by carrying out programs that will imme-*
25 *diately assist the Iraqi people.*

1 **SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY**
2 **TO PROVIDE HUMANITARIAN AND CIVIC AS-**
3 **SISTANCE.**

4 (a) *INCREASE IN AUTHORIZED EXPENSES ASSOCI-*
5 *ATED WITH DETECTION AND CLEARANCE OF LAND-*
6 *MINES.*—Subsection (c)(3) of section 401 of title 10, United
7 States Code, is amended by striking “\$5,000,000” and in-
8 serting “\$10,000,000”.

9 (b) *INCLUSION OF ASSISTANCE ON COMMUNICATIONS*
10 *AND INFORMATION INFRASTRUCTURE UNDER AUTHOR-*
11 *ITY.*—Such section is further amended—

12 (1) *in subsection (c)*—

13 (A) *by redesignating paragraph (4) as*
14 *paragraph (5); and*

15 (B) *by inserting after paragraph (3) the fol-*
16 *lowing new paragraph (4):*

17 “(4) *Expenses covered by paragraph (1) also include*
18 *expenses incurred in providing communications or infor-*
19 *mation systems equipment or supplies that are transferred*
20 *or otherwise furnished to a foreign country in furtherance*
21 *of the provision of other assistance under this section.”; and*

22 (2) *in subsection (e), by adding at the end the*
23 *following new paragraph:*

24 “(6) *Restoring or improving the information and*
25 *communications infrastructure of a country, includ-*
26 *ing activities relating to the furnishing of education,*

1 *training, and technical assistance with respect to in-*
2 *formation and communications technology.”*

3 (c) *EXPANSION OF AUTHORITY TO PROVIDE MEDICAL,*
4 *DENTAL, AND VETERINARY CARE.*—Subsection (e)(1) of
5 *such section is amended by inserting before the period the*
6 *following: “, including education, training, and technical*
7 *assistance related to the care provided”*.

8 (d) *EFFECTIVE DATE.*—The amendments made by this
9 *section shall take effect on October 1, 2005.*

10 **SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON**
11 **PAYMENT OF PERSONNEL EXPENSES UNDER**
12 **BILATERAL OR REGIONAL COOPERATION**
13 **PROGRAMS.**

14 *Section 1051(b)(1) of title 10, United States Code, is*
15 *amended by striking “within the area” and all that follows*
16 *through “developing country is located” and inserting “to*
17 *and within the area of responsibility of a unified combatant*
18 *command (as such term is defined in section 161(c) of this*
19 *title)”*.

20 **SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION**
21 **LIAISON OFFICERS.**

22 (a) *AUTHORITY TO PAY CERTAIN TRAVEL EXPENSES*
23 *OF MILITARY OFFICERS ON COALITION MISSIONS.*—Sub-
24 *section (b) of section 1051a of title 10, United States Code,*

1 *is amended by adding at the end the following new para-*
2 *graph:*

3 “(3) *The Secretary may pay the travel expenses of a*
4 *military officer of a developing country involved in coal-*
5 *ition operations while temporarily assigned to the head-*
6 *quarters of a combatant command, component command,*
7 *or subordinate operational command for the mission-related*
8 *roundtrip travel of such officer, upon the direction of the*
9 *commander of such command, from such headquarters to*
10 *one or more locations specified by the commander of such*
11 *command if such travel is determined to be in support of*
12 *United States national interests.”.*

13 (b) *EXTENSION OF AUTHORITY TO PAY TRAVEL EX-*
14 *PENSES.—Subsection (e) of such section is amended by*
15 *striking “September 30, 2005” and inserting “September*
16 *30, 2009”.*

17 (c) *EFFECTIVE DATE.—The amendments made by this*
18 *section shall take effect on October, 1, 2005.*

19 **SEC. 1205. PROHIBITION ON ENGAGING IN CERTAIN TRANS-**
20 **ACTIONS.**

21 (a) *APPLICATION OF IEEPA PROHIBITIONS TO THOSE*
22 *ATTEMPTING TO EVADE OR AVOID THE PROHIBITIONS.—*
23 *Section 206 of the International Emergency Economic Pow-*
24 *ers Act (50 U.S.C. 1705) is amended to read as follows:*

25 “PENALTIES

26 “SEC. 206. (a) *It shall be unlawful for—*

1 “(1) a person to violate or attempt to violate any
2 license, order, regulation, or prohibition issued under
3 this title;

4 “(2) a person subject to the jurisdiction of the
5 United States to take any action to evade or avoid,
6 or attempt to evade or avoid, a license, order, regula-
7 tion, or prohibition issued this title; or

8 “(3) a person subject to the jurisdiction of the
9 United States to approve, facilitate, or provide fi-
10 nancing for any action, regardless of who initiates or
11 completes the action, if it would be unlawful for such
12 person to initiate or complete the action.

13 “(b) A civil penalty of not to exceed \$250,000 may be
14 imposed on any person who commits an unlawful act de-
15 scribed in paragraph (1), (2), or (3) of subsection (a).

16 “(c) A person who willfully commits, or willfully at-
17 tempts to commit, an unlawful act described in paragraph
18 (1), (2), or (3) of subsection (a) shall, upon conviction, be
19 fined not more than \$500,000, or a natural person, may
20 be imprisoned not more than 10 years, or both; and any
21 officer, director, or agent of any person who knowingly par-
22 ticipates, or attempts to participate, in such unlawful act
23 may be punished by a like fine, imprisonment, or both.”.

1 (b) *PRODUCTION OF RECORDS.*—Section 203(a)(2) of
2 *the International Emergency Economic Powers Act (50*
3 *U.S.C. 1702(a)(2)) is amended to read as follows:*

4 “(2) *In exercising the authorities granted by*
5 *paragraph (1), the President may require any person*
6 *to keep a full record of, and to furnish under oath,*
7 *in the form of reports, testimony, answers to ques-*
8 *tions, or otherwise, complete information relative to*
9 *any act or transaction referred to in paragraph (1),*
10 *either before, during, or after the completion thereof,*
11 *or relative to any interest in foreign property, or rel-*
12 *ative to any property in which any foreign country*
13 *or any national thereof has or has had any interest,*
14 *or as may be otherwise necessary to enforce the provi-*
15 *sions of such paragraph. The President may require*
16 *by subpoena or otherwise the production under oath*
17 *by any person of all such information, reports, testi-*
18 *mony, or answers to questions, as well as the produc-*
19 *tion of any required books of accounts, records, con-*
20 *tracts, letters, memoranda, or other papers, in the*
21 *custody or control of any person. The subpoena or*
22 *other requirement, in the case of contumacy or refusal*
23 *to obey, shall be enforceable by order of any appro-*
24 *prate United States district court.”.*

1 (c) *CLARIFICATION OF JURISDICTION TO ADDRESS*
 2 *IEEPA VIOLATIONS.*—Section 203 of the International
 3 *Emergency Economic Powers Act (50 U.S.C. 1702) is fur-*
 4 *ther amended by adding at the end the following:*

5 “(d) *The district courts of the United States shall have*
 6 *jurisdiction to issue such process described in subsection*
 7 *(a)(2) as may be necessary and proper in the premises to*
 8 *enforce the provisions of this title.*”.

9 **SEC. 1206. BUILDING THE PARTNERSHIP SECURITY CAPAC-**
 10 **ITY OF FOREIGN MILITARY AND SECURITY**
 11 **FORCES.**

12 (a) *AUTHORITY.*—The President may authorize build-
 13 *ing the capacity of partner nations’ military or security*
 14 *forces to disrupt or destroy terrorist networks, close safe ha-*
 15 *vens, or participate in or support United States, coalition,*
 16 *or international military or stability operations.*

17 (b) *TYPES OF PARTNERSHIP SECURITY CAPACITY*
 18 *BUILDING.*—The partnership security capacity building
 19 *authorized under subsection (a) may include the provision*
 20 *of equipment, supplies, services, training, and funding.*

21 (c) *AVAILABILITY OF FUNDS.*—The Secretary of De-
 22 *fense may, at the request of the Secretary of State, support*
 23 *partnership security capacity building as authorized under*
 24 *subsection (a) by transferring funds available to the Depart-*
 25 *ment of Defense to the Department of State. Any funds so*

1 transferred shall remain available until expended. The
2 amount of such partnership security capacity building sup-
3 port provided by the Department of Defense under this sec-
4 tion may not exceed \$750,000,000 in any fiscal year.

5 (d) CONGRESSIONAL NOTIFICATION.—Before building
6 partnership security capacity under this section, the Secre-
7 taries of State and Defense shall submit to their congres-
8 sional oversight committees a notification of the nations
9 designated by the President with which partnership secu-
10 rity capacity will be built under this section and the nature
11 and amounts of security capacity building to occur. Any
12 such notification shall be submitted not less than 15 days
13 before the provision of such partnership security capacity
14 building.

15 (e) COMPLEMENTARY AUTHORITY.—The authority to
16 support partnership security capacity building under this
17 section is in addition to any other authority of the Depart-
18 ment of Defense to provide assistance to a foreign country.

19 (f) APPLICABLE LAW.—The authorities and limita-
20 tions in the Foreign Assistance Act of 1961 and the Foreign
21 Operations, Export Financing, and Related Programs Ap-
22 propriations Act, 2006 shall be applicable to assistance pro-
23 vided and funds transferred under the authority of this sec-
24 tion.

1 (g) *MILITARY AND SECURITY FORCES DEFINED.*—In
2 *this section, the term “military and security forces” in-*
3 *cludes armies, guard, border security, civil defense, infra-*
4 *structure protection, and police forces.*

5 (h) *EXPIRATION.*—*The authority in this section shall*
6 *expire on September 30, 2007.*

7 **SEC. 1207. SECURITY AND STABILIZATION ASSISTANCE.**

8 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
9 *sion of law, upon a request from the Secretary of State,*
10 *with the agreement of the Secretary of Defense and upon*
11 *a determination by the President that an unforeseen emer-*
12 *gency exists that requires immediate reconstruction, secu-*
13 *rity, or stabilization assistance to a foreign country for the*
14 *purpose of restoring or maintaining peace and security in*
15 *that country, and that the provision of such assistance is*
16 *in the national security interests of the United States, the*
17 *Secretary of Defense may authorize the use or transfer of*
18 *defense articles, services, training or other support, includ-*
19 *ing support acquired by contract or otherwise, to provide*
20 *such assistance.*

21 (b) *AVAILABILITY OF FUNDS.*—*Subject to subsection*
22 *(a), the Secretary of Defense may transfer funds available*
23 *to the Department of Defense to the Department of State*
24 *or to any other Federal agency to carry out the purposes*

1 *of this section, and funds so transferred shall remain avail-*
2 *able until expended.*

3 (c) *LIMITATION.*—*The aggregate value of assistance*
4 *provided or funds transferred under the authority of this*
5 *section may not exceed \$200,000,000.*

6 (d) *COMPLEMENTARY AUTHORITY.*—*The authority to*
7 *provide assistance under this section is in addition to any*
8 *other authority of the Department of Defense to provide as-*
9 *sistance to a foreign country.*

10 (e) *NOTIFICATION REQUIREMENTS.*—*Before the exer-*
11 *cise of the authority in this section, the President shall no-*
12 *tify Congress of the exercise of such authority in accordance*
13 *with the procedures set forth in section 652 of the Foreign*
14 *Assistance Act of 1961 (22 U.S.C. 2411).*

15 (f) *APPLICABLE LAW.*—(1) *The authorities and limita-*
16 *tions in the Foreign Assistance Act of 1961 and the Foreign*
17 *Operations, Export Financing, and Related Programs Ap-*
18 *propriations Act, 2006 shall be applicable to assistance pro-*
19 *vided and funds transferred under the authority of this sec-*
20 *tion.*

21 (2) *Any authority available to the President to waive*
22 *a provision of law referred to in paragraph (1) may be exer-*
23 *cised by the President in a written document executed pur-*
24 *suant to subsection (a).*

1 (g) *EXPIRATION.*—*The authority in this section shall*
2 *expire on September 30, 2007.*

3 **SEC. 1208. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.**

4 (a) *REVIEW.*—*Not later than six months after date of*
5 *enactment the Secretary of Defense shall, in consultation*
6 *with the Secretary of State, conduct a review of United*
7 *States and Russian nonstrategic nuclear weapons and de-*
8 *termine whether it is in the national security interest of*
9 *the United States—*

10 (1) *to reduce the number of United States and*
11 *Russian nonstrategic nuclear weapons;*

12 (2) *to improve the security of United States and*
13 *Russian nonstrategic nuclear weapons in storage and*
14 *during transport;*

15 (3) *to identify and develop mechanisms and pro-*
16 *cedures to implement transparent reductions in non-*
17 *strategic nuclear weapons; and*

18 (4) *to identify and develop mechanisms and pro-*
19 *cedures to implement the transparent dismantlement*
20 *of excess nonstrategic nuclear weapons.*

21 (b) *REPORT.*—

22 (1) *IN GENERAL.*—*The Secretary of Defense*
23 *shall, in consultation with the Secretary of State and*
24 *the Secretary of Energy, submit a joint report on the*
25 *results of the review required under subsection (a).*

1 *The report shall include a plan to implement, not*
2 *later than October 1, 2006, actions determined to be*
3 *in the United States national security interest.*

4 (2) *FORM.—The report required under para-*
5 *graph (1) shall be submitted in unclassified form, but*
6 *may include an unclassified annex.*

7 **SEC. 1209. SENSE OF CONGRESS ON SUPPORT FOR NU-**
8 **CLEAR NON-PROLIFERATION TREATY.**

9 *Congress—*

10 (1) *reaffirms its support for the objectives of the*
11 *Treaty on the Non-Proliferation of Nuclear Weapons,*
12 *done at Washington, London, and Moscow July 1,*
13 *1968, and entered into force March 5, 1970 (the “Nu-*
14 *clear Non-Proliferation Treaty”);*

15 (2) *expresses its support for all appropriate*
16 *measures to strengthen the Nuclear Non-Proliferation*
17 *Treaty and to attain its objectives; and*

18 (3) *calls on all parties to the Nuclear Non-Pro-*
19 *liferation Treaty—*

20 (A) *to insist on strict compliance with the*
21 *non-proliferation obligations of the Nuclear Non-*
22 *Proliferation Treaty and to undertake effective*
23 *enforcement measures against states that are in*
24 *violation of their obligations under the Treaty;*

1 (B) to agree to establish more effective con-
2 trols on enrichment and reprocessing technologies
3 that can be used to produce materials for nuclear
4 weapons;

5 (C) to expand the ability of the Inter-
6 national Atomic Energy Agency to inspect and
7 monitor compliance with safeguard agreements
8 and standards to which all states should adhere
9 through existing authority and the additional
10 protocols signed by the states party to the Nu-
11 clear Non-Proliferation Treaty;

12 (D) to demonstrate the international com-
13 munity's unified opposition to a nuclear weap-
14 ons program in Iran by—

15 (i) supporting the efforts of the United
16 States and the European Union to prevent
17 the Government of Iran from acquiring a
18 nuclear weapons capability; and

19 (ii) using all appropriate diplomatic
20 means at their disposal to convince the Gov-
21 ernment of Iran to abandon its uranium
22 enrichment program;

23 (E) to strongly support the ongoing United
24 States diplomatic efforts in the context of the six-
25 party talks that seek the verifiable and irrevers-

1 *ible disarmament of North Korea's nuclear*
2 *weapons programs and to use all appropriate*
3 *diplomatic means to achieve this result;*

4 *(F) to pursue diplomacy designed to address*
5 *the underlying regional security problems in*
6 *Northeast Asia, South Asia, and the Middle*
7 *East, which would facilitate non-proliferation*
8 *and disarmament efforts in those regions;*

9 *(G) to accelerate programs to safeguard and*
10 *eliminate nuclear weapons-usable material to the*
11 *highest standards to prevent access by terrorists*
12 *and governments;*

13 *(H) to halt the use of highly enriched ura-*
14 *nium in civilian reactors;*

15 *(I) to strengthen national and international*
16 *export controls and relevant security measures as*
17 *required by United Nations Security Council*
18 *Resolution 1540;*

19 *(J) to agree that no state may withdraw*
20 *from the Nuclear Non-Proliferation Treaty and*
21 *escape responsibility for prior violations of the*
22 *Treaty or retain access to controlled materials*
23 *and equipment acquired for "peaceful" purposes;*

24 *(K) to accelerate implementation of disar-*
25 *mament obligations and commitments under the*

1 *Nuclear Non-Proliferation Treaty for the purpose*
2 *of reducing the world's stockpiles of nuclear*
3 *weapons and weapons-grade fissile material; and*
4 *(L) to strengthen and expand support for*
5 *the Proliferation Security Initiative.*

6 **SEC. 1210. THE UNITED STATES-CHINA ECONOMIC AND SE-**
7 **CURITY REVIEW COMMISSION.**

8 *(a) FINDINGS.—Congress finds the following:*

9 *(1) The 2004 Report to Congress of the United*
10 *States-China Economic and Security Review Com-*
11 *mission states that—*

12 *(A) China's State-Owned Enterprises*
13 *(SOEs) lack adequate disclosure standards,*
14 *which creates the potential for United States in-*
15 *vestors to unwittingly contribute to enterprises*
16 *that are involved in activities harmful to United*
17 *States security interests;*

18 *(B) United States influence and vital long-*
19 *term interests in Asia are being challenged by*
20 *China's robust regional economic engagement*
21 *and diplomacy;*

22 *(C) the assistance of China and North*
23 *Korea to global ballistic missile proliferation is*
24 *extensive and ongoing;*

1 (D) China's transfers of technology and
2 components for weapons of mass destruction
3 (WMD) and their delivery systems to countries of
4 concern, including countries that support acts of
5 international terrorism, has helped create a new
6 tier of countries with the capability to produce
7 WMD and ballistic missiles;

8 (E) the removal of the European Union
9 arms embargo against China that is currently
10 under consideration in the European Union
11 would accelerate weapons modernization and
12 dramatically enhance Chinese military capabili-
13 ties;

14 (F) China is developing a leading-edge
15 military with the objective of intimidating Tai-
16 wan and deterring United States involvement in
17 the Strait, and China's qualitative and quan-
18 titative military advancements have already re-
19 sulted in a dramatic shift in the cross-Strait
20 military balance toward China; and

21 (G) China's growing energy needs are driv-
22 ing China into bilateral arrangements that un-
23 dermine multilateral efforts to stabilize oil sup-
24 plies and prices, and in some cases may involve
25 dangerous weapons transfers.

1 (2) *On March 14, 2005, the National People's*
2 *Congress approved a law that would authorize the use*
3 *of force if Taiwan formally declares independence.*

4 **(b) SENSE OF CONGRESS.—**

5 (1) *PLAN.—It is the sense of Congress that the*
6 *President should take immediate steps to establish a*
7 *coherent and comprehensive plan to address the emer-*
8 *gence of China economically, diplomatically, and*
9 *militarily, to promote mutually beneficial trade rela-*
10 *tions with China, and to encourage China's adherence*
11 *to international norms in the areas of trade, inter-*
12 *national security, and human rights.*

13 (2) *CONTENTS.—The plan should contain the fol-*
14 *lowing:*

15 (A) *Actions to address China's policy of*
16 *undervaluing its currency, including—*

17 (i) *encouraging China to continue to*
18 *upwardly revalue the Chinese yuan against*
19 *the United States dollar;*

20 (ii) *allowing the yuan to float against*
21 *a trade-weighted basket of currencies; and*

22 (iii) *concurrently encouraging United*
23 *States trading partners with similar inter-*
24 *ests to join in these efforts.*

1 (B) *Actions to make better use of the World*
2 *Trade Organization (WTO) dispute settlement*
3 *mechanism and applicable United States trade*
4 *laws to redress China's trade practices, including*
5 *exchange rate manipulation, denial of trading*
6 *and distribution rights, insufficient intellectual*
7 *property rights protection, objectionable labor*
8 *standards, subsidization of exports, and forced*
9 *technology transfers as a condition of doing busi-*
10 *ness. The United States Trade Representative*
11 *should consult with our trading partners regard-*
12 *ing any trade dispute with China.*

13 (C) *Actions to encourage United States dip-*
14 *lomatic efforts to identify and pursue initiatives*
15 *to revitalize United States engagement in East*
16 *Asia. The initiatives should have a regional focus*
17 *and complement bilateral efforts. The Asia-Pa-*
18 *cific Economic Cooperation forum (APEC) offers*
19 *a ready mechanism for pursuit of such initia-*
20 *tives.*

21 (D) *Actions by the administration to work*
22 *with China to prevent proliferation of prohibited*
23 *technologies and to secure China's agreement to*
24 *renew efforts to curtail North Korea's commer-*
25 *cial export of ballistic missiles.*

1 *(E) Actions by the Secretaries of State and*
2 *Energy to consult with the International Energy*
3 *Agency with the objective of upgrading the cur-*
4 *rent loose experience-sharing arrangement where-*
5 *by China engages in some limited exchanges with*
6 *the organization, to a more structured arrange-*
7 *ment.*

8 *(F) Actions by the administration to de-*
9 *velop a coordinated, comprehensive national pol-*
10 *icy and strategy designed to maintain United*
11 *States scientific and technological leadership and*
12 *competitiveness, in light of the rise of China and*
13 *the challenges of globalization.*

14 *(G) Actions to review laws and regulations*
15 *governing the Committee on Foreign Investment*
16 *in the United States (CFIUS), including explor-*
17 *ing whether the definition of national security*
18 *should include the potential impact on national*
19 *economic security as a criterion to be reviewed,*
20 *and whether the chairmanship of CFIUS should*
21 *be transferred from the Secretary of the Treasury*
22 *to a more appropriate executive branch agency.*

23 *(H) Actions by the President and the Secre-*
24 *taries of State and Defense to press strongly*

1 *their European Union counterparts to maintain*
2 *the EU arms embargo on China.*

3 *(I) Actions by the administration to dis-*
4 *courage foreign defense contractors from selling*
5 *sensitive military use technology or weapons sys-*
6 *tems to China. The administration should pro-*
7 *vide a comprehensive annual report to the ap-*
8 *propriate committees of Congress on the nature*
9 *and scope of foreign military sales to China,*
10 *particularly sales by Russia and Israel.*

11 **SEC. 1211. UNITED STATES POLICY ON IRAQ.**

12 *(a) SHORT TITLE.—This section may be cited as the*
13 *“United States Policy on Iraq Act”.*

14 *(b) SENSE OF SENATE.—It is the sense of the Senate*
15 *that, in order to succeed in Iraq—*

16 *(1) members of the United States Armed Forces*
17 *who are serving or have served in Iraq and their fam-*
18 *ilies deserve the utmost respect and the heartfelt grati-*
19 *tude of the American people for their unwavering de-*
20 *votion to duty, service to the Nation, and selfless sac-*
21 *rifice under the most difficult circumstances;*

22 *(2) it is important to recognize that the Iraqi*
23 *people have made enormous sacrifices and that the*
24 *overwhelming majority of Iraqis want to live in peace*
25 *and security;*

1 (3) *calendar year 2006 should be a period of sig-*
2 *nificant transition to full Iraqi sovereignty, with*
3 *Iraqi security forces taking the lead for the security*
4 *of a free and sovereign Iraq, thereby creating the con-*
5 *ditions for the phased redeployment of United States*
6 *forces from Iraq;*

7 (4) *United States military forces should not stay*
8 *in Iraq any longer than required and the people of*
9 *Iraq should be so advised;*

10 (5) *the Administration should tell the leaders of*
11 *all groups and political parties in Iraq that they need*
12 *to make the compromises necessary to achieve the*
13 *broad-based and sustainable political settlement that*
14 *is essential for defeating the insurgency in Iraq, with-*
15 *in the schedule they set for themselves; and*

16 (6) *the Administration needs to explain to Con-*
17 *gress and the American people its strategy for the suc-*
18 *cessful completion of the mission in Iraq.*

19 (c) *REPORTS TO CONGRESS ON UNITED STATES POL-*
20 *ICY AND MILITARY OPERATIONS IN IRAQ.—Not later than*
21 *90 days after the date of the enactment of this Act, and*
22 *every three months thereafter until all United States combat*
23 *brigades have redeployed from Iraq, the President shall sub-*
24 *mit to Congress an unclassified report on United States pol-*
25 *icy and military operations in Iraq. Each report shall in-*

1 *clude to the extent practical, the following unclassified in-*
2 *formation:*

3 (1) *The current military mission and the diplo-*
4 *matic, political, economic, and military measures, if*
5 *any, that are being or have been undertaken to suc-*
6 *cessfully complete or support that mission, including:*

7 (A) *Efforts to convince Iraq's main commu-*
8 *nities to make the compromises necessary for a*
9 *broad-based and sustainable political settlement.*

10 (B) *Engaging the international community*
11 *and the region in the effort to stabilize Iraq and*
12 *to forge a broad-based and sustainable political*
13 *settlement.*

14 (C) *Strengthening the capacity of Iraq's*
15 *government ministries.*

16 (D) *Accelerating the delivery of basic serv-*
17 *ices.*

18 (E) *Securing the delivery of pledged eco-*
19 *nomical assistance from the international commu-*
20 *nity and additional pledges of assistance.*

21 (F) *Training Iraqi security forces and*
22 *transferring security responsibilities to those*
23 *forces and the government of Iraq.*

24 (2) *Whether the Iraqis have made the com-*
25 *promises necessary to achieve the broad-based and*

1 *sustainable political settlement that is essential for*
2 *defeating the insurgency in Iraq.*

3 *(3) Any specific conditions included in the April*
4 *2005 Multi-National Forces-Iraq campaign action*
5 *plan (referred to in United States Government Ac-*
6 *countability Office October 2005 report on Rebuilding*
7 *Iraq: DOD Reports Should Link Economic, Govern-*
8 *ance, and Security Indicators to Conditions for Sta-*
9 *bilizing Iraq), and any subsequent updates to that*
10 *campaign plan, that must be met in order to provide*
11 *for the transition of security responsibility to Iraqi*
12 *security forces.*

13 *(4) To the extent that these conditions are not*
14 *covered under paragraph (3), the following should*
15 *also be addressed:*

16 *(A) The number of battalions of the Iraqi*
17 *Armed Forces that must be able to operate inde-*
18 *pendently or to take the lead in*
19 *counterinsurgency operations and the defense of*
20 *Iraq's territory.*

21 *(B) The number of Iraqi special police units*
22 *that must be able to operate independently or to*
23 *take the lead in maintaining law and order and*
24 *fighting the insurgency.*

1 (C) *The number of regular police that must*
2 *be trained and equipped to maintain law and*
3 *order.*

4 (D) *The ability of Iraq's Federal ministries*
5 *and provincial and local governments to inde-*
6 *pendently sustain, direct, and coordinate Iraq's*
7 *security forces.*

8 (5) *The criteria to be used to evaluate progress*
9 *toward meeting such conditions.*

10 (6) *A schedule for meeting such conditions, an*
11 *assessment of the extent to which such conditions have*
12 *been met, information regarding variables that could*
13 *alter that schedule, and the reasons for any subse-*
14 *quent changes to that schedule.*

15 **TITLE XIII—COOPERATIVE**
16 **THREAT REDUCTION WITH**
17 **STATES OF THE FORMER SO-**
18 **VIET UNION**

19 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
20 **DUCTION PROGRAMS AND FUNDS.**

21 (a) *SPECIFICATION OF CTR PROGRAMS.—For pur-*
22 *poses of section 301 and other provisions of this Act, Coop-*
23 *erative Threat Reduction programs are the programs speci-*
24 *fied in section 1501(b) of the National Defense Authoriza-*

1 *tion Act for Fiscal Year 1997 (Public Law 104–201; 110*
2 *Stat. 2731; 50 U.S.C. 2362 note).*

3 (b) *FISCAL YEAR 2006 COOPERATIVE THREAT REDUC-*
4 *TION FUNDS DEFINED.—As used in this title, the term “fis-*
5 *cal year 2006 Cooperative Threat Reduction funds” means*
6 *the funds appropriated pursuant to the authorization of ap-*
7 *propriations in section 301 for Cooperative Threat Reduc-*
8 *tion programs.*

9 (c) *AVAILABILITY OF FUNDS.—Funds appropriated*
10 *pursuant to the authorization of appropriations in section*
11 *301 for Cooperative Threat Reduction programs shall be*
12 *available for obligation for three fiscal years.*

13 **SEC. 1302. FUNDING ALLOCATIONS.**

14 (a) *FUNDING FOR SPECIFIC PURPOSES.—Of the*
15 *\$415,549,000 authorized to be appropriated to the Depart-*
16 *ment of Defense for fiscal year 2006 in section 301(19) for*
17 *Cooperative Threat Reduction programs, the following*
18 *amounts may be obligated for the purposes specified:*

19 (1) *For strategic offensive arms elimination in*
20 *Russia, \$78,900,000.*

21 (2) *For nuclear weapons storage security in Rus-*
22 *sia, \$74,100,000.*

23 (3) *For nuclear weapons transportation security*
24 *in Russia, \$30,000,000.*

1 (4) *For weapons of mass destruction prolifera-*
2 *tion prevention in the states of the former Soviet*
3 *Union, \$40,600,000.*

4 (5) *For biological weapons proliferation preven-*
5 *tion in the former Soviet Union, \$60,849,000.*

6 (6) *For chemical weapons destruction in Russia,*
7 *\$108,500,000.*

8 (7) *For defense and military contacts,*
9 *\$8,000,000.*

10 (8) *For activities designated as Other Assess-*
11 *ments/Administrative Support, \$14,600,000.*

12 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
13 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Coop-*
14 *erative Threat Reduction funds may be obligated or ex-*
15 *pende for a purpose other than a purpose listed in para-*
16 *graphs (1) through (8) of subsection (a) until 30 days after*
17 *the date that the Secretary of Defense submits to Congress*
18 *a report on the purpose for which the funds will be obligated*
19 *or expended and the amount of funds to be obligated or ex-*
20 *pende. Nothing in the preceding sentence shall be construed*
21 *as authorizing the obligation or expenditure of fiscal year*
22 *2006 Cooperative Threat Reduction funds for a purpose for*
23 *which the obligation or expenditure of such funds is specifi-*
24 *cally prohibited under this title or any other provision of*
25 *law.*

1 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
2 *AMOUNTS.*—(1) *Subject to paragraphs (2) and (3), in any*
3 *case in which the Secretary of Defense determines that it*
4 *is necessary to do so in the national interest, the Secretary*
5 *may obligate amounts appropriated for fiscal year 2006 for*
6 *a purpose listed in any of the paragraphs in subsection (a)*
7 *in excess of the specific amount authorized for that purpose.*

8 (2) *An obligation of funds for a purpose stated in any*
9 *of the paragraphs in subsection (a) in excess of the specific*
10 *amount authorized for such purpose may be made using*
11 *the authority provided in paragraph (1) only after—*

12 (A) *the Secretary submits to Congress notifica-*
13 *tion of the intent to do so together with a complete*
14 *discussion of the justification for doing so; and*

15 (B) *15 days have elapsed following the date of*
16 *the notification.*

17 (3) *The Secretary may not, under the authority pro-*
18 *vided in paragraph (1), obligate amounts for a purpose*
19 *stated in any of paragraphs (6) through (8) of subsection*
20 *(a) in excess of 125 percent of the specific amount author-*
21 *ized for such purpose.*

1 **SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE**
2 **OF FUNDS FOR THREAT REDUCTION IN**
3 **STATES OF THE FORMER SOVIET UNION.**

4 *Section 1306 of the Bob Stump National Defense Au-*
5 *thorization Act for Fiscal Year 2003 (Public Law 107–314;*
6 *22 U.S.C. 5952 note) is amended—*

- 7 *(1) by striking subsections (c) and (d); and*
8 *(2) by redesignating subsection (e) as subsection*
9 *(c).*

10 **SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPER-**
11 **ATIVE THREAT REDUCTION FUNDS OUTSIDE**
12 **THE FORMER SOVIET UNION.**

13 *(a) IN GENERAL.—Subsection (a) of section 1308 of*
14 *the National Defense Authorization Act for Fiscal Year*
15 *2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C.*
16 *5963) is amended—*

17 *(1) by striking “the President may” and insert-*
18 *ing “the Secretary of Defense may”; and*

19 *(2) by striking “if the President” and inserting*
20 *“if the Secretary of Defense, with the concurrence of*
21 *the Secretary of State,”.*

22 *(b) AVAILABILITY OF FUNDS.—Subsection (d) of such*
23 *section is amended—*

24 *(1) in paragraph (1)—*

25 *(A) by striking “The President” and insert-*
26 *ing “The Secretary of Defense”; and*

1 (B) by striking “the President” and insert-
 2 ing “the Secretary of Defense, with the concur-
 3 rence of the Secretary of State,”; and

4 (2) in paragraph (2)—

5 (A) by striking “10 days after” and insert-
 6 ing “15 days before”; and

7 (B) by striking “the President shall notify
 8 Congress” and inserting “the Secretary of De-
 9 fense shall notify the congressional defense com-
 10 mittees”.

11 **SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMP-**
 12 **TROLLER GENERAL ASSESSMENT OF ANNUAL**
 13 **DEPARTMENT OF DEFENSE REPORT ON AC-**
 14 **TIVITIES AND ASSISTANCE UNDER COOPERA-**
 15 **TIVE THREAT REDUCTION PROGRAMS.**

16 Section 1308 of the Floyd D. Spence National Defense
 17 Authorization Act for Fiscal Year 2001 (as enacted into law
 18 by Public Law 106–398; 114 Stat. 1654A–341) is amended
 19 by striking subsection (e).

20 **SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVI-**
 21 **SION OF COOPERATIVE THREAT REDUCTION**
 22 **ASSISTANCE.**

23 (a) **REPEAL OF RESTRICTIONS.**—

24 (1) **SOVIET NUCLEAR THREAT REDUCTION ACT**
 25 **OF 1991.**—Section 211(b) of the Soviet Nuclear Threat

1 *Reduction Act of 1991 (title II of Public Law 102–*
 2 *228; 22 U.S.C. 2551 note) is repealed.*

3 (2) *COOPERATIVE THREAT REDUCTION ACT OF*
 4 *1993.—Section 1203(d) of the Cooperative Threat Re-*
 5 *duction Act of 1993 (title XII of Public Law 103–160;*
 6 *22 U.S.C. 5952(d)) is repealed.*

7 (3) *RUSSIAN CHEMICAL WEAPONS DESTRUCTION*
 8 *FACILITIES.—Section 1305 of the National Defense*
 9 *Authorization Act for Fiscal Year 2000 (Public Law*
 10 *106–65; 22 U.S.C. 5952 note) is repealed.*

11 (b) *INAPPLICABILITY OF OTHER RESTRICTIONS.—*

12 *Section 502 of the Freedom for Russia and Emerging*
 13 *Eurasian Democracies and Open Markets Support Act of*
 14 *1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C.*
 15 *5852) shall not apply to any Cooperative Threat Reduction*
 16 *program.*

17 **TITLE XIV—AUTHORIZATION**
 18 **FOR SUPPLEMENTAL APPRO-**
 19 **PRIATIONS FOR IRAQ, AF-**
 20 **GHANISTAN, AND THE GLOB-**
 21 **AL WAR ON TERRORISM**

22 **SEC. 1401. PURPOSE.**

23 *The purpose of this title is to authorize supplemental*
 24 *appropriations for the Department of Defense for fiscal year*
 25 *2006 for operations in Iraq, Afghanistan, and the global*

1 *war on terrorism that are in addition to the amounts other-*
2 *wise authorized to be appropriated for the Department of*
3 *Defense by this Act.*

4 **SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.**

5 *Amounts appropriated pursuant to the authorizations*
6 *of appropriations in this title are designated as an emer-*
7 *gency requirement pursuant to section 402(b) of the con-*
8 *ference report to accompany H. Con. Res. 95 (109th Con-*
9 *gress).*

10 **SEC. 1403. ARMY PROCUREMENT.**

11 *(a) IN GENERAL.—Funds are hereby authorized to be*
12 *appropriated for fiscal year 2006 for procurement accounts*
13 *of the Army in amounts as follows:*

14 *(1) For aircraft, \$70,300,000.*

15 *(2) For weapons and tracked combat vehicles,*
16 *\$27,800,000.*

17 *(3) For other procurement \$376,700,000.*

18 *(b) AVAILABILITY OF CERTAIN AMOUNTS.—*

19 *(1) AVAILABILITY.—Of the amount authorized to*
20 *be appropriated by subsection (a)(3), \$225,000,000*
21 *shall be available for purposes as follows:*

22 *(A) Procurement of up-armored high mobil-*
23 *ity multipurpose wheeled vehicles (UAHs).*

24 *(B) Procurement of wheeled vehicle add-on*
25 *armor protection, including armor for M1151/*

1 *M1152 high mobility multipurpose wheeled vehi-*
2 *cles.*

3 *(C) Procurement of M1151/M1152 high mo-*
4 *bility multipurpose wheeled vehicles.*

5 (2) *ALLOCATION OF FUNDS.—*

6 *(A) IN GENERAL.—Subject to subparagraph*
7 *(B), the Secretary of the Army shall allocate the*
8 *manner in which amounts available under para-*
9 *graph (1) shall be available for the purposes*
10 *specified in that paragraph.*

11 *(B) LIMITATION.—Amounts available under*
12 *paragraph (1) may not be allocated under sub-*
13 *paragraph (A) until the Secretary certifies to the*
14 *congressional defense committees that the Army*
15 *has a validated requirement for procurement for*
16 *a purpose specified in paragraph (1) based on a*
17 *statement of urgent needs from a commander of*
18 *a combatant command.*

19 *(C) REPORTS.—Not later than 15 days*
20 *after an allocation of funds is made under sub-*
21 *paragraph (A), the Secretary shall submit to the*
22 *congressional defense committees a report de-*
23 *scribing such allocation of funds.*

1 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 2006 for the procurement accounts
4 of the Navy in amounts as follows:

5 (1) For aircraft, \$183,800,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$165,500,000.

8 (3) For other procurement, \$30,800,000.

9 (b) MARINE CORPS.—Funds are hereby authorized to
10 be appropriated for fiscal year 2006 for the procurement
11 account for the Marine Corps in the amount of
12 \$429,600,000.

13 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
14 are hereby authorized to be appropriated for fiscal year
15 2006 for the procurement account for ammunition for the
16 Navy and the Marine Corps in the amount of \$104,500,000.

17 (d) AVAILABILITY OF CERTAIN AMOUNTS.—

18 (1) AVAILABILITY.—Of the amount authorized to
19 be appropriated by subsection (b), \$340,400,000 shall
20 be available for purposes as follows:

21 (A) Procurement of up-armored high mobil-
22 ity multipurpose wheeled vehicles (UAHs).

23 (B) Procurement of wheeled vehicle add-on
24 armor protection, including armor for M1151/
25 M1152 high mobility multipurpose wheeled vehi-
26 cles.

1 (C) *Procurement of M1151/M1152 high mo-*
2 *bility multipurpose wheeled vehicles.*

3 (2) *ALLOCATION OF FUNDS.—*

4 (A) *IN GENERAL.—Subject to subparagraph*
5 *(B), the Secretary of the Navy shall allocate the*
6 *manner in which amounts available under para-*
7 *graph (1) shall be available for the purposes*
8 *specified in that paragraph.*

9 (B) *LIMITATION.—Amounts available under*
10 *paragraph (1) may not be allocated under sub-*
11 *paragraph (A) until the Secretary certifies to the*
12 *congressional defense committees that the Marine*
13 *Corps has a validated requirement for procure-*
14 *ment for a purpose specified in paragraph (1)*
15 *based on a statement of urgent needs from a*
16 *commander of a combatant command.*

17 (C) *REPORTS.—Not later than 15 days*
18 *after an allocation of funds is made under sub-*
19 *paragraph (A), the Secretary shall submit to the*
20 *congressional defense committees a report de-*
21 *scribing such allocation of funds.*

22 **SEC. 1405. TACTICAL WHEELED VEHICLES.**

23 (a) *ADDITIONAL AMOUNT FOR OTHER PROCUREMENT,*
24 *ARMY.—The amount authorized to be appropriated by sec-*

1 *tion 1403(a)(3) for other procurement for the Army is here-*
2 *by increased by \$360,800,000.*

3 *(b) AVAILABILITY OF AMOUNT.—Of the amount au-*
4 *thorized to be appropriated by section 1403(a)(3) for other*
5 *procurement for the Army, as increased by subsection (a),*
6 *\$360,800,000 may be made available—*

7 *(1) for the procurement of armored Tactical*
8 *Wheeled Vehicles for units deployed in Iraq and Af-*
9 *ghanistan, including the procurement of armored*
10 *Light Tactical Vehicles (LTVs), armored Medium*
11 *Tactical Vehicles (MTVs), including Low Signature*
12 *Armored Cabs for the family of MTVs, and armored*
13 *Heavy Tactical Vehicles (HTVs); and*

14 *(2) to the extent the Secretary of the Army deter-*
15 *mines that such amount is not needed for the procure-*
16 *ment of such armored Tactical Wheeled Vehicles for*
17 *units deployed in Iraq and Afghanistan, for the pro-*
18 *curement of such armored vehicles in accordance with*
19 *other priorities of the Army.*

20 *(c) OFFSET.—The amount authorized to be appro-*
21 *priated by section 1409(a) for the Iraq Freedom Fund is*
22 *hereby reduced by \$360,800,000.*

1 **SEC. 1406. REDUCTION IN AUTHORIZATION OF APPROPRIA-**
2 **TIONS FOR IRAQ FREEDOM FUND.**

3 *The amount authorized to be appropriated for fiscal*
4 *year 2006 for the Iraq Freedom Fund is the amount speci-*
5 *fied by section 1409(a) of this Act, reduced by \$445,400,000.*

6 **SEC. 1407. AIR FORCE PROCUREMENT.**

7 *(a) IN GENERAL.—Funds are hereby authorized to be*
8 *appropriated for fiscal year 2006 for the procurement ac-*
9 *counts for the Air Force in the amounts as follows:*

10 *(1) For aircraft, \$323,200,000.*

11 *(2) For other procurement, \$51,900,000.*

12 *(b) AVAILABILITY OF CERTAIN AMOUNTS.—Of the*
13 *amounts authorized to be appropriated by subsection (a)(1),*
14 *\$218,500,000 may be available for purposes as follows:*

15 *(1) Procurement of Predator MQ–1 air vehicles,*
16 *initial spares, and RSP kits.*

17 *(2) Procurement of Containerized Dual Control*
18 *Station Launch and Recovery Elements.*

19 *(3) Procurement of a Fixed Ground Control Sta-*
20 *tion.*

21 *(4) Procurement of other upgrades to Predator*
22 *MQ–1 Ground Control Stations, spares, and signals*
23 *intelligence packages.*

1 **SEC. 1408. REDUCTION IN AUTHORIZATION OF APPROPRIA-**
2 **TIONS FOR IRAQ FREEDOM FUND.**

3 *The amount authorized to be appropriated for fiscal*
4 *year 2006 for the Iraq Freedom Fund is the amount speci-*
5 *fied by section 1409(a) of this Act, reduced by \$218,500,000.*

6 **SEC. 1409. OPERATION AND MAINTENANCE.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2006 for the use of the Armed Forces for expenses,*
9 *not otherwise provided for, for operation and maintenance,*
10 *in amounts as follows:*

11 (1) *For the Army, \$22,139,775,000, of which*
12 *\$200,000,000 may be made available for linguistic*
13 *support operations in Iraq and Afghanistan.*

14 (2) *For the Navy, \$1,944,300,000.*

15 (3) *For the Marine Corps, \$1,808,231,000.*

16 (4) *For the Air Force, \$2,635,555,000.*

17 (5) *For Defense-wide activities, \$3,470,118,000.*

18 (6) *For the Naval Reserve, \$2,400,000.*

19 **SEC. 1410. DEFENSE HEALTH PROGRAM.**

20 *Funds are hereby authorized to be appropriated for the*
21 *Department of Defense for fiscal year 2006 for expenses, not*
22 *otherwise provided for, the Defense Health Program, in the*
23 *amount of \$977,778,000, for operation and maintenance.*

1 **SEC. 1411. MILITARY PERSONNEL.**

2 *Funds are hereby authorized to be appropriated to the*
3 *Department of Defense for military personnel accounts for*
4 *fiscal year 2006 in amounts as follows:*

5 (1) *For military personnel of the Army,*
6 *\$9,517,643,000.*

7 (2) *For military personnel of the Navy,*
8 *\$350,000,000.*

9 (3) *For military personnel of the Marine Corps,*
10 *\$811,771,000.*

11 (4) *For military personnel of the Air Force,*
12 *\$916,559,000.*

13 **SEC. 1412. IRAQ FREEDOM FUND.**

14 (a) *IN GENERAL.—Funds are hereby authorized to be*
15 *appropriated for fiscal year 2006 for the Iraq Freedom*
16 *Fund in the amount of \$4,325,670,000.*

17 (b) *LIMITATION ON AVAILABILITY OF CERTAIN*
18 *AMOUNT.—Of the amount authorized to be appropriated by*
19 *subsection (a), not less than \$500,000,000 shall be available*
20 *only for support of activities of the Joint Improvised Explo-*
21 *sive Device Task Force.*

22 (c) *TRANSFER.—*

23 (1) *TRANSFER AUTHORIZED.—Subject to para-*
24 *graph (2), amounts authorized to be appropriated by*
25 *subsection (a) may be transferred from the Iraq Free-*
26 *dom Fund to any accounts as follows:*

1 (A) *Operation and maintenance accounts of*
2 *the Armed Forces.*

3 (B) *Military personnel accounts.*

4 (C) *Research, development, test, and evalua-*
5 *tion accounts of the Department of Defense.*

6 (D) *Procurement accounts of the Depart-*
7 *ment of Defense.*

8 (E) *Accounts providing funding for classi-*
9 *fied programs.*

10 (F) *The operating expenses account of the*
11 *Coast Guard.*

12 (2) *NOTICE TO CONGRESS.—A transfer may not*
13 *be made under the authority in paragraph (1) until*
14 *5 days after the date on which the Secretary of De-*
15 *fense notifies the congressional defense committees in*
16 *writing of the transfer.*

17 (3) *TREATMENT OF TRANSFERRED FUNDS.—*
18 *Amounts transferred to an account under the author-*
19 *ity in paragraph (1) shall be merged with amounts*
20 *in such account, and shall be made available for the*
21 *same purposes, and subject to the same conditions*
22 *and limitations, as amounts in such account.*

23 (4) *EFFECT ON AUTHORIZATION AMOUNTS.—A*
24 *transfer of an amount to an account under the au-*
25 *thority in paragraph (1) shall be deemed to increase*

1 *the amount authorized for such account by an*
2 *amount equal to the amount transferred.*

3 **SEC. 1413. TRANSFER AUTHORITY.**

4 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

5 *(1) TRANSFER AUTHORIZED.—Upon determina-*
6 *tion by the Secretary of Defense that such action is*
7 *necessary in the national interest, the Secretary may*
8 *transfer amounts of authorizations made available to*
9 *the Department of Defense in this title for fiscal year*
10 *2006 between any such authorizations for that fiscal*
11 *year (or any subdivisions thereof). Amounts of au-*
12 *thorizations so transferred shall be merged with and*
13 *be available for the same purposes as the authoriza-*
14 *tion to which transferred.*

15 *(2) LIMITATION ON AGGREGATE AMOUNT.—The*
16 *total amount of authorizations that the Secretary*
17 *may transfer under the authority of this section may*
18 *not exceed \$2,500,000,000.*

19 *(3) CONSTRUCTION WITH OTHER TRANSFER AU-*
20 *THORITY.—The transfer authority provided in this*
21 *section is in addition to any other transfer authority*
22 *available to the Secretary of Defense.*

23 *(b) OTHER LIMITATIONS.—The authority provided by*
24 *this section to transfer authorizations—*

1 (1) *may only be used to provide authority for*
2 *items that have a higher priority than the items from*
3 *which authority is transferred;*

4 (2) *may not be used to provide authority for an*
5 *item that has been denied authorization by Congress;*
6 *and*

7 (3) *may not be combined with the authority*
8 *under section 1001.*

9 (c) *NOTICE AND WAIT.*—*A transfer may be made*
10 *under the authority of this section only after the*
11 *Secretary—*

12 (1) *consults with the Chairmen and Ranking*
13 *Members of each of the congressional defense commit-*
14 *tees with respect to such transfer; and*

15 (2) *on a date after consultation under paragraph*
16 *(1), but not later than five days before the date of*
17 *such transfer, submits to the congressional defense*
18 *committees written notice of such transfer.*

19 (d) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*
20 *fer made from one account to another under the authority*
21 *of this section shall be deemed to increase the amount au-*
22 *thorized for the account to which the amount is transferred*
23 *by an amount equal to the amount transferred.*

1 **TITLE XV—RECRUITMENT AND**
2 **RETENTION**

3 **SEC. 1501. SHORT TITLE.**

4 *This title may be cited as the “Military Recruiting*
5 *Initiatives Act of 2005”.*

6 **SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.**

7 *(a) ENLISTMENT BONUS FOR SELECTED RESERVE*
8 *MEMBERS.—Section 308c(b) of title 37, United States Code,*
9 *is amended by striking “\$10,000” and inserting “\$20,000”.*

10 *(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Sec-*
11 *tion 309(a) of title 37, United States Code, is amended by*
12 *striking “\$20,000” and inserting “\$40,000”.*

13 **SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO EN-**
14 **COURAGE MEMBERS OF THE ARMY TO REFER**
15 **OTHER PERSONS FOR ENLISTMENT IN THE**
16 **ARMY.**

17 *(a) AUTHORITY TO PAY BONUS.—The Secretary of the*
18 *Army may pay a bonus under this section to a member*
19 *of the Army, whether in the regular component of the Army*
20 *or in the Army National Guard or Army Reserve, who re-*
21 *fers to an Army recruiter a person who has not previously*
22 *served in an Armed Force and who, after such referral, en-*
23 *lists in the regular component of the Army or in the Army*
24 *National Guard or Army Reserve.*

1 (b) *REFERRAL.*—For purposes of this section, a refer-
2 *ral for which a bonus may be paid under subsection (a)*
3 *occurs—*

4 (1) *when a member of the Army contacts an*
5 *Army recruiter on behalf of a person interested in en-*
6 *listing in the Army; or*

7 (2) *when a person interested in enlisting in the*
8 *Army contacts the Army recruiter and informs the re-*
9 *cruter of the role of the member in initially recruit-*
10 *ing the person.*

11 (c) *CERTAIN REFERRALS INELIGIBLE.*—

12 (1) *REFERRAL OF IMMEDIATE FAMILY.*—A mem-
13 *ber of the Army may not be paid a bonus under sub-*
14 *section (a) for the referral of an immediate family*
15 *member.*

16 (2) *MEMBERS IN RECRUITING ROLES.*—A mem-
17 *ber of the Army serving in a recruiting or retention*
18 *assignment, or assigned to other duties regarding*
19 *which eligibility for a bonus under subsection (a)*
20 *could (as determined by the Secretary) be perceived as*
21 *creating a conflict of interest, may not be paid a*
22 *bonus under subsection (a).*

23 (d) *AMOUNT OF BONUS.*—The amount of the bonus
24 *paid for a referral under subsection (a) may not exceed*
25 *\$1,000. The bonus shall be paid in a lump sum.*

1 (e) *TIME OF PAYMENT.*—A bonus may not be paid
2 under subsection (a) with respect to a person who enlists
3 in the Army until the person completes basic training and
4 individual advanced training.

5 (f) *RELATION TO PROHIBITION ON BOUNTIES.*—The
6 referral bonus authorized by this section is not a bounty
7 for purposes of section 514(a) of title 10, United States
8 Code.

9 (g) *LIMITATION ON INITIAL USE OF AUTHORITY.*—
10 During the first year in which bonuses are offered under
11 this section, the Secretary of the Army may not pay more
12 than 1,000 referral bonuses per component of the Army.

13 (h) *DURATION OF AUTHORITY.*—A bonus may not be
14 paid under subsection (a) with respect to any referral that
15 occurs after December 31, 2007.

16 **SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.**

17 Section 505(a) of title 10, United States Code, is
18 amended by striking “thirty-five years of age” and insert-
19 ing “forty-two years of age”.

20 **SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE EN-**
21 **LISTMENT BONUS FOR RECEIPT OF OTHER**
22 **ENLISTMENT OR REENLISTMENT BONUS FOR**
23 **SERVICE IN THE SELECTED RESERVE.**

24 Section 308i(a)(2) of title 37, United States Code, is
25 amended by striking subparagraph (D).

1 **SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION**
2 **BONUS FOR OFFICERS OF THE SELECTED RE-**
3 **SERVE.**

4 (a) *REPEAL OF PROHIBITION ON ELIGIBILITY FOR*
5 *PRIOR RESERVE SERVICE.*—Subsection (a)(2) of section
6 308j of title 37, United States Code, is amended—

7 (1) in subparagraph (A), by adding “and” at the
8 end;

9 (2) by striking subparagraph (B); and

10 (3) by redesignating subparagraph (C) as sub-
11 paragraph (B).

12 (b) *INCREASE IN MAXIMUM AMOUNT.*—Subsection (d)
13 of such section is amended by striking “\$6,000” and insert-
14 ing “\$10,000”.

15 **SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAY-**
16 **MENT AUTHORITIES.**

17 (a) *ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.*—
18 Paragraph (1) of section 2171(a) of title 10, United States
19 Code, is amended—

20 (1) in subparagraph (B), by striking “or” at the
21 end;

22 (2) in subparagraph (C), by striking the period
23 at the end and inserting “; or”; and

24 (3) by inserting after subparagraph (C) the fol-
25 lowing new subparagraph:

1 “(D) any loan incurred for educational purposes
2 made by a lender that is—

3 “(i) an agency or instrumentality of a
4 State;

5 “(ii) a financial or credit institution (in-
6 cluding an insurance company) that is subject to
7 examination and supervision by an agency of
8 the United States or any State;

9 “(iii) a pension fund approved by the Sec-
10 retary for purposes of this section; or

11 “(iv) a non-profit private entity designated
12 by a State, regulated by such State, and ap-
13 proved by the Secretary for purposes of this sec-
14 tion.”.

15 (b) *ELIGIBILITY OF OFFICERS.*—Paragraph (2) of
16 such section is amended by striking “an enlisted member
17 in a military specialty” and inserting “a member in an
18 officer program or military specialty”.

19 **SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PRO-**
20 **GRAM.**

21 (a) *STUDY.*—The Secretary of Defense shall conduct a
22 study of the Reserve Dental Insurance program.

23 (b) *ELEMENTS.*—The study required by subsection (a)
24 shall—

1 (1) *identify the most effective mechanism or*
2 *mechanisms for the payment of premiums under the*
3 *Reserve Dental Insurance program for members of the*
4 *reserve components of the Armed Forces and their de-*
5 *pendents, including by deduction from reserve pay, by*
6 *direct collection, or by other means (including appro-*
7 *prate mechanisms from other military benefits pro-*
8 *grams), to ensure uninterrupted availability of pre-*
9 *mium payments regardless of whether members are*
10 *performing active duty with pay or inactive-duty*
11 *training with pay;*

12 (2) *include such matters relating to the Reserve*
13 *Dental Insurance program as the Secretary considers*
14 *appropriate; and*

15 (3) *assess the effectiveness of mechanisms for in-*
16 *forming the members of the reserve components of the*
17 *Armed Forces of the availability of, and benefits*
18 *under, the Reserve Dental Insurance program.*

19 (c) *REPORT.—Not later than February 1, 2007, the*
20 *Secretary shall submit to the congressional defense commit-*
21 *tees a report on the study required by subsection (a). The*
22 *report shall include the findings of the study and such rec-*
23 *ommendations for legislative or administrative action re-*
24 *garding the Reserve Dental Insurance program as the Sec-*
25 *retary considers appropriate in light of the study.*

1 (d) *RESERVE DENTAL INSURANCE PROGRAM DE-*
 2 *FINED.—In this section, the term “Reserve Dental Insur-*
 3 *ance program” includes—*

4 (1) *the dental insurance plan required under*
 5 *paragraph (1) of section 1076a(a) of title 10, United*
 6 *States Code; and*

7 (2) *any dental insurance plan established under*
 8 *paragraph (2) or (4) of section 1076a(a) of title 10,*
 9 *United States Code.*

10 **TITLE XVI—TRANSITION**
 11 **SERVICES**

12 **SEC. 1601. SHORT TITLE.**

13 *This title may be cited as the “Veterans’ Enhanced*
 14 *Transition Services Act of 2005”.*

15 **SEC. 1602. IMPROVED ADMINISTRATION OF TRANSITIONAL**
 16 **ASSISTANCE PROGRAMS.**

17 (a) *PRESEPARATION COUNSELING.—Section 1142 of*
 18 *title 10, United States Code, is amended—*

19 (1) *in subsection (a)—*

20 (A) *by redesignating paragraph (4) as*
 21 *paragraph (5); and*

22 (B) *by inserting after paragraph (3) the fol-*
 23 *lowing new paragraph (4):*

24 “(4) *For members of the reserve components of the*
 25 *armed forces (including members of the National Guard on*

1 *active duty under title 32) who have been serving on active*
2 *duty continuously for at least 180 days, the Secretary con-*
3 *cerned shall provide preseparation counseling under this*
4 *section on an individual basis to all such members before*
5 *such members are separated.”; and*

6 *(2) in subsection (b)—*

7 *(A) in paragraph (4), by striking “(4) In-*
8 *formation concerning” and inserting the fol-*
9 *lowing:*

10 *“(4) Provision of information on civilian occu-*
11 *pations and related assistance programs, including*
12 *information concerning—*

13 *“(A) certification and licensure require-*
14 *ments that are applicable to civilian occupa-*
15 *tions;*

16 *“(B) civilian occupations that correspond to*
17 *military occupational specialties; and*

18 *“(C)”;* and

19 *(B) by adding at the end the following:*

20 *“(11) Information concerning the priority of*
21 *service for veterans in the receipt of employment,*
22 *training, and placement services provided under*
23 *qualified job training programs of the Department of*
24 *Labor.*

1 “(12) *Information concerning veterans small*
2 *business ownership and entrepreneurship programs of*
3 *the Small Business Administration and the National*
4 *Veterans Business Development Corporation.*”

5 “(13) *Information concerning employment and*
6 *reemployment rights and obligations under chapter*
7 *43 of title 38.*”

8 “(14) *Information concerning veterans preference*
9 *in federal employment and federal procurement op-*
10 *portunities.*”

11 “(15) *Contact information for housing coun-*
12 *seling assistance.*”

13 “(16) *A description, developed in consultation*
14 *with the Secretary of Veterans Affairs, of health care*
15 *and other benefits to which the member may be enti-*
16 *tled under the laws administered by the Secretary of*
17 *Veterans Affairs.*”

18 (b) *CONFORMING AND CLERICAL AMENDMENTS.—*

19 (1) *CONFORMING AMENDMENT.—The heading of*
20 *such section is amended to read as follows:*

21 “**§ 1142. Members separating from active duty:**
22 ***preseparation counseling***”.

23 (2) *CLERICAL AMENDMENT.—The table of sec-*
24 *tions at the beginning of chapter 58 of title 10,*

1 *United States Code, is amended by striking the item*
2 *relating to section 1142 and inserting the following:*

“1142. Members separating from active duty: preseparation counseling.”.

3 *(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES*
4 *PROGRAM.—Section 1144 of title 10, United States Code,*
5 *is amended—*

6 *(1) in subsection (a)(1), by striking “paragraph*
7 *(4)(A)” in the second sentence and inserting “para-*
8 *graph (5)(A)”;* and

9 *(2) by adding at the end the following new sub-*
10 *section:*

11 *“(e) TRAINING SUPPORT MATERIALS.—The Secretary*
12 *concerned shall, on a continuing basis and in cooperation*
13 *with the Secretary of Labor, update the content of all mate-*
14 *rials used by the Department of Labor that provide direct*
15 *training support to personnel who provide transitional*
16 *services counseling under this section.”.*

17 **SEC. 1603. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE**
18 **ARMED FORCES AFTER PRESEPARATION**
19 **PHYSICAL EXAMINATIONS.**

20 *Section 1145(a) of title 10, United States Code, is*
21 *amended by adding at the end the following new paragraph:*

22 *“(5)(A) The Secretary of Defense shall, in consultation*
23 *with the Secretary of Veterans Affairs, ensure that appro-*
24 *priate actions are taken to assist a member of the armed*
25 *forces who, as a result of a medical examination under*

1 paragraph (4), receives an indication for a referral for fol-
2 low up treatment from the health care provider who per-
3 forms the examination.

4 “(B) Assistance provided to a member under para-
5 graph (1) shall include the following:

6 “(i) Information regarding, and any appro-
7 priate referral for, the care, treatment, and other serv-
8 ices that the Secretary of Defense or the Secretary of
9 Veterans Affairs may provide to such member under
10 any other provision of law, including—

11 “(I) clinical services, including counseling
12 and treatment for post-traumatic stress disorder
13 and other mental health conditions; and

14 “(II) any other care, treatment, and serv-
15 ices.

16 “(ii) Information on the private sector sources of
17 treatment that are available to the member in the
18 member’s community.

19 “(iii) Assistance to enroll in the health care sys-
20 tem of the Department of Veterans Affairs for health
21 care benefits for which the member is eligible under
22 laws administered by the Secretary of Veterans Af-
23 fairs.”.

1 **SEC. 1604. REPORT ON TRANSITION ASSISTANCE PRO-**
2 **GRAMS.**

3 (a) *REPORT REQUIRED.*—Not later than May 1, 2006,
4 the Secretary of Defense shall, in consultation with the Sec-
5 retary of Labor and the Secretary of Veterans Affairs, sub-
6 mit to Congress a report on the actions taken to ensure that
7 the Transition Assistance Programs for members of the
8 Armed Forces separating from the Armed Forces (including
9 members of the regular components of the Armed Forces and
10 members of the reserve components of the Armed Forces)
11 function effectively to provide such members with timely
12 and comprehensive transition assistance when separating
13 from the Armed Forces.

14 (b) *FOCUS ON PARTICULAR MEMBERS.*—The report re-
15 quired by subsection (a) shall include particular attention
16 to the actions taken with respect to the Transition Assist-
17 ance Programs to assist the following members of the Armed
18 Forces:

19 (1) *Members deployed to Operation Iraqi Free-*
20 *dom.*

21 (2) *Members deployed to Operation Enduring*
22 *Freedom.*

23 (3) *Members deployed to or in support of other*
24 *contingency operations.*

25 (4) *Members of the National Guard activated*
26 *under the provisions of title 32, United States Code,*

1 *in support of relief efforts for Hurricane Katrina and*
 2 *Hurricane Rita.*

3 ***DIVISION B—MILITARY CON-***
 4 ***STRUCTION AUTHORIZA-***
 5 ***TIONS***

6 ***SEC. 2001. SHORT TITLE.***

7 *This division may be cited as the “Military Construc-*
 8 *tion Authorization Act for Fiscal Year 2006”.*

9 ***TITLE XXI—ARMY***

10 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***
 11 ***ACQUISITION PROJECTS.***

12 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 13 *propriated pursuant to the authorization of appropriations*
 14 *in section 2104(a)(1), the Secretary of the Army may ac-*
 15 *quire real property and carry out military construction*
 16 *projects for the installations or locations inside the United*
 17 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Redstone Arsenal</i>	<i>\$20,000,000</i>
<i>Alaska</i>	<i>Fort Richardson</i>	<i>\$4,700,000</i>
	<i>Fort Wainwright</i>	<i>\$44,660,000</i>
<i>Arizona</i>	<i>Yuma Proving Ground</i>	<i>\$8,100,000</i>
<i>California</i>	<i>Fort Irwin</i>	<i>\$17,000,000</i>
	<i>Concord</i>	<i>\$11,850,000</i>
<i>Colorado</i>	<i>Fort Carson</i>	<i>\$70,622,000</i>
<i>Georgia</i>	<i>Fort Benning</i>	<i>\$28,211,000</i>
	<i>Fort Gillem</i>	<i>\$3,900,000</i>
	<i>Fort Gordon</i>	<i>\$4,550,000</i>
	<i>Fort Stewart/Hunter Army Air</i> <i>Field</i>	<i>\$57,980,000</i>
<i>Hawaii</i>	<i>Pohakuloa Training Area</i>	<i>\$60,300,000</i>
	<i>Schofield Barracks</i>	<i>\$53,900,000</i>
<i>Kansas</i>	<i>Fort Riley</i>	<i>\$33,900,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$112,875,000</i>
	<i>Fort Knox</i>	<i>\$4,600,000</i>
<i>Louisiana</i>	<i>Fort Polk</i>	<i>\$28,887,000</i>
<i>Missouri</i>	<i>Fort Leonard Wood</i>	<i>\$17,000,000</i>

Army: Inside the United States—Continued

State	Installation or location	Amount
New Jersey	Picatinny Arsenal	\$4,450,000
New York	Fort Drum	\$73,350,000
	United States Military Academy, West Point	\$4,000,000
North Carolina	Fort Bragg	\$289,850,000
Oklahoma	Fort Sill	\$5,850,000
	McAlester Army Ammunition Plant	\$5,400,000
Pennsylvania	Letterkenny Depot	\$6,300,000
Texas	Fort Hood	\$46,438,000
	Fort Sam Houston	\$7,000,000
Utah	Dugway Proving Ground	\$25,000,000
Virginia	Fort A.P. Hill	\$2,700,000
	Fort Belvoir	\$18,000,000
	Fort Eustis	\$3,100,000
	Fort Myer	\$15,200,000
Washington	Fort Lewis	\$99,949,000
	Total	\$1,189,622,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the United
6 States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	\$84,081,000
Italy	Pisa	\$5,254,000
Korea	Camp Humphreys	\$99,162,000
	Yongpyong	\$1,450,000
	Total	\$189,947,000

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) *CONSTRUCTION AND ACQUISITION.*—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2104(a)(5)(A), the Secretary of the
11 Army may construct or acquire family housing units (in-
12 cluding land acquisition and supporting facilities) at the

1 *installations or locations, for the purposes, and in the*
 2 *amounts set forth in the following table:*

Army: Family Housing

<i>State</i>	<i>Installation or location</i>	<i>Purpose</i>	<i>Amount</i>
<i>Alaska</i>	<i>Fort Richardson</i>	<i>117 Units</i>	<i>\$49,000,000</i>
	<i>Fort Wainwright</i>	<i>180 Units</i>	<i>\$91,000,000</i>
<i>Arizona</i>	<i>Fort Huachuca</i>	<i>131 Units</i>	<i>\$31,000,000</i>
	<i>Yuma Proving Grounds</i>	<i>35 Units</i>	<i>\$11,200,000</i>
<i>Oklahoma</i>	<i>Fort Sill</i>	<i>129 Units</i>	<i>\$24,000,000</i>
<i>Virginia</i>	<i>Fort Lee</i>	<i>96 Units</i>	<i>\$19,500,000</i>
	<i>Fort Monroe</i>	<i>21 Units</i>	<i>\$6,000,000</i>
	<i>Total</i>		<i>\$231,700,000</i>

3 **(b) PLANNING AND DESIGN.**—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2104(a)(5)(A), the Secretary of the Army may carry
 6 out architectural and engineering services and construction
 7 design activities with respect to the construction or im-
 8 provement of family housing units in an amount not to
 9 exceed \$17,536,000.

10 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States Code,
 13 and using amounts appropriated pursuant to the author-
 14 ization of appropriations in section 2104(a)(5)(A), the Sec-
 15 retary of the Army may improve existing military family
 16 housing units in an amount not to exceed \$300,400,000.

17 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

18 **(a) AUTHORIZATION OF APPROPRIATIONS.**—Funds are
 19 hereby authorized to be appropriated for fiscal years begin-
 20 ning after September 30, 2005, for military construction,

1 *land acquisition, and military family housing functions of*
2 *the Department of the Army in the total amount of*
3 *\$2,972,142,000 as follows:*

4 (1) *For military construction projects inside the*
5 *United States authorized by section 2101(a),*
6 *\$1,012,722,000.*

7 (2) *For military construction projects outside the*
8 *United States authorized by section 2101(b),*
9 *\$189,947,000.*

10 (3) *For unspecified minor military construction*
11 *projects authorized by section 2805 of title 10, United*
12 *States Code, \$20,000,000.*

13 (4) *For architectural and engineering services*
14 *and construction design under section 2807 of title*
15 *10, United States Code, \$163,215,000.*

16 (5) *For military family housing functions:*

17 (A) *For construction and acquisition, plan-*
18 *ning and design, and improvement of military*
19 *family housing and facilities, \$549,636,000.*

20 (B) *For support of military family housing*
21 *(including the functions described in section*
22 *2833 of title 10, United States Code),*
23 *\$812,993,000.*

24 (6) *For the construction of phase 2 of a barracks*
25 *complex at Fort Campbell, Kentucky, authorized by*

1 *section 2101(a) of the Military Construction Author-*
2 *ization Act for Fiscal Year 2005 (division B of Public*
3 *Law 108–375; 118 Stat. 2101), \$24,650,000.*

4 (7) *For the construction of phase 3 of the Lewis*
5 *& Clark instructional facility at Fort Leavenworth,*
6 *Kansas, authorized by section 2101(a) of the Military*
7 *Construction Authorization Act for Fiscal Year 2004*
8 *(division B of Public Law 108–136; 117 Stat. 1697),*
9 *\$42,642,000.*

10 (8) *For the construction of phase 2 of trainee*
11 *barracks basic training complex 1 at Fort Knox, Ken-*
12 *tucky, authorized by section 2101(a) of the Military*
13 *Construction Authorization Act for Fiscal Year 2005*
14 *(division B of Public Law 108–375; 118 Stat. 2101),*
15 *\$21,000,000.*

16 (9) *For the construction of phase 2 of a barracks*
17 *complex renewal at Fort Bragg, North Carolina, au-*
18 *thorized by section 2101(a) of the Military Construc-*
19 *tion Authorization Act for Fiscal Year 2005 (division*
20 *B of Public Law 108–375; 118 Stat. 2101),*
21 *\$30,611,000.*

22 (10) *For the construction of phase 2 of a library*
23 *and learning center at the United States Military*
24 *Academy, West Point, New York, authorized by sec-*
25 *tion 2101(a) of the Military Construction Authoriza-*

1 *tion Act for Fiscal Year 2005 (division B of Public*
2 *Law 108–375; 118 Stat. 2101), \$25,470,000.*

3 *(11) For the construction of phase 2 of a bar-*
4 *racks complex at Vilseck, Germany, authorized by sec-*
5 *tion 2101(b) of the Military Construction Authoriza-*
6 *tion Act for Fiscal Year 2004 (division B of Public*
7 *Law 108–136; 117 Stat. 1698), \$13,600,000.*

8 *(12) For the construction of phase 2 of a vehicle*
9 *maintenance facility at Schofield Barracks, Hawaii,*
10 *authorized by section 2101(a) of the Military Con-*
11 *struction Authorization Act for Fiscal Year 2005 (di-*
12 *vision B of Public Law 108–375; 118 Stat. 2101),*
13 *\$24,656,000.*

14 *(13) For the construction of phase 2 of the Drum*
15 *Road upgrade at Helemano Military Reservation,*
16 *Hawaii, authorized by section 2101(a) of the Military*
17 *Construction Authorization Act for Fiscal Year 2005*
18 *(division B of Public Law 108–375; 118 Stat. 2101),*
19 *\$41,000,000.*

20 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
21 *PROJECTS.—Notwithstanding the cost variations author-*
22 *ized by section 2853 of title 10, United States Code, and*
23 *any other cost variation authorized by law, the total cost*
24 *of all projects carried out under section 2101 of this Act*
25 *may not exceed the sum of the following:*

1 (1) *The total amount authorized to be appro-*
2 *priated under paragraphs (1), (2), and (3) of sub-*
3 *section (a).*

4 (2) *\$16,500,000 (the balance of the amount au-*
5 *thorized under section 2101(a) for construction of a*
6 *barracks complex, 10300 block, Fort Drum, New*
7 *York).*

8 (3) *\$31,000,000 (the balance of the amount au-*
9 *thorized under section 2101(a) for construction of a*
10 *barracks complex for the 2nd Brigade, Fort Bragg,*
11 *North Carolina).*

12 (4) *\$77,400,000 (the balance of the amount au-*
13 *thorized under section 2101(a) for construction of a*
14 *barracks complex for DIVARTY, Fort Bragg, North*
15 *Carolina).*

16 (5) *\$50,000,000 (the balance of the amount au-*
17 *thorized under section 2101(a) for construction of a*
18 *barracks complex for the 3rd Brigade, Fort Bragg,*
19 *North Carolina).*

20 (6) *\$13,000,000 (the balance of the amount au-*
21 *thorized under section 2101(a) for construction of a*
22 *defense access road, Fort Belvoir, Virginia).*

1 **SEC. 2105. CONSTRUCTION OF BATTALION DINING FACILI-**
 2 **TIES, FORT KNOX, KENTUCKY.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—The
 4 amount authorized to be appropriated by section 2104(a)
 5 for military construction, land acquisition, and military
 6 family housing functions of the Department of the Army
 7 and the amount of such funds authorized by paragraph (1)
 8 of such subsection for military construction projects inside
 9 the United States are each hereby decreased by \$3,600,000.

10 (b) *USE OF FUNDS.*—Of the amount authorized to be
 11 appropriated by section 2104(a)(1) for the Department of
 12 the Army and available for military construction at Fort
 13 Knox, Kentucky, \$4,600,000 is available for the construc-
 14 tion of battalion dining facilities at Fort Knox.

15 **TITLE XXII—NAVY**

16 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 17 **ACQUISITION PROJECTS.**

18 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 19 propriated pursuant to the authorization of appropriations
 20 in section 2204(a)(1), the Secretary of the Navy may ac-
 21 quire real property and carry out military construction
 22 projects for the installations or locations inside the United
 23 States, and in the amounts, set forth in the following table:

Navy: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Marine Corps Air Station, Yuma</i>	\$3,637,000
<i>California</i>	<i>Marine Corps Air Station, Camp Pen-</i> <i>dleton</i>	\$1,400,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Marine Corps Base, Camp Pendleton	\$90,437,000
	Naval Air Station, Lemoore	\$8,480,000
	Naval Air Warfare Center, China Lake ...	\$19,158,000
Connecticut	Naval Submarine Base, New London	\$4,610,000
Florida	Naval Air Station, Jacksonville	\$88,603,000
	Naval Air Station, Pensacola	\$8,710,000
	Naval Station, Mayport	\$10,750,000
	Navy Diving and Salvage Training Center, Panama City	\$9,678,000
	Whiting Field	\$4,670,000
Georgia	Albany Depot	\$4,000,000
	Navy Submarine Base, Kings Bay	\$3,000,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	\$5,700,000
	Naval Base, Pearl Harbor	\$29,700,000
Illinois	Recruit Training Command, Great Lakes	\$167,750,000
Indiana	Naval Warfare Center, Crane	\$8,220,000
Maine	Naval Shipyard, Portsmouth	\$8,100,000
Maryland	Naval Air Warfare Center, Patuxent River	\$5,800,000
	United States Naval Academy, Annapolis	\$51,720,000
Mississippi	Naval Air Station, Meridian	\$10,450,000
North Carolina	Marine Corps Air Station, Cherry Point	\$27,147,000
	Marine Corps Base, Camp Lejeune	\$44,590,000
	Marine Corps Air Station, New River	\$6,840,000
Rhode Island	Naval Station, Newport	\$10,620,000
Texas	Naval Air Station, Kingsville	\$6,010,000
Virginia	Marine Corps Air Field, Quantico	\$19,698,000
	Marine Corps Base, Quantico	\$4,000,000
	Naval Air Station, Oceana	\$11,680,000
	Naval Amphibious Base, Little Creek	\$36,034,000
	Naval Station, Norfolk	\$111,033,000
	Naval Surface Warfare Center, Dahlgren	\$9,960,000
Washington	Naval Station, Everett	\$70,950,000
	Naval Submarine Base, Bangor	\$60,160,000
	Total	\$963,295,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Station, Guam	\$55,473,000
	Total	\$55,473,000

1 **SEC. 2202. FAMILY HOUSING.**

2 *Using amounts appropriated pursuant to the author-*
 3 *ization of appropriations in section 2204(a)(5)(A), the Sec-*
 4 *retary of the Navy may construct or acquire family housing*
 5 *units (including land acquisition and supporting facilities)*
 6 *at the installation or location, for the purpose, and in the*
 7 *amount set forth in the following table:*

Navy: Family Housing

<i>State</i>	<i>Installation or Location</i>	<i>Purpose</i>	<i>Amount</i>
<i>Guam</i>	<i>Naval Station, Guam</i>	<i>126 Units</i>	<i>\$43,495,000</i>
	<i>Total</i>	<i>.....</i>	<i>\$43,495,000</i>

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 9 **UNITS.**

10 *Subject to section 2825 of title 10, United States Code,*
 11 *and using amounts appropriated pursuant to the author-*
 12 *ization of appropriations in section 2204(a)(5)(A), the Sec-*
 13 *retary of the Navy may improve existing military family*
 14 *housing units in an amount not to exceed \$178,644,000.*

15 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

16 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 17 *hereby authorized to be appropriated for fiscal years begin-*
 18 *ning after September 30, 2005, for military construction,*
 19 *land acquisition, and military family housing functions of*
 20 *the Department of the Navy in the total amount of*
 21 *\$1,918,465,000, as follows:*

1 (1) *For military construction projects inside the*
2 *United States authorized by section 2201(a),*
3 *\$761,751,000.*

4 (2) *For military construction projects outside the*
5 *United States authorized by section 2201(b),*
6 *\$25,584,000.*

7 (3) *For unspecified minor construction projects*
8 *authorized by section 2805 of title 10, United States*
9 *Code, \$1.*

10 (4) *For architectural and engineering services*
11 *and construction design under section 2807 of title*
12 *10, United States Code, \$54,507,000.*

13 (5) *For military family housing functions:*

14 (A) *For construction and acquisition, plan-*
15 *ning and design, and improvement of military*
16 *family housing and facilities, \$222,139,000.*

17 (B) *For support of military family housing*
18 *(including functions described in section 2833 of*
19 *title 10, United States Code), \$593,660,000.*

20 (6) *For the construction of increment 2 of the*
21 *Presidential Helicopter program support facility at*
22 *Naval Air Warfare Station, Patuxent River, Mary-*
23 *land, authorized by section 2201(c) of the Military*
24 *Construction Authorization Act for Fiscal Year 2005*

1 *(division B of Public Law 108–375; 118 Stat. 2106),*
2 \$55,700,000.

3 (7) *For the construction of increment 2 of the*
4 *apron and hangar recapitalization at Naval Air*
5 *Field, El Centro, California, authorized by section*
6 *2201(a) of the Military Construction Authorization*
7 *Act for Fiscal Year 2005 (division B of Public Law*
8 *108–375; 118 Stat. 2105), \$18,666,000.*

9 (8) *For the construction of increment 3 of pier*
10 *11 replacement at Naval Station, Norfolk, Virginia,*
11 *authorized by section 2201(a) of the Military Con-*
12 *struction Authorization Act for Fiscal Year 2004 (di-*
13 *vision B of Public Law 108–136; 117 Stat. 1704),*
14 \$40,200,000.

15 (9) *For the construction of increment 2 of the*
16 *limited area production and storage complex at Stra-*
17 *tegic Weapons Facility Pacific, Bangor, Washington,*
18 *authorized by section 2201(a) of the Military Con-*
19 *struction Authorization Act for Fiscal Year 2005 (di-*
20 *vision B of Public Law 108–375; 118 Stat. 2106),*
21 \$47,095,000.

22 (10) *For the construction of increment 2 of a*
23 *White Side complex at Marine Corps Air Facility,*
24 *Quantico, Virginia, authorized by section 2201(a) of*
25 *the Military Construction Authorization Act for Fis-*

1 *cal Year 2005 (division B of Public Law 108–375;*
2 *118 Stat. 2106), \$34,730,000.*

3 *(11) For the construction of increment 3 of the*
4 *general purpose berthing pier at Naval Weapons Sta-*
5 *tion, Earle, New Jersey, authorized by section*
6 *2201(a) of the Military Construction Authorization*
7 *Act for Fiscal Year 2004 (division B of Public Law*
8 *108–136; 117 Stat. 1704), \$64,432,000.*

9 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
10 *PROJECTS.—Notwithstanding the cost variations author-*
11 *ized by section 2853 of title 10, United States Code, and*
12 *any other cost variation authorized by law, the total cost*
13 *of all projects carried out under section 2201 of this Act*
14 *may not exceed the sum of the following:*

15 *(1) The total amount authorized to be appro-*
16 *priated under paragraphs (1), (2), and (3) of sub-*
17 *section (a).*

18 *(2) \$43,424,000 (the balance of the amount au-*
19 *thorized under section 2201(a) to replace a helicopter*
20 *hangar, Naval Air Station, Jacksonville, Florida).*

21 *(3) \$45,850,000 (the balance of the amount au-*
22 *thorized under section 2201(a) to upgrade infrastruc-*
23 *ture, Recruit Training Command, Great Lakes, Illi-*
24 *nois).*

1 (4) \$26,790,000 (the balance of the amount au-
2 thorized under section 2201(a) for construction of the
3 Wesley Brown Field House, United States Naval
4 Academy, Annapolis, Maryland).

5 (5) \$31,059,000 (the balance of the amount au-
6 thorized under section 2201(a) to replace ship repair
7 pier 3, Naval Station, Norfolk, Virginia).

8 (6) \$21,000,000 (the balance of the amount au-
9 thorized under section 2201(a) for construction of a
10 bachelor enlisted quarters for the homeport ashore
11 program, Naval Station, Everett, Washington).

12 (7) \$33,421,000 (the balance of the amount au-
13 thorized under section 2201(a) to perform reclamation
14 and conveyance activities, Marine Corps Base, Camp
15 Pendleton, California).

16 (8) \$29,889,000 (the balance of the amount au-
17 thorized under section 2201(b) to improve Alpha/
18 Bravo wharves, Naval Station, Guam).

19 (c) *ADJUSTMENT.*—The total amount authorized to be
20 appropriated pursuant to paragraphs (1) through (11) of
21 subsection (a) is the sum of the amounts authorized to be
22 appropriated in such paragraphs, reduced by \$92,354,000,
23 which represents prior year savings.

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2005 PROJECTS.**

3 (a) *MODIFICATION OF INSIDE THE UNITED STATES*
4 *PROJECTS.*—*The table in section 2201(a) of the Military*
5 *Construction Authorization Act for Fiscal Year 2005 (divi-*
6 *sion B of Public Law 108–375; 118 Stat. 2106) is*
7 *amended—*

8 (1) *in the item relating to Marine Corps Air Fa-*
9 *cility, Quantico, Virginia, by striking “\$73,838,000”*
10 *in the amount column and inserting “\$74,470,000”;*
11 *and*

12 (2) *by striking the amount identified as the total*
13 *in the amount column and inserting “\$952,687,000”.*

14 (b) *MODIFICATION OF UNSPECIFIED WORLDWIDE*
15 *PROJECT.*—*The table in section 2201(c) of the Military*
16 *Construction Authorization Act for Fiscal Year 2005 (divi-*
17 *sion B of Public Law 108–375; 118 Stat. 2106) is*
18 *amended—*

19 (1) *in the item relating to Unspecified World-*
20 *wide, by striking “\$105,982,000” in the amount col-*
21 *umn and inserting “\$95,200,000”; and*

22 (2) *by striking the amount identified as the total*
23 *in the amount column and inserting “\$95,200,000”.*

24 (c) *CONFORMING AMENDMENTS.*—*Section 2204(b) of*
25 *that Act (118 Stat. 2108) is amended—*

1 (1) *in paragraph (4), by striking “\$34,098,000”*
2 *and inserting “\$34,730,000”; and*

3 (2) *in paragraph (7), by striking “\$65,982,000”*
4 *and inserting “\$55,200,000”.*

5 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**
6 **CERTAIN FISCAL YEAR 2004 PROJECT.**

7 (a) *MODIFICATION OF INSIDE THE UNITED STATES*
8 *PROJECT.—The table in section 2201(a) of the Military*
9 *Construction Authorization Act for Fiscal Year 2004 (divi-*
10 *sion B of Public Law 108–136; 117 Stat. 1704) is*
11 *amended—*

12 (1) *in the item relating to Naval Weapons Sta-*
13 *tion, Earle, New Jersey, by striking “\$123,720,000”*
14 *in the amount column and inserting “\$140,372,000”;*
15 *and*

16 (2) *by striking the amount identified as the total*
17 *in the amount column and inserting*
18 *“\$1,352,524,000”.*

19 (b) *CONFORMING AMENDMENT.—Section 2204(b)(4) of*
20 *that Act is amended by striking “\$96,980,000” and insert-*
21 *ing “\$113,652,000”.*

1 **TITLE XXIII—AIR FORCE**

2 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 3 **LAND ACQUISITION PROJECTS.**

4 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 5 propriated pursuant to the authorization of appropriations
 6 in section 2304(a)(1), the Secretary of the Air Force may
 7 acquire real property and carry out military construction
 8 projects for the installations or locations inside the United
 9 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	\$14,900,000
<i>Alaska</i>	<i>Clear Air Station</i>	\$20,000,000
	<i>Elmendorf Air Force Base</i>	\$84,820,000
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$8,600,000
	<i>Luke Air Force Base</i>	\$13,000,000
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$2,500,000
<i>California</i>	<i>Beale Air Force Base</i>	\$14,200,000
	<i>Edwards Air Force Base</i>	\$103,000,000
	<i>Travis Air Force Base</i>	\$42,500,000
	<i>Vandenberg Air Force Base</i>	\$16,845,000
<i>Colorado</i>	<i>Buckley Air Force Base</i>	\$20,100,000
	<i>Peterson Air Force Base</i>	\$12,800,000
	<i>United States Air Force Academy</i>	\$13,000,000
<i>Delaware</i>	<i>Dover Air Force Base</i>	\$19,000,000
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	\$14,900,000
<i>Florida</i>	<i>Cape Canaveral</i>	\$6,200,000
	<i>Hurlburt Field</i>	\$2,540,000
	<i>MacDill Air Force Base</i>	\$107,200,000
	<i>Tyndall Air Force Base</i>	\$11,500,000
<i>Georgia</i>	<i>Robins Air Force Base</i>	\$2,000,000
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	\$13,378,000
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	\$9,835,000
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	\$10,800,000
<i>Massachusetts</i>	<i>Hanscom Air Force Base</i>	\$3,900,000
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	\$10,000,000
	<i>Keesler Air Force Base</i>	\$47,500,000
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	\$5,721,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	\$13,500,000
<i>Nebraska</i>	<i>Offutt Air Force Base</i>	\$63,080,000
<i>Nevada</i>	<i>Indian Springs Air Force Auxiliary</i> <i>Field</i>	\$60,724,000
	<i>Nellis Air Force Base</i>	\$24,370,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$13,185,000
<i>New Mexico</i>	<i>Holloman Air Force Base</i>	\$15,000,000
	<i>Kirtland Air Force Base</i>	\$6,600,000
<i>North Dakota</i>	<i>Minot Air Force Base</i>	\$8,700,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$19,670,000
<i>Oklahoma</i>	<i>Tinker Air Force Base</i>	\$31,960,000
	<i>Vance Air Force Base</i>	\$14,000,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$2,583,000
	<i>Shaw Air Force Base</i>	\$9,730,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$8,400,000
<i>Texas</i>	<i>Sheppard Air Force Base</i>	\$36,000,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$33,900,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$38,665,000
<i>Washington</i>	<i>Fairchild Air Force Base</i>	\$8,200,000
	<i>Total</i>	\$1,039,006,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *tions in section 2304(a)(2), the Secretary of the Air Force*
4 *may acquire real property and carry out military construc-*
5 *tion projects for the installations or locations outside the*
6 *United States, and in the amounts set forth in the following*
7 *table:*

Air Force: Outside the United States

Country	Installation or location	Amount
<i>Germany</i>	<i>Ramstein Air Base</i>	\$11,650,000
	<i>Spangdahlem Air Base</i>	\$12,474,000
<i>Guam</i>	<i>Andersen Air Base</i>	\$18,500,000
<i>Italy</i>	<i>Aviano Air Base</i>	\$22,660,000
<i>Korea</i>	<i>Kunsan Air Base</i>	\$44,188,000
	<i>Osan Air Base</i>	\$39,719,000
<i>Portugal</i>	<i>Lajes Field, Azores</i>	\$12,000,000
<i>Turkey</i>	<i>Incirlik Air Base</i>	\$5,780,000
<i>United Kingdom</i>	<i>Royal Air Force, Lakenheath</i>	\$5,125,000
	<i>Royal Air Force, Mildenhall</i>	\$13,500,000
	<i>Total</i>	\$185,596,000

8 **SEC. 2302. FAMILY HOUSING.**

9 **(a) CONSTRUCTION AND ACQUISITION.**—Using
10 *amounts appropriated pursuant to the authorization of ap-*
11 *propriations in section 2304(a)(5)(A), the Secretary of the*
12 *Air Force may construct or acquire family housing units*
13 *(including land acquisition and supporting facilities) at*

- 1 *the installations or locations, for the purposes, and in the*
 2 *amounts set forth in the following table:*

Air Force: Family Housing

State	Installation or location	Purpose	Amount
<i>Alaska</i>	<i>Eielson Air Force Base</i>	<i>392 Units</i>	<i>\$55,794,000</i>
<i>California</i>	<i>Edwards Air Force Base</i>	<i>226 Units</i>	<i>\$59,699,000</i>
<i>Florida</i>	<i>MacDill Air Force Base</i>	<i>109 Units</i>	<i>\$40,982,000</i>
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	<i>194 Units</i>	<i>\$56,467,000</i>
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	<i>111 Units</i>	<i>\$26,917,000</i>
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	<i>296 Units</i>	<i>\$68,971,000</i>
<i>North Carolina</i>	<i>Seymour Johnson Air Force Base</i>	<i>255 Units</i>	<i>\$48,868,000</i>
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	<i>300 Units</i>	<i>\$86,706,000</i>
	<i>Minot Air Force Base</i>	<i>223 Units</i>	<i>\$44,548,000</i>
<i>South Carolina</i>	<i>Charleston Air Force Base</i> ..	<i>10 Units</i>	<i>\$15,935,000</i>
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	<i>60 Units</i>	<i>\$14,383,000</i>
<i>Texas</i>	<i>Dyess Air Force Base</i>	<i>190 Units</i>	<i>\$43,016,000</i>
<i>Germany</i>	<i>Ramstein Air Base</i>	<i>101 Units</i>	<i>\$62,952,000</i>
<i>Turkey</i>	<i>Incirlik Air Base</i>	<i>100 Units</i>	<i>\$22,730,000</i>
<i>United Kingdom</i>	<i>Royal Air Force, Lakenheath</i>	<i>107 Units</i>	<i>\$48,437,000</i>
	<i>Total</i>	<i>\$696,405,000</i>

- 3 *(b) PLANNING AND DESIGN.—Using amounts appro-*
 4 *priated pursuant to the authorization of appropriations in*
 5 *section 2304(a)(5)(A), the Secretary of the Air Force may*
 6 *carry out architectural and engineering services and con-*
 7 *struction design activities with respect to the construction*
 8 *or improvement of military family housing units in an*
 9 *amount not to exceed \$37,104,000.*

10 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

- 12 *Subject to section 2825 of title 10, United States Code,*
 13 *and using amounts appropriated pursuant to the author-*
 14 *ization of appropriations in section 2304(a)(5)(A), the Sec-*
 15 *retary of the Air Force may improve existing military fam-*
 16 *ily housing units in an amount not to exceed \$409,113,000.*

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
4 *hereby authorized to be appropriated for fiscal years begin-*
5 *ning after September 30, 2005, for military construction,*
6 *land acquisition, and military family housing functions of*
7 *the Department of the Air Force in the total amount of*
8 *\$3,108,982,000, as follows:*

9 (1) *For military construction projects inside the*
10 *United States authorized by section 2301(a),*
11 *\$914,006,000.*

12 (2) *For military construction projects outside the*
13 *United States authorized by section 2301(b),*
14 *\$185,596,000.*

15 (3) *For unspecified minor military construction*
16 *projects authorized by section 2805 of title 10, United*
17 *States Code, \$15,000,000.*

18 (4) *For architectural and engineering services*
19 *and construction design under section 2807 of title*
20 *10, United States Code, \$83,719,000.*

21 (5) *For military family housing functions:*

22 (A) *For construction and acquisition, plan-*
23 *ning and design, and improvement of military*
24 *family housing and facilities, \$1,142,622,000.*

1 (B) *For support of military family housing*
2 *(including functions described in section 2833 of*
3 *title 10, United States Code), \$766,939,000.*

4 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
5 *PROJECTS.—Notwithstanding the cost variations author-*
6 *ized by section 2853 of title 10, United States Code, and*
7 *any other cost variation authorized by law, the total cost*
8 *of all projects carried out under section 2301 of this Act*
9 *may not exceed the sum of the following:*

10 (1) *The total amount authorized to be appro-*
11 *priated under paragraphs (1), (2), and (3) of sub-*
12 *section (a).*

13 (2) *\$30,000,000 (the balance of the amount au-*
14 *thorized under section 2301(a) for a C-17 mainte-*
15 *nance complex, Elmendorf Air Force Base, Alaska).*

16 (3) *\$66,000,000 (the balance of the amount au-*
17 *thorized under section 2301(a) to replace the main*
18 *runway, Edwards Air Force Base, California).*

19 (4) *\$29,000,000 (the balance of the amount au-*
20 *thorized under section 2301(a) for construction of a*
21 *joint intelligence center for Headquarters, Central*
22 *Command, MacDill Air Force Base, Florida).*

**TITLE XXIV—DEFENSE
AGENCIES**

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
<i>Defense Intelligence Agency</i>	<i>Bolling Air Force Base, District of Columbia</i>	\$7,900,000
<i>Defense Logistics Agency</i>	<i>Cannon Air Force Base, New Mexico</i>	\$13,200,000
	<i>Defense Distribution Depot, New Cumberland, Pennsylvania</i>	\$6,500,000
	<i>Defense Distribution Depot, Tracy, California</i>	\$33,635,000
	<i>Fort Belvoir, Virginia</i>	\$4,500,000
	<i>Marine Corps Air Station Yuma, Arizona</i>	\$7,300,000
	<i>McConnell Air Force Base, Kansas</i>	\$15,800,000
	<i>Miramar, California</i>	\$23,000,000
	<i>Naval Station, Norfolk, Virginia</i>	\$6,700,000
	<i>Seymour Johnson Air Force Base, North Carolina</i>	\$18,500,000
<i>Defense Education Agency</i>	<i>Fort Bragg, North Carolina</i>	\$18,075,000
	<i>Fort Stewart/Hunter Army Air Field, Georgia</i>	\$16,629,000
<i>National Security Agency</i>	<i>Augusta, Georgia</i>	\$61,466,000
	<i>Fort Meade, Maryland</i>	\$28,049,000
	<i>Kunua, Hawaii</i>	\$61,466,000
<i>Special Operations Command</i>	<i>Eglin Air Force Base, Florida</i>	\$12,800,000
	<i>Fort Bragg, North Carolina</i>	\$14,769,000
	<i>Fort Campbell, Kentucky</i>	\$37,800,000
	<i>Fort Lewis, Washington</i>	\$53,300,000
	<i>Fort Stewart/Hunter Army Air Field, Georgia</i>	\$10,000,000
	<i>Naval Surface Warfare Center, Corona, California</i>	\$28,350,000
<i>TRICARE Management Activity</i>	<i>Beale Air Force Base, California</i>	\$18,000,000
	<i>Charleston, South Carolina</i>	\$35,000,000
	<i>Fort Detrick, Maryland</i>	\$55,200,000
	<i>Keesler Air Force Base, Mississippi</i> ...	\$14,000,000
	<i>Lackland Air Force Base, Texas</i>	\$11,000,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Naval Hospital, San Diego, California	\$15,000,000
	Nellis Air Force Base, Nevada	\$1,700,000
	Uniformed Services University of the Health Sciences, Bethesda, Maryland	\$10,350,000
	Peterson Air Force Base, Colorado	\$1,820,000
	<i>Total</i>	\$641,809,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2403(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the United
6 States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
<i>Defense Education Agency</i>	Landstuhl, Germany	\$6,543,000
	Vilseck, Germany	\$2,323,000
	Agana, Guam	\$40,578,000
	Taegu, Korea	\$8,231,000
	Naval Station, Rota, Spain	\$7,963,000
<i>Defense Logistics Agency</i>	Souda Bay, Greece	\$7,089,000
<i>Missile Defense Agency</i>	Kwajalien Atoll, Kwajalien	\$4,901,000
<i>National Security Agency</i>	Menwith Hall, United Kingdom	\$41,697,000
<i>TRICARE Management Activity</i>	Bahrain, SWA	\$4,750,000
	<i>Total</i>	\$124,075,000

7 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

8 Using amounts appropriated pursuant to the author-
9 ization of appropriations in section 2403(a)(6), the Sec-
10 retary of Defense may carry out energy conservation
11 projects under section 2865 of title 10, United States Code,
12 in the amount of \$60,000,000.

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
2 **AGENCIES.**

3 (a) *IN GENERAL.*—Funds are hereby authorized to be
4 appropriated for fiscal years beginning after September 30,
5 2005, for military construction, land acquisition, and mili-
6 tary family housing functions of the Department of Defense
7 (other than the military departments) in the total amount
8 of \$2,973,914,000, as follows:

9 (1) *For military construction projects inside the*
10 *United States authorized by section 2401(a),*
11 *\$641,809,000.*

12 (2) *For military construction projects outside the*
13 *United States authorized by section 2401(b),*
14 *\$123,104,000.*

15 (3) *For unspecified minor military construction*
16 *projects under section 2805 of title 10, United States*
17 *Code, \$15,736,000.*

18 (4) *For contingency construction projects of the*
19 *Secretary of Defense under section 2804 of title 10,*
20 *United States Code, \$10,000,000.*

21 (5) *For architectural and engineering services*
22 *and construction design under section 2807 of title*
23 *10, United States Code, \$135,081,000.*

24 (6) *For energy conservation projects authorized*
25 *by section 2403 of this Act, \$60,000,000.*

1 (7) *For base closure and realignment activities*
2 *funded through the account created pursuant to sec-*
3 *tion 2906 of, and authorized by, the Defense Base Clo-*
4 *sure and Realignment Act of 1990 (part A of title*
5 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note),*
6 *\$377,827,000.*

7 (8) *For base closure and realignment activities*
8 *funded through the account created pursuant to sec-*
9 *tion 2906A of, and authorized by, the Defense Base*
10 *Closure and Realignment Act of 1990 (part A of title*
11 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note),*
12 *\$1,504,466,000.*

13 (9) *For military family housing functions:*

14 (A) *For support of military family housing*
15 *(including functions described in section 2833 of*
16 *title 10, United States Code), \$46,391,000.*

17 (B) *For credit to the Department of Defense*
18 *Family Housing Improvement Fund established*
19 *by section 2883(a)(1) of title 10, United States*
20 *Code, \$2,500,000.*

21 (10) *For the construction of increment 2 of the*
22 *hospital replacement at Fort Belvoir, Virginia, au-*
23 *thorized by section 2401(a) of the Military Construc-*
24 *tion Authorization Act of Fiscal Year 2005 (division*

1 *B of Public Law 108–375; 118 Stat. 2100),*
2 *\$57,000,000.*

3 *(b) NOTICE AND WAIT REQUIREMENT APPLICABLE TO*
4 *OBLIGATION OF FUNDS FOR BASE CLOSURE AND REALIGN-*
5 *MENT ACTIVITIES.—None of the funds authorized to be ap-*
6 *propriated by subsection (a)(8) may be obligated until 21*
7 *days after the date on which the Secretary of Defense sub-*
8 *mits to the congressional defense committees a report de-*
9 *scribing the specific programs, projects, and activities for*
10 *which such funds are to be obligated.*

11 **TITLE XXV—NORTH ATLANTIC**
12 **TREATY ORGANIZATION SE-**
13 **CURITY INVESTMENT PRO-**
14 **GRAM**

15 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
16 **ACQUISITION PROJECTS.**

17 *The Secretary of Defense may make contributions for*
18 *the North Atlantic Treaty Organization Security Invest-*
19 *ment program as provided in section 2806 of title 10,*
20 *United States Code, in an amount not to exceed the sum*
21 *of the amount authorized to be appropriated for this pur-*
22 *pose in section 2502 and the amount collected from the*
23 *North Atlantic Treaty Organization as a result of construc-*
24 *tion previously financed by the United States.*

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 *Funds are hereby authorized to be appropriated for fis-*
 3 *cal years beginning after September 30, 2005, for contribu-*
 4 *tions by the Secretary of Defense under section 2806 of title*
 5 *10, United States Code, for the share of the United States*
 6 *of the cost of projects for the North Atlantic Treaty Organi-*
 7 *zation Security Investment program authorized by section*
 8 *2501, in the amount of \$206,858,000.*

9 **TITLE XXVI—GUARD AND**
 10 **RESERVE FORCES FACILITIES**

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 12 **TION AND LAND ACQUISITION PROJECTS.**

13 *Funds are hereby authorized to be appropriated for fis-*
 14 *cal years beginning after September 30, 2005, for the costs*
 15 *of acquisition, architectural and engineering services, and*
 16 *construction of facilities for the reserve components, and for*
 17 *contributions therefore, under chapter 1803 of title 10,*
 18 *United States Code (including the cost of acquisition of*
 19 *land for those facilities), in the following amounts:*

20 (1) *For the Department of the Army—*

21 (A) *for the Army National Guard of the*
 22 *United States, \$445,100,000; and*

23 (B) *for the Army Reserve, \$121,077,000.*

24 (2) *For the Department of the Navy, for the*
 25 *Naval and Marine Corps Reserve, \$50,226,000.*

26 (3) *For the Department of the Air Force—*

1 (A) for the Air National Guard of the
2 United States, \$264,061,000; and

3 (B) for the Air Force Reserve, \$79,260,000.

4 **SEC. 2602. SPECIFIC AUTHORIZED ARMY NATIONAL GUARD**
5 **CONSTRUCTION PROJECTS.**

6 (a) *CAMP ROBERTS, CALIFORNIA.*—Of the amount au-
7 *thorized to be appropriated for the Department of the Army*
8 *for the Army National Guard of the United States under*
9 *section 2601(1)(A)*—

10 (1) \$1,500,000 is available for the construction of
11 an urban combat course at Camp Roberts, California;
12 and

13 (2) \$1,500,000 is available for the addition or al-
14 teration of a field maintenance shop at Fort Dodge,
15 Iowa.

16 **SEC. 2603. CONSTRUCTION OF FACILITIES, NEW CASTLE**
17 **COUNTY AIRPORT AIR GUARD BASE, DELA-**
18 **WARE.**

19 Of the amount authorized to be appropriated for the
20 *Department of the Air Force for the Air National Guard*
21 *of the United States under section 2601(3)(A)*—

22 (1) \$1,400,000 is available for the construction of
23 a security forces facility at New Castle County Air-
24 port Air Guard Base, Delaware; and

1 (2) \$1,500,000 is available for the construction of
2 a medical training facility at New Castle County
3 Airport Air Guard Base, Delaware.

4 **SEC. 2604. CONSTRUCTION OF MAINTENANCE HANGAR,**
5 **NEW CASTLE COUNTY AIRPORT AIR GUARD**
6 **BASE, DELAWARE.**

7 (a) *AUTHORIZATION OF APPROPRIATIONS.*—The
8 amount authorized to be appropriated by section
9 2601(3)(A) for the Department of the Air Force for the Air
10 National Guard of the United States is hereby increased
11 by \$1,440,000.

12 (b) *USE OF FUNDS.*—Of the amount authorized to be
13 appropriated by section 2601(3)(A) for the Department of
14 the Air Force for the Air National Guard of the United
15 States, as increased by subsection (a), \$1,440,000 is avail-
16 able for planning and design for a replacement C-130 air-
17 craft maintenance hangar at Air National Guard New Cas-
18 tle County Airport, Delaware.

19 (c) *OFFSET.*—The amount authorized to be appro-
20 priated by section 2204(a) for military construction, land
21 acquisition, and military family housing functions of the
22 Department of the Navy and the amount of such funds au-
23 thorized by paragraph (11) of such subsection for the con-
24 struction of increment 3 of the general purpose berthing pier

1 *at Naval Weapons Station, Earle, New Jersey, are each*
2 *hereby decreased by \$1,440,000.*

3 **SEC. 2605. NATIONAL GUARD CONSTRUCTION PROJECTS.**

4 *(a) ARMY NATIONAL GUARD AT CAMP DAWSON, WEST*
5 *VIRGINIA.—*

6 *(1) AUTHORIZATION OF APPROPRIATIONS.—The*
7 *amount authorized to be appropriated by section*
8 *2601(1)(A) for the Department of the Army for the*
9 *Army National Guard of the United States is hereby*
10 *increased by \$4,500,000.*

11 *(2) USE OF FUNDS.—Of the amount authorized*
12 *to be appropriated by section 2601(1)(A) for the De-*
13 *partment of the Army for the Army National Guard*
14 *of the United States, as increased by paragraph (1),*
15 *\$4,500,000 is available for the construction of a read-*
16 *iness center at Camp Dawson, West Virginia.*

17 *(3) OFFSET.—The amount authorized to be ap-*
18 *propriated by section 2601(3)(A) for the Department*
19 *of the Air Force for the Air National Guard of the*
20 *United States, and available for the construction of a*
21 *bridge/gate house/force protection entry project at*
22 *Camp Yeager, West Virginia, is hereby decreased by*
23 *\$4,500,000.*

24 *(b) AIR NATIONAL GUARD AT EASTERN WEST VIR-*
25 *GINIA REGIONAL AIRPORT.—Of the amount authorized to*

1 *be appropriated by section 2603(3)(A) for the Department*
2 *of the Air Force for the Air National Guard of the United*
3 *States, and otherwise available for the construction of a*
4 *bridge/gate house/force protection entry project at Air Na-*
5 *tional Guard Base, West Virginia, \$2,000,000 shall be*
6 *available instead for C-5 aircraft shop upgrades at Eastern*
7 *West Virginia Regional Airport, Shepherd Field, Martins-*
8 *burg, West Virginia.*

9 **TITLE XXVII—EXPIRATION AND**
10 **EXTENSION OF AUTHORIZA-**
11 **TIONS**

12 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
13 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
14 **LAW.**

15 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
16 *YEARS.—Except as provided in subsection (b), all author-*
17 *izations contained in titles XXI through XXVI for military*
18 *construction projects, land acquisition, family housing*
19 *projects and facilities, and contributions to the North At-*
20 *lantic Treaty Organization Security Investment program*
21 *(and authorizations of appropriations therefor) shall expire*
22 *on the later of—*

23 *(1) October 1, 2008; or*

1 (2) *the date of the enactment of an Act author-*
 2 *izing funds for military construction for fiscal year*
 3 *2009.*

4 **(b) EXCEPTION.**—*Subsection (a) shall not apply to au-*
 5 *thorizations for military construction projects, land acqui-*
 6 *sition, family housing projects and facilities, and contribu-*
 7 *tions to the North Atlantic Treaty Organization Security*
 8 *Investment program (and authorizations of appropriations*
 9 *therefor), for which appropriated funds have been obligated*
 10 *before the later of—*

11 (1) *October 1, 2008; or*

12 (2) *the date of the enactment of an Act author-*
 13 *izing funds for fiscal year 2009 for military construc-*
 14 *tion projects, land acquisition, family housing*
 15 *projects and facilities, or contributions to the North*
 16 *Atlantic Treaty Organization Security Investment*
 17 *program.*

18 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**

19 **FISCAL YEAR 2003 PROJECTS.**

20 **(a) EXTENSION.**—*Notwithstanding section 2701 of the*
 21 *Military Construction Authorization Act for Fiscal Year*
 22 *2003 (division B of Public Law 107–314; 116 Stat. 2681),*
 23 *authorizations set forth in the tables in subsection (b), as*
 24 *provided in sections 2301, 2302, and 2401 of that Act, shall*
 25 *remain in effect until October 1, 2006, or the date of the*

1 *enactment of an Act authorizing funds for military con-*
 2 *struction for fiscal year 2007, whichever is later.*

3 (b) *TABLES.—The tables referred to in subsection (a)*
 4 *are as follows:*

Air Force: Extension of 2003 Project Authorizations

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>Replace family housing (134 Units)</i>	\$15,906,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>Replace Family Housing Of- fice</i>	\$597,000
<i>Mississippi</i>	<i>Keesler Air Force Base</i> ..	<i>Replace family housing (117 Units)</i>	\$16,505,000
<i>Texas</i>	<i>Randolph Air Force Base</i>	<i>Replace family housing (112 Units)</i>	\$14,311,000
<i>Texas</i>	<i>Randolph Air Force Base</i>	<i>Replace Hous- ing Mainte- nance Facil- ity</i>	\$447,000
<i>Italy</i>	<i>Aviano Air Base</i>	<i>Consolidate Area A-1 and A-2</i>	\$5,000,000

Defense Wide: Extension of 2003 Project Authorization

<i>Agency</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Special Operations Com- mand.</i>	<i>Stennis Space Center, Mississippi</i>	<i>SOF Training Range</i>	\$5,000,000

5 ***SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN***
 6 ***FISCAL YEAR 2002 PROJECTS.***

7 (a) *EXTENSION.—Notwithstanding section 2701 of the*
 8 *Military Construction Authorization Act for Fiscal Year*
 9 *2002 (division B of Public Law 107–107; 115 Stat. 1301),*
 10 *authorizations set forth in the tables in subsection (b), as*
 11 *provided in sections 2101 and 2302 of that Act, shall re-*
 12 *main in effect until October 1, 2006, or the date of the en-*

1 actment of an Act authorizing funds for military construc-
 2 tion for fiscal year 2007, whichever is later.

3 (b) TABLES.—The tables referred to in subsection (a)
 4 are as follows:

Army: Extension of 2002 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Hawaii</i>	<i>Pohakuloa Training Fa- cility</i>	<i>Land purchase</i>	<i>\$1,500,000</i>

Air Force: Extension of 2002 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	<i>Replace family housing (56 Units)</i>	<i>\$7,300,000</i>

5 **SEC. 2704. EFFECTIVE DATE.**

6 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
 7 *take effect on the later of—*

8 (1) *October 1, 2005; or*

9 (2) *the date of the enactment of this Act.*

10 **TITLE XXVIII—GENERAL**
 11 **PROVISIONS**

12 **Subtitle A—Military Construction**
 13 **Program and Military Family**
 14 **Housing Changes**

15 **SEC. 2801. INCREASE IN THRESHOLDS FOR UNSPECIFIED**
 16 **MINOR MILITARY CONSTRUCTION PROJECTS.**

17 (a) *INCREASE.*—Section 2805(a)(1) of title 10, United
 18 States Code, is amended—

1 (1) by striking “\$1,500,000” and inserting
2 “\$2,500,000”; and

3 (2) by striking “\$3,000,000” and inserting
4 “\$4,000,000”.

5 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
6 *section (a) shall take effect on October 1, 2005.*

7 **SEC. 2802. MODIFICATION OF COST VARIATION AUTHORITY.**

8 (a) *LIMITATION ON COST DECREASES RELATED TO*
9 *MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING*
10 *PROJECTS.*—*Section 2853 of title 10, United States Code,*
11 *is amended—*

12 (1) *in subsection (a)—*

13 (A) by striking “may be increased by not
14 more than 25 percent” and inserting “may be
15 increased or decreased by not more than 25 per-
16 cent”; and

17 (B) by striking “if the Secretary concerned
18 determines that such an increase in cost is re-
19 quired” and inserting “if the Secretary con-
20 cerned determines that such revised cost is re-
21 quired”;

22 (2) *in subsection (c)—*

23 (A) by striking “limitation on cost in-
24 crease” and inserting “limitation on cost vari-
25 ations”; and

1 (B) by striking “the increase” both place it
 2 appears and inserting “the variation”; and
 3 (3) in subsection (d), by striking “limitation on
 4 cost increases” and inserting “limitation on cost vari-
 5 ations”.

6 (b) *ADDITIONAL INFORMATION REQUIRED FOR NOTI-*
 7 *FICATION IN CONNECTION WITH WAIVER OF LIMITATIONS*
 8 *ON COST INCREASES.*—Subsection (c)(2) of such section is
 9 further amended by inserting after “the reasons therefor”
 10 the following: “, including a description of the funds pro-
 11 posed to be used to finance any increased costs”.

12 (c) *TECHNICAL AMENDMENTS.*—

13 (1) *SECTION HEADING.*—The heading of such sec-
 14 tion is amended to read as follows:

15 “**§2853. Authorized cost and scope of work vari-**
 16 **ations**”.

17 (2) *TABLE OF SECTIONS.*—The item relating to
 18 such section in the table of sections at the beginning
 19 of chapter 169 of such title is amended to read as fol-
 20 lows:

“2853. Authorized cost and scope of work variations.”.

21 **SEC. 2803. DEPARTMENT OF DEFENSE HOUSING FUNDS.**

22 (a) *REQUIREMENT TO FUND CERTAIN ACQUISITION*
 23 *AND IMPROVEMENT OF MILITARY HOUSING SOLELY*
 24 *THROUGH DEFENSE HOUSING FUNDS.*—Subsection (e) of
 25 section 2883 of title 10, United States Code, is amended—

1 (1) *by striking “The Secretary” and inserting*
2 *“(1) The Secretary”*; and

3 (2) *by adding at the end the following new para-*
4 *graph:*

5 *“(2) The Funds established under subsection (a) shall*
6 *be the sole source of funds for activities carried out under*
7 *this subchapter.”.*

8 (b) *AUTHORITY TO TRANSFER FUNDS APPROPRIATED*
9 *FOR THE IMPROVEMENT OF MILITARY FAMILY HOUSING TO*
10 *DEFENSE HOUSING FUNDS.—Subsection (c)(1)(B) of such*
11 *section is amended by striking “acquisition or construc-*
12 *tion” and inserting “acquisition, improvement, or construc-*
13 *tion”.*

14 (c) *REPORTING REQUIREMENTS RELATED TO DE-*
15 *PARTMENT OF DEFENSE HOUSING FUNDS.—Section 2884*
16 *of such title is amended—*

17 (1) *in subsection (a)(2)(D), by inserting after*
18 *“description of the source of such funds” the fol-*
19 *lowing: “, including a description of the specific con-*
20 *struction, acquisition, or improvement projects from*
21 *which funds were transferred to the Funds established*
22 *under section 2883 of this title in order to finance the*
23 *contract, conveyance, or lease”*; and

24 (2) *in subsection (b)(1)—*

1 (A) by striking “a report” and inserting “a
2 *separate report*”;

3 (B) by striking “covering the Funds” and
4 inserting “covering each of the Funds”; and

5 (C) by striking the period at the end and
6 inserting the following: “, including a descrip-
7 tion of the specific construction, acquisition, or
8 improvement projects from which funds were
9 transferred and the privatization projects or con-
10 tracts to which those funds were transferred.
11 Each report shall also include, for each military
12 department or defense agency, a description of
13 all funds to be transferred to such Funds for the
14 current fiscal year and the next fiscal year.”.

15 **SEC. 2804. TEMPORARY AUTHORITY TO USE MINOR MILI-**
16 **TARY CONSTRUCTION AUTHORITY FOR CON-**
17 **STRUCTION OF CHILD DEVELOPMENT CEN-**
18 **TERS.**

19 (a) *THRESHOLDS ON CONSTRUCTION AUTHORIZED.*—
20 *The Secretary of Defense shall establish a program to carry*
21 *out minor military construction projects under section 2805*
22 *of title 10, United States Code, to construct child develop-*
23 *ment centers.*

24 (b) *INCREASED MAXIMUM AMOUNTS APPLICABLE TO*
25 *MINOR CONSTRUCTION PROJECTS.*—*For the purpose of any*

1 *military construction project carried out under the author-*
2 *ity provided by this section—*

3 (1) *the amount specified in the second sentence*
4 *of subsection (a)(1) of section 2805 of title 10, United*
5 *States Code, shall be deemed to be \$7,000,000;*

6 (2) *the amount specified in the third sentence of*
7 *subsection (a)(1) of such section shall be deemed to be*
8 *\$8,000,000;*

9 (3) *the amount specified in subsection (b)(1) of*
10 *such section shall be deemed to be \$5,000,000;*

11 (4) *the amount specified in subsection (c)(1)(A)*
12 *of such section shall be deemed to be \$7,000,000; and*

13 (5) *the amount specified in subsection (c)(1)(B)*
14 *of such section shall be deemed to be \$5,000,000.*

15 *(c) PROGRAM REQUIREMENTS.—*

16 (1) *NOTIFICATION.—All notification require-*
17 *ments under such section shall remain in effect for*
18 *construction projects carried out under the authority*
19 *provided by this section.*

20 (2) *REVIEW AND APPROVAL.—The Secretary*
21 *shall establish procedures for the review and approval*
22 *of requests from the Secretaries of military depart-*
23 *ments to carry out construction projects under the au-*
24 *thority provided by this section.*

25 *(d) REPORT ON PROGRAM.—*

1 (1) *REPORT REQUIRED.*—Not later than March
2 1, 2007, the Secretary of Defense shall submit to the
3 congressional defense committees a report on the pro-
4 gram authorized under this section.

5 (2) *CONTENT.*—The report shall include—

6 (A) a list and description of the construc-
7 tion projects carried out under the program, in-
8 cluding the location and cost of each such
9 project; and

10 (B) the assessment of the Secretary of the
11 advisability of extending or expanding the au-
12 thority for the program under this section.

13 (e) *EXPIRATION OF AUTHORITY.*—The authority pro-
14 vided by this section expires on September 30, 2007.

15 (f) *CONSTRUCTION OF AUTHORITY.*—Nothing in this
16 section may be construed to limit any other authority pro-
17 vided by law for a military construction project at a child
18 development center.

19 (g) *CHILD DEVELOPMENT CENTER DEFINED.*—In this
20 section, the term “child development center” includes a fa-
21 cility, and the utilities to support such facility, the function
22 of which is to support the daily care of children aged 6
23 weeks old through 5 years old for full-day, part-day, and
24 hourly service.

1 **SEC. 2805. INAPPLICABILITY TO CHILD DEVELOPMENT CEN-**
 2 **TERS OF RESTRICTION ON AUTHORITY TO AC-**
 3 **QUIRE OR CONSTRUCT ANCILLARY SUP-**
 4 **PORTING FACILITIES.**

5 *Section 2881(b) of title 10, United States Code, is*
 6 *amended by inserting “, other than a project for the acquisi-*
 7 *tion or construction of a child development center,” after*
 8 *“A project referred to in subsection (a)”.*

9 **SEC. 2806. AUTHORITY TO CARRY OUT EXCHANGES OF FA-**
 10 **CILITIES INCLUDING ASSOCIATED UTILITIES,**
 11 **EQUIPMENT, AND FURNISHINGS.**

12 *(a) IN GENERAL.—Section 18240 of title 10, United*
 13 *States Code, is amended by adding at the end the following*
 14 *new subsection:*

15 *“(h) FACILITY DEFINED.—In this section, the term ‘fa-*
 16 *cility’ includes—*

17 *“(1) any facility, as that term is defined in sec-*
 18 *tion 18232(2) of this title; and*

19 *“(2) any associated utilities, equipment, and fur-*
 20 *nishings required to be installed in any such facil-*
 21 *ity.”.*

22 *(b) TEMPORARY AUTHORITY RELATED TO CASH*
 23 *EQUALIZATION PAYMENTS.—Section 2809(c)(4) of the Ron-*
 24 *ald W. Reagan National Defense Authorization Act for Fis-*
 25 *cal Year 2005 (Public Law 108–375; 118 Stat. 2127) is*
 26 *amended by striking “the term ‘facility’ has the meaning*

1 *given that term in section 18232(2) of title 10, United*
 2 *States Code” and inserting the following: “the term ‘facil-*
 3 *ity’ has the meaning given that term in section 18240(h)*
 4 *of title 10, United States Code”.*

5 **SEC. 2807. INCREASE IN NUMBER OF FAMILY HOUSING**
 6 **UNITS IN KOREA AUTHORIZED FOR LEASE BY**
 7 **THE ARMY AT MAXIMUM AMOUNT.**

8 *Section 2828(e)(4) of title 10, United States Code, is*
 9 *amended by striking “2,400” and inserting “2,800”.*

10 ***Subtitle B—Real Property and***
 11 ***Facilities Administration***

12 **SEC. 2821. AUTHORITY TO LEASE NON-EXCESS PROPERTY**
 13 **OF DEPARTMENT OF DEFENSE FIELD ACTIVI-**
 14 **TIES.**

15 *Section 2667a of title 10, United States Code, is*
 16 *amended—*

17 *(1) by amending the heading to read as follows:*

18 **“§2667a. Leases: non-excess property of Defense Agen-**
 19 **cies and Department of Defense Field Ac-**
 20 **tivities”;**

21 *(2) in subsection (a)(1), by striking “Defense*
 22 *agency” and inserting “Defense Agency or Depart-*
 23 *ment of Defense Field Activity”;* and

24 *(3) in subsection (d)—*

1 (A) by striking “Defense agency” and in-
2 serting “Defense Agency or Department of De-
3 fense Field Activity”; and

4 (B) by striking “a Defense agency’s special
5 account” and inserting “the special account of a
6 Defense Agency or Department of Defense Field
7 Activity”.

8 **SEC. 2822. MODIFIED CRITERIA FOR AGREEMENTS TO LIMIT**
9 **ENCROACHMENTS AND OTHER CONSTRAINTS**
10 **ON MILITARY TRAINING, TESTING, AND OPER-**
11 **ATIONS.**

12 (a) *MODIFIED CRITERIA.*—Section 2684a of title 10,
13 *United States Code, is amended—*

14 (1) *in subsection (a)—*

15 (A) by inserting “or entities” after “entity”;

16 and

17 (B) by striking “in the vicinity of a mili-
18 tary installation” and inserting “in the vicinity
19 of, or ecologically related to, a military installa-
20 tion or the airspace of such installation”;

21 (2) *in subsection (d)—*

22 (A) *in paragraph (1)—*

23 (i) by striking “An agreement with an
24 eligible entity under this section may pro-
25 vide for” and inserting “An agreement with

1 *an eligible entity or entities under this sec-*
2 *tion shall provide for”;*

3 *(ii) in subparagraph (A), by inserting*
4 *“or entities” after “entity”; and*

5 *(iii) by amending subparagraph (B) to*
6 *read as follows:*

7 *“(B) the equal sharing by the Department of De-*
8 *fense and the entity or entities of the acquisition*
9 *costs, whether by contribution of funding or like-kind*
10 *exchange of property or lesser property interest.”;*

11 *(B) by redesignating paragraphs (2), (3),*
12 *(4), and (5) as paragraphs (4), (5), (6), and (7),*
13 *respectively;*

14 *(C) by inserting after paragraph (1) the fol-*
15 *lowing new paragraphs:*

16 *“(2) The Secretary concerned may waive the require-*
17 *ment in paragraph (1)(B) to equally share acquisition costs*
18 *if—*

19 *“(A) the Secretary determines that the agreement*
20 *is essential to accomplish the mission of the installa-*
21 *tion;*

22 *“(B) the Secretary notifies the congressional de-*
23 *fense committees in writing of the determination and*
24 *the reasons for the determination; and*

1 “(C) a period of 21 days has elapsed after the
2 date on which such notification is received by the
3 committees.

4 “(3) The acquisition cost of any lesser interest in the
5 property may not exceed 70 percent of the appraised value
6 of the property.”; and

7 (D) in paragraph (5), as redesignated by
8 subparagraph (B), by inserting “or entities”
9 after “entity”;

10 (3) by redesignating subsection (h) as subsection
11 (i); and

12 (4) by inserting after subsection (g) the following
13 new subsection:

14 “(h) ANNUAL REPORTS.—(1) Not later than March 15,
15 2006, and annually thereafter, the Secretary of Defense
16 shall, in coordination with the Secretaries of the military
17 departments and the Director of the Department of Defense
18 Test Management Resource Center, submit to the congress-
19 sional defense committees a report on the implementation
20 of projects undertaken pursuant to this section.

21 “(2) The reports submitted under paragraph (1) shall
22 include—

23 (A) a description of the status of such projects;

24 (B) an assessment of the effectiveness of such
25 projects and other actions undertaken pursuant to

1 (A) by striking “a private contractor” and
2 inserting “an eligible entity”; and

3 (B) by striking “the contractor” and insert-
4 ing “the eligible entity”;

5 (2) in subsection (c)—

6 (A) by striking “(c)(1)” and inserting “(c)”;

7 (B) by striking paragraph (2); and

8 (C) by redesignating subparagraphs (A)
9 and (B) as paragraphs (1) and (2); and

10 (3) by adding at the end the following new sub-
11 section:

12 “(e) In this section, the term ‘eligible entity’ means
13 any private person, corporation, firm, partnership, com-
14 pany, or State or local government.”.

15 **Subtitle C—Land Conveyances**

16 **PART I—ARMY CONVEYANCES**

17 **SEC. 2841. LAND CONVEYANCE, HELENA, MONTANA.**

18 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
19 Army may convey by quitclaim deed to the Helena Indian
20 Alliance, all right, title, and interest of the United States
21 in and to a parcel of real property consisting of approxi-
22 mately 3.0 acres located at Sheridan Hall United States
23 Army Reserve Center, 501 Euclid Avenue, Helena, Mon-
24 tana, including improvements thereon, for the purposes of
25 supporting Native American health care, mental health

1 *counseling, and the operation of an education training cen-*
2 *ter.*

3 **(b) REVERSIONARY INTEREST.**—*If the Secretary deter-*
4 *mines at any time that the real property conveyed under*
5 *subsection (a) is not being used in accordance with the pur-*
6 *poses of the conveyance specified in such subsection, all*
7 *right, title, and interest in and to the property shall revert,*
8 *at the option of the Secretary, to the United States, and*
9 *the United States shall have the right of immediate entry*
10 *onto the property. Any determination of the Secretary*
11 *under this subsection shall be made on the record after an*
12 *opportunity for a hearing.*

13 **(c) PAYMENT OF COSTS OF CONVEYANCE.**—

14 **(1) IN GENERAL.**—*The Secretary shall require*
15 *the Helena Indian Alliance to cover costs to be in-*
16 *curring by the Secretary, or to reimburse the Secretary*
17 *for costs incurred by the Secretary, to carry out the*
18 *conveyance under subsection (a), including survey*
19 *costs, costs related to environmental documentation,*
20 *and other administrative costs related to the convey-*
21 *ance. If amounts are collected from the Helena Indian*
22 *Alliance in advance of the Secretary incurring the ac-*
23 *tual costs, and the amount collected exceeds the costs*
24 *actually incurred by the Secretary to carry out the*

1 conveyance, the Secretary shall refund the excess
2 amount to the Alliance.

3 (2) *REIMBURSEMENT.*—Amounts received as re-
4 imbursement under paragraph (1) shall be credited to
5 the fund or account that was used to cover the costs
6 incurred by the Secretary in carrying out the convey-
7 ance. Amounts so credited shall be merged with
8 amounts in such fund or account and shall be avail-
9 able for the same purposes, and subject to the same
10 conditions and limitations, as amounts in such fund
11 or account.

12 (d) *DESCRIPTION OF REAL PROPERTY.*—The exact
13 acreage and legal description of the real property to be con-
14 veyed under subsection (a) shall be determined by a survey
15 satisfactory to the Secretary.

16 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
17 retary may require such additional terms and conditions
18 in connection with the conveyance under subsection (a) as
19 the Secretary considers appropriate to protect the interests
20 of the United State.

21 **SEC. 2842. LAND CONVEYANCE, ARMY RESERVE CENTER,**
22 **BOTHELL, WASHINGTON.**

23 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
24 Army may convey, without consideration, to the Snohomish
25 County Fire Protection District #10 (in this section re-

1 *ferred to as the “Fire District”) all right, title, and interest*
2 *of the United States in and to a parcel of real property,*
3 *including any improvements thereon, consisting of approxi-*
4 *mately 1.0 acres located at the Army Reserve Center,*
5 *Bothell, Washington, for the purpose of permitting the Fire*
6 *District to operate a fire station on the property.*

7 **(b) REVERSIONARY INTEREST.**—*If the Secretary deter-*
8 *mines at any time that the real property conveyed under*
9 *subsection (a) is not being used in accordance with the pur-*
10 *pose of the conveyance specified in such subsection, all right,*
11 *title, and interest in and to the property shall revert, at*
12 *the option of the Secretary, to the United States, and the*
13 *United States shall have the right of immediate entry onto*
14 *the property. Any determination of the Secretary under this*
15 *subsection shall be made on the record after an opportunity*
16 *for a hearing.*

17 **(c) PAYMENT OF COSTS OF CONVEYANCE.**—

18 **(1) IN GENERAL.**—*The Secretary may require*
19 *the Fire District to cover costs to be incurred by the*
20 *Secretary, or to reimburse the Secretary for costs in-*
21 *curring by the Secretary, to carry out the conveyance*
22 *under subsection (a), including survey costs, costs re-*
23 *lated to environmental documentation, and other ad-*
24 *ministrative costs related to the conveyance. If*
25 *amounts are collected from the Fire District in ad-*

1 *vance of the Secretary incurring the actual costs, and*
2 *the amount collected exceeds the costs actually in-*
3 *curring by the Secretary to carry out the conveyance,*
4 *the Secretary shall refund the excess amount to Fire*
5 *District.*

6 (2) *REIMBURSEMENT.*—*Amounts received as re-*
7 *imbursement under paragraph (1) shall be credited to*
8 *the fund or account that was used to cover the costs*
9 *incurred by the Secretary in carrying out the convey-*
10 *ance. Amounts so credited shall be merged with*
11 *amounts in such fund or account, and shall be avail-*
12 *able for the same purposes, and subject to the same*
13 *conditions and limitations, as amounts in such fund*
14 *or account.*

15 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
16 *and legal description of the real property to be conveyed*
17 *under subsection (a) shall be determined by surveys satis-*
18 *factory to the Secretary. The cost of each survey shall be*
19 *borne by the Fire District.*

20 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) as*
23 *the Secretary considers appropriate to protect the interests*
24 *of the United States.*

1 **SEC. 2843. LAND CONVEYANCE, IOWA ARMY AMMUNITION**
2 **PLANT, MIDDLETOWN, IOWA.**

3 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
4 *Army may convey to the City of Middletown (in this section*
5 *referred to as the “City”) all right, title, and interest of*
6 *the United States in and to a parcel of real property, in-*
7 *cluding any improvements thereon, consisting of approxi-*
8 *mately 1.0 acres located at the Iowa Army Ammunition*
9 *Plant, Middletown, Iowa, for the purpose of economic devel-*
10 *opment.*

11 (b) *CONSIDERATION.*—*As consideration for the convey-*
12 *ance of property under subsection (a), the City shall provide*
13 *the United States, whether by cash payment, in-kind con-*
14 *sideration, or a combination thereof, an amount that is not*
15 *less than the fair market value of the conveyed property,*
16 *as determined by the Secretary.*

17 (c) *PAYMENT OF COSTS OF CONVEYANCE.*—

18 (1) *IN GENERAL.*—*The Secretary may require*
19 *the City to cover costs to be incurred by the Secretary,*
20 *or to reimburse the Secretary for costs incurred by the*
21 *Secretary, to carry out the conveyance under sub-*
22 *section (a), including survey costs, costs related to en-*
23 *vironmental documentation, and other administrative*
24 *costs related to the conveyance. If amounts are col-*
25 *lected from the City in advance of the Secretary in-*
26 *curring the actual costs, and the amount collected ex-*

1 ceeds the costs actually incurred by the Secretary to
2 carry out the conveyance, the Secretary shall refund
3 the excess amount to the City.

4 (2) *REIMBURSEMENT.*—Amounts received as re-
5 imbursement under paragraph (1) shall be credited to
6 the fund or account that was used to cover the costs
7 incurred by the Secretary in carrying out the convey-
8 ance. Amounts so credited shall be merged with
9 amounts in such fund or account, and shall be avail-
10 able for the same purposes, and subject to the same
11 conditions and limitations, as amounts in such fund
12 or account.

13 (d) *DESCRIPTION OF PROPERTY.*—The exact acreage
14 and legal description of the real property to be conveyed
15 under subsection (a) shall be determined by surveys satis-
16 factory to the Secretary. The cost of each survey shall be
17 borne by the City.

18 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the conveyance under subsection (a) as
21 the Secretary considers appropriate to protect the interests
22 of the United States.

PART II—NAVY CONVEYANCES**SEC. 2851. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.**

(a) *CONVEYANCE AUTHORIZED.*—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres located on the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property known as the Stowe Trail as a public passive park/recreational area.

(b) *CONSIDERATION.*—

(1) *IN GENERAL.*—As consideration for the conveyance under subsection (a), the County shall provide the United States an amount with a total value that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(c) *REVERSIONARY INTEREST.*—

(1) *IN GENERAL.*—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection,

1 *all right, title, and interest in and to the property,*
2 *including any improvements thereon, shall revert, at*
3 *the option of the Secretary, to the United States, and*
4 *the United States shall have the right of immediate*
5 *entry onto the property. Any determination of the*
6 *Secretary under this subsection shall be made on the*
7 *record after an opportunity for a hearing.*

8 (2) *RELEASE OF REVERSIONARY INTEREST.—The*
9 *Secretary shall release, without consideration, the re-*
10 *versionary interest retained by the United States*
11 *under paragraph (1) if the Marine Corps Air Station,*
12 *Miramar, is no longer being used for Department of*
13 *Defense activities.*

14 (d) *PAYMENT OF COSTS OF CONVEYANCE.—*

15 (1) *PAYMENT REQUIRED.—The Secretary shall*
16 *require the County to cover costs to be incurred by the*
17 *Secretary, or to reimburse the Secretary for costs in-*
18 *curring by the Secretary, to carry out the conveyance*
19 *under subsection (a) and implement the receipt of*
20 *consideration under subsection (b), including ap-*
21 *praisal costs, survey costs, costs related to environ-*
22 *mental documentation, and other administrative costs*
23 *related to the conveyance and receipt of consideration.*
24 *If amounts are collected from the County in advance*
25 *of the Secretary incurring the actual costs, and the*

1 *amount received exceeds the costs actually incurred by*
2 *the Secretary under this section, the Secretary shall*
3 *refund the excess amount to the County.*

4 (2) *REIMBURSEMENT.*—*Amounts received as re-*
5 *imbursement under paragraph (1) shall be credited to*
6 *the fund or account that was used to cover the costs*
7 *incurred by the Secretary in carrying out the convey-*
8 *ance. Amounts so credited shall be merged with*
9 *amounts in such fund or account and shall be avail-*
10 *able for the same purposes, and subject to the same*
11 *conditions and limitations, as amounts in such fund*
12 *or account.*

13 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
14 *and legal description of the real property to be conveyed*
15 *under subsection (a) shall be determined by a survey satis-*
16 *factory to the Secretary.*

17 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
18 *retary may require such additional terms and conditions*
19 *in connection with the conveyance under subsection (a) as*
20 *the Secretary considers appropriate to protect the interests*
21 *of the United States.*

22 **SEC. 2852. LEASE OF UNITED STATES NAVY MUSEUM FA-**
23 **CILITIES AT WASHINGTON NAVY YARD, DIS-**
24 **TRICT OF COLUMBIA.**

25 (a) *LEASE OR LICENSE AUTHORIZED.*—

1 (1) *IN GENERAL.*—*The Secretary of the Navy*
2 *may lease to the Naval Historical Foundation (in this*
3 *section referred to as the “Foundation”)* facilities lo-
4 *cated at Washington Naval Yard, Washington, Dis-*
5 *trict of Columbia, that house the United States Navy*
6 *Museum (in this section referred to as the “Museum”)*
7 *for the purpose of carrying out the following activi-*
8 *ties:*

9 (A) *Generation of revenue for the Museum*
10 *through the rental of facilities to the public, com-*
11 *mercial and non-profit entities, State and local*
12 *governments, and other Federal agencies.*

13 (B) *Administrative activities in support of*
14 *the Museum.*

15 (2) *LIMITATION.*—*Any activities carried out at*
16 *the leased facilities under paragraph (1) must be con-*
17 *sistent with the operations of the Museum.*

18 (b) *CONSIDERATION.*—*The amount of consideration*
19 *paid in a year by the Foundation to the United States for*
20 *the lease of facilities under subsection (a) may not exceed*
21 *the actual cost, as determined by the Secretary, of the an-*
22 *nual operation and maintenance of the facilities.*

23 (c) *USE OF PROCEEDS.*—

24 (1) *DEPOSIT OF PROCEEDS.*—*The Secretary*
25 *shall deposit any amounts received under subsection*

1 **(b)** *for the lease or license of facilities under sub-*
 2 *section (a) into the account for appropriations avail-*
 3 *able for the operation and maintenance of the Mu-*
 4 *seum.*

5 **(2) AVAILABILITY OF AMOUNTS.**—*The Secretary*
 6 *may use any amounts deposited under paragraph (1)*
 7 *to cover the costs associated with the operation and*
 8 *maintenance of the Museum and its exhibits.*

9 **(d) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
 10 *retary may require such additional terms and conditions*
 11 *in connection with the lease or lease of facilities under sub-*
 12 *section (a) as the Secretary considers appropriate to protect*
 13 *the interests of the United States.*

14 **PART III—AIR FORCE CONVEYANCES**

15 **SEC. 2861. ACQUISITION OF BUILD-TO-LEASE FAMILY HOUS-**
 16 **ING AT EIELSON AIR FORCE BASE, ALASKA.**

17 **(a) ACQUISITION AUTHORIZED.**—

18 **(1) IN GENERAL.**—*The Secretary of the Air*
 19 *Force may purchase the entire interest of the devel-*
 20 *oper in the military family housing project at Eielson*
 21 *Air Force Base, Alaska, described in paragraph (2) if*
 22 *the Secretary determines that the purchase is in the*
 23 *best economic interests of the Air Force.*

24 **(2) DESCRIPTION OF PROJECT.**—*The military*
 25 *family housing project referred to in this section is*

1 “City”), all right, title, and interest of the United States
2 in and to a parcel of real property, including improvements
3 thereon, consisting of approximately 8 acres located at the
4 USA Bomb Plot in the La Junta Industrial Park for the
5 purpose of training local law enforcement officers.

6 (b) *PAYMENT OF COSTS OF CONVEYANCE.*—

7 (1) *IN GENERAL.*—The Secretary shall require
8 the City to cover costs to be incurred by the Secretary
9 after the date of enactment of the Act, or to reimburse
10 the Secretary for costs incurred by the Secretary after
11 that date, to carry out the conveyance under sub-
12 section (a), including any survey costs, costs related
13 to environmental assessments, studies, analyses, or
14 other documentation, and other administrative costs
15 related to the conveyance. If amounts are collected
16 from the City in advance of the Secretary incurring
17 the actual costs, and the amount collected exceeds the
18 costs actually incurred by the Secretary to carry out
19 the conveyance, the Secretary shall refund the excess
20 amount to the City.

21 (2) *TREATMENT OF AMOUNTS RECEIVED.*—

22 Amounts received as reimbursement under paragraph
23 (1) shall be credited to the fund or account that was
24 used to cover the costs incurred by the Secretary in
25 carrying out the conveyance. Amounts so credited

1 *shall be merged with amounts in such fund or ac-*
2 *count, and shall be available for the same purposes,*
3 *and subject to the same conditions and limitations, as*
4 *amounts in such fund or account.*

5 *(c) DESCRIPTION OF PROPERTY.—The exact acreage*
6 *and legal description of the property to be conveyed under*
7 *subsection (a) shall be determined by a survey satisfactory*
8 *to the Secretary.*

9 *(d) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
10 *retary may require such additional terms and conditions*
11 *in connection with the conveyance under subsection (a) as*
12 *the Secretary considers appropriate to protect the interests*
13 *of the United States.*

14 ***Subtitle D—Other Matters***

15 ***SEC. 2881. REORGANIZATION AND TECHNICAL IMPROVE-*** 16 ***MENT OF CODIFIED LAWS APPLICABLE TO*** 17 ***REAL PROPERTY OF THE DEPARTMENT OF*** 18 ***DEFENSE.***

19 *(a) CONSOLIDATION OF ACQUISITION AUTHORITY.—*
20 *Section 2663 of title 10, United States Code, is amended—*

21 *(1) in the heading, by inserting “**authority**”*
22 *after “**Acquisition**”;*

23 *(2) in subsection (a)—*

1 (A) by redesignating paragraphs (1), (2),
2 and (3) as subparagraphs (A), (B), and (C), re-
3 spectively;

4 (B) by striking “(a) The Secretary” and in-
5 serting the following:

6 “(a) *IN GENERAL.—(1) The Secretary*”; and

7 (C) in paragraph (1)(C), as redesignated by
8 this paragraph, by striking “clause (2)” and in-
9 serting “subparagraph (B)”;

10 (3) by redesignating subsections (b), (c), and (d),
11 as paragraphs (2), (3), and (4), respectively;

12 (4) by striking “subsection (a)” each place it ap-
13 pears and inserting “paragraph (1)”;

14 (5) by adding at the end the following new sub-
15 sections:

16 “(b) *LOW-COST INTERESTS IN LAND.—(1) The Sec-*
17 *retary of a military department may acquire any interest*
18 *in land that—*

19 “(A) the Secretary determines—

20 “(i) is needed in the interest of na-
21 tional defense; and

22 “(ii) does not cost more than \$750,000,
23 exclusive of administrative costs and the
24 amounts of any deficiency judgments; or

25 “(B) the Secretary determines—

1 “(i) is needed solely to correct a defi-
2 ciency that is life-threatening, health-threat-
3 ening, or safety-threatening; and

4 “(ii) does not cost more than
5 \$1,500,000, exclusive of administrative costs
6 and the amounts of any deficiency judg-
7 ments.

8 “(2) This subsection does not apply to the acquisition,
9 as part of the same project, of more than one parcel of land
10 unless—

11 “(A) the parcels are noncontiguous; or

12 “(B) if the parcels are contiguous—

13 “(i) the total cost of such parcels is not
14 more than \$750,000 in the case of an acquisition
15 under paragraph (1)(A); or

16 “(ii) the total cost of such parcels is not
17 more than \$1,500,000 in the case of an acquisi-
18 tion under paragraph (1)(B).

19 “(3) Appropriations available to the Department of
20 Defense for operation and maintenance or for military con-
21 struction may be used for the acquisition of land or interests
22 in land under paragraph (1).

23 “(c) INTERESTS IN LAND WHEN NEED IS URGENT.—

24 (1) The Secretary of a military department may acquire

1 *any interest in land in any case in which the Secretary*
2 *determines that—*

3 “(A) *the acquisition is needed in the inter-*
4 *est of national defense;*

5 “(B) *the acquisition is required to maintain*
6 *the operational integrity of a military installa-*
7 *tion; and*

8 “(C) *considerations of urgency do not per-*
9 *mit the delay necessary to include the acquisi-*
10 *tion in an annual Military Construction Author-*
11 *ization Act.*

12 “(2) *Not later than 10 days after the date on which*
13 *the Secretary of a military department determines to ac-*
14 *quire an interest in land under the authority of this sub-*
15 *section, the Secretary shall submit to the Committee on*
16 *Armed Services of the Senate and the Committee on Armed*
17 *Services of the House of Representatives written notice con-*
18 *taining a description of the property and interest to be ac-*
19 *quired and the reasons for the acquisition.*

20 “(3) *Appropriations available for military construc-*
21 *tion may be used for the acquisition of land under this sub-*
22 *section.*

23 “(d) *SCOPE OF AUTHORITY.—The authority to acquire*
24 *interests in real property (including a temporary interest)*
25 *under this section includes authority to—*

1 “(1) make surveys; and

2 “(2) acquire interests in real property by gift,
3 purchase, exchange of real property owned by the
4 United States, or otherwise.”.

5 (b) ACQUISITION LIMITATIONS.—

6 (1) TRANSFER OF LIMITATIONS.—Section 2676
7 of such title is—

8 (A) transferred to appear after section 2663
9 of such title; and

10 (B) redesignated as section 2664 of such
11 title.

12 (2) STYLISTIC AND CLERICAL AMENDMENTS.—
13 Section 2664 of such title, as redesignated by para-
14 graph (1), is amended—

15 (A) by striking subsection (b);

16 (B) by redesignating subsections (c), (d),
17 and (e) as subsections (b), (c), and (d), respec-
18 tively;

19 (C) in subsection (b), as redesignated by
20 subparagraph (B)—

21 (i) by striking “determines (A) that
22 such” and inserting the following: “deter-
23 mines that—

24 “(A) such”;

1 (ii) by striking “cost, and (B) that
2 such” and inserting the following: “cost;
3 and

4 “(B) that such”; and

5 (iii) by striking “subsection (d)” and
6 inserting “subsection (c)”;

7 (D) in subsection (c), as so redesignated, by
8 striking “subsection (c)” and inserting “sub-
9 section (b)”;

10 (E) in subsection (d), as so redesignated, by
11 striking “subsections (c) and (d)” and inserting
12 “subsections (b) and (c)”.

13 (c) *REPEAL OF CONSOLIDATED SECTIONS.*—The fol-
14 lowing sections of chapter 159 of such title are repealed:

15 (1) Section 2672.

16 (2) Section 2672a.

17 (d) *CLERICAL AMENDMENTS.*—The table of sections at
18 the beginning of such chapter is amended—

19 (1) by amending the item relating to section
20 2663 to read as follows:

“2663. Acquisition authority.”;

21 (2) by inserting after the item relating to section
22 2663 the following new item:

“2664. Acquisition: limitations.”; and

23 (3) by striking the items relating to sections
24 2672, 2672a, and 2676.

1 (e) *REPEAL OF OBSOLETE AUTHORITY.*—Section 2665
2 of such title is amended—

3 (1) by striking subsection (a);

4 (2) by redesignating subsections (b), (c), (d), (e),
5 and (f) as subsections (a), (b), (c), (d), and (e), re-
6 spectively;

7 (3) in subsection (b), as redesignated by para-
8 graph (2), by striking “subsection (a) or (b)” and in-
9 serting “subsection (a)”; and

10 (4) in paragraph (2) of subsection (e), as so
11 redesignated—

12 (A) by striking “subsections (a) and (b)”
13 and inserting “subsection (a)”; and

14 (B) by striking “subsection (d)” and insert-
15 ing “subsection (c)”; and

16 (C) by striking “subsection (e)” and insert-
17 ing “subsection (d)”.

18 (f) *TRANSFER OF FORD ISLAND PROVISION.*—

19 (1) *TRANSFER AND REDESIGNATION.*—Section
20 2814 of such title is—

21 (A) transferred to appear after section 7524
22 of such title; and

23 (B) redesignated as section 7525 of such
24 title.

1 (2) *TECHNICAL AND CONFORMING AMEND-*
 2 *MENTS.—Subsection (i) of section 7525 of such title,*
 3 *as transferred and redesignated by paragraph (1), is*
 4 *amended—*

5 (A) *in paragraph (2)—*

6 (i) *by striking “To extent” and insert-*
 7 *ing “To the extent; and*

8 (ii) *by striking “this chapter” and in-*
 9 *serting “chapter 169 of this title”; and*

10 (B) *in paragraph (3)(B), by striking “this*
 11 *chapter” and inserting “chapter 169 of this*
 12 *title”.*

13 (3) *CLERICAL AMENDMENTS.—(A) The table of*
 14 *sections at the beginning of chapter 169 of such title*
 15 *is amended by striking the item relating to section*
 16 *2814.*

17 (B) *The table of sections at the beginning of*
 18 *chapter 645 of such title is amended by adding at the*
 19 *end the following new item:*

“7525. Special authority for development of Ford Island, Hawaii.”.

20 (g) *APPLICATION OF REAL PROPERTY MANAGEMENT*
 21 *AUTHORITIES TO PENTAGON RESERVATION.—Section 2661*
 22 *of such title is amended by adding at the end the following*
 23 *new subsection:*

24 “(d) *In this chapter, the terms ‘Secretary concerned’*
 25 *and ‘Secretary of a military department’ include the Sec-*

1 *retary of Defense with respect to the Pentagon Reserva-*
2 *tion.”.*

3 **SEC. 2882. REPORT ON APPLICATION OF FORCE PROTEC-**
4 **TION AND ANTI-TERRORISM STANDARDS TO**
5 **LEASED FACILITIES.**

6 (a) *REPORT REQUIRED.*—*Not later than May 1, 2006,*
7 *the Secretary of Defense shall submit to the congressional*
8 *defense committees a report on the application of Depart-*
9 *ment of Defense Anti-Terrorism/Force Protection standards*
10 *to all facilities leased by the Department of Defense or*
11 *leased by the General Services Administration as an agent*
12 *for the Department of Defense as of September 30, 2005.*

13 (b) *INFORMATION ON LEASED FACILITIES.*—*For each*
14 *facility identified in the report submitted under subsection*
15 *(a), the Secretary shall include the following:*

16 (1) *A description of the function of the leased fa-*
17 *cility, including the location, size, terms of lease, and*
18 *the number of personnel housed within the facility.*

19 (2) *A description of the threat assessment and*
20 *the joint security integrated vulnerability assessment*
21 *for each leased facility.*

22 (3) *A description and cost estimate of any ac-*
23 *tions necessary to mitigate risk to an acceptable level*
24 *in each leased facility.*

1 *Law 106–398, 114 Stat. 1654A–355) is amended to read*
2 *as follows:*

3 “(2) *The construction, conversion, rehabilitation,*
4 *extension, and improvement of reserve component and*
5 *nonappropriated fund facilities.”.*

6 **SEC. 2884. AUTHORITY TO USE PAPAGO PARK MILITARY**
7 **RESERVATION, ARIZONA, FOR GENERAL MILI-**
8 **TARY PURPOSES.**

9 *Section 1 of the Act of April 7, 1930 (46 Stat. 142,*
10 *chapter 107), is amended by striking “reserved for military*
11 *purposes for use of the National Guard of Arizona as a rifle*
12 *range” and inserting “reserved for military purposes for*
13 *use by the State of Arizona as a military installation*
14 *known as Papago Park Military Reservation”.*

15 **SEC. 2885. ONE-YEAR EXTENSION OF DEPARTMENT OF DE-**
16 **FENSE LABORATORY REVITALIZATION PRO-**
17 **GRAM.**

18 *Section 2892(g) of the National Defense Authorization*
19 *Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C.*
20 *2805 note), as amended by section 2891 of the Ronald W.*
21 *Reagan National Defense Authorization Act for Fiscal Year*
22 *2005 (Public Law 108–375; 118 Stat. 2154), is further*
23 *amended by striking “September 30, 2005” and inserting*
24 *“September 30, 2006”.*

1 **SEC. 2886. SENSE OF CONGRESS ON ESTABLISHMENT OF**
2 **BAKERS CREEK MEMORIAL.**

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

4 (1) *In 1943 and 1944, the United States Armed*
5 *Forces operated a rest and relaxation facility in*
6 *Mackay, Queensland, Australia, for troops serving in*
7 *the Pacific Theater during World War II.*

8 (2) *On June 14, 1943, a Boeing B-17C was*
9 *transporting 6 crew members and 35 servicemen from*
10 *Mackay to Port Moresby, New Guinea, to return the*
11 *servicemen to duty after 10 days of rest and relax-*
12 *ation leave at an Army/Red Cross facility.*

13 (3) *The aircraft crashed shortly after take-off at*
14 *Bakers Creek, Australia, killing all 6 crew members*
15 *and 34 of the 35 servicemen being transported in*
16 *what was at that point the worst crash in American*
17 *air transport history, and what remains the worst air*
18 *disaster in Australian history.*

19 (4) *Due to wartime censorship rules related to*
20 *the movement of troops, the tragic crash and loss of*
21 *life were not reported to the Australian or United*
22 *States public.*

23 (5) *Many family members of those killed did not*
24 *learn the circumstances of the troops deaths until they*
25 *were contacted by the Bakers Creek Memorial Foun-*
26 *dation beginning in 1992.*

1 (b) *CONTENT.*—*The report required under subsection*

2 (a) *shall include—*

3 (1) *a description of the types of Department of*
4 *Defense facilities that use ground source heat pumps;*

5 (2) *an assessment of the applicability and cost-*
6 *effectiveness of the use of ground source heat pumps*
7 *at Department of Defense facilities in different geo-*
8 *graphic regions of the United States;*

9 (3) *a description of the relative applicability of*
10 *ground source heat pumps for purposes of new con-*
11 *struction at, and retrofitting of, Department of De-*
12 *fense facilities; and*

13 (4) *recommendations for facilitating and encour-*
14 *aging the increased use of ground source heat pumps*
15 *at Department of Defense facilities.*

16 **SEC. 2888. TREATMENT OF INDIAN TRIBAL GOVERNMENTS**
17 **AS PUBLIC ENTITIES FOR PURPOSES OF DIS-**
18 **POSAL OF REAL PROPERTY RECOMMENDED**
19 **FOR CLOSURE IN JULY 2003 BRAC COMMIS-**
20 **SION REPORT.**

21 *Section 8013 of the Department of Defense Appropria-*
22 *tions Act, 1994 (Public Law 103–139; 107 Stat. 1440) is*
23 *amended by striking “the report to the President from the*
24 *Defense Base Closure and Realignment Commission, July*
25 *1991” and inserting “the reports to the President from the*

1 *Defense Base Closure and Realignment Commission, July*
2 *1991 and July 1993”.*

3 **SEC. 2889. SENSE OF THE SENATE REGARDING COMMUNITY**
4 **IMPACT ASSISTANCE RELATED TO CON-**
5 **STRUCTION OF NAVY LANDING FIELD, NORTH**
6 **CAROLINA.**

7 *It is the sense of the Senate that—*

8 *(1) the planned construction of an outlying land-*
9 *ing field in North Carolina is vital to the national*
10 *security interests of the United States; and*

11 *(2) the Department of Defense should work with*
12 *other Federal agencies to provide community impact*
13 *assistance to those communities directly impacted by*
14 *the location of the outlying landing field, including,*
15 *where appropriate—*

16 *(A) economic development assistance;*

17 *(B) impact aid program assistance;*

18 *(C) the provision by cooperative agreement*
19 *with the Navy of fire, rescue, water, and sewer*
20 *services;*

21 *(D) access by leasing arrangement to appro-*
22 *priate land for farming for farmers impacted by*
23 *the location of the landing field;*

24 *(E) direct relocation assistance; and*

1 (F) fair compensation to landowners for
2 property purchased by the Navy.

3 **SEC. 2890. DESIGNATION OF WILLIAM B. BRYANT ANNEX.**

4 (a) *DESIGNATION.*—The annex to the E. Barrett
5 *Prettyman Federal Building and United States Courthouse*
6 *located at 333 Constitution Avenue Northwest in the Dis-*
7 *trict of Columbia shall be known and designated as the*
8 *“William B. Bryant Annex”.*

9 (b) *REFERENCES.*—Any reference in a law, map, regu-
10 *lation, document, paper, or other record of the United*
11 *States to the annex referred to in subsection (a) shall be*
12 *deemed to be a reference to the “William B. Bryant Annex”.*

13 **SEC. 2891. REQUIRED CONSULTATION WITH STATE AND**
14 **LOCAL ENTITIES ON TRANSPORTATION,**
15 **HOUSING, AND OTHER INFRASTRUCTURE**
16 **ISSUES RELATED TO THE ADDITION OF PER-**
17 **SONNEL OR FACILITIES AT MILITARY INSTAL-**
18 **LATIONS AS PART OF 2005 ROUND OF DE-**
19 **FENSE BASE CLOSURE AND REALIGNMENT.**

20 Section 2905(a) of the *Defense Base Closure and Re-*
21 *alignment Act of 1990 (part A of title XXIX of Public Law*
22 *101–510; 10 U.S.C. 2687 note) is amended by adding at*
23 *the end the following new paragraph:*

24 “(3) *In carrying out any closure or realignment under*
25 *this part that would add personnel or facilities to an exist-*

1 *ing military installation, the Secretary shall consult with*
2 *appropriate State and local entities on matters affecting*
3 *the local community related to transportation, utility infra-*
4 *structure, housing, schools, and family support activities*
5 *during the development of plans to implement such closure*
6 *or realignment.”.*

7 **SEC. 2892. SENSE OF THE SENATE ON REVERSIONARY IN-**
8 **TERESTS AT NAVY HOMEPORTS.**

9 *It is the sense of the Senate that, in implementing the*
10 *decisions made with respect to Navy homeports as part of*
11 *the 2005 round of defense base closure and realignment, the*
12 *Secretary of the Navy should, consistent with the national*
13 *interest and Federal policy supporting cost-free conveyances*
14 *of Federal surplus property suitable for use as port facili-*
15 *ties, release or otherwise relinquish any entitlement to re-*
16 *ceive, pursuant to any agreement providing for such pay-*
17 *ment, compensation from any holder of a reversionary in-*
18 *terest in real property used by the United States for im-*
19 *provements made to any military installation that is closed*
20 *or realigned as part of such base closure round.*

1 **SEC. 2893. IDENTIFICATION OF ENVIRONMENTAL CONDI-**
2 **TIONS AT MILITARY INSTALLATIONS CLOSED**
3 **OR REALIGNED UNDER 2005 ROUND OF DE-**
4 **FENSE BASE CLOSURE AND REALIGNMENT.**

5 (a) *IDENTIFICATION OF ENVIRONMENTAL CONDITION*
6 *OF PROPERTY.*—

7 (1) *IN GENERAL.*—Not later than May 31, 2007,
8 the Secretary of Defense, in consultation with the Ad-
9 ministrator of the Environmental Protection Agency,
10 other appropriate Federal agencies, and State, tribal,
11 and local government officials, shall complete an iden-
12 tification of the environmental condition of the real
13 property (including groundwater) of each military
14 installation approved for closure or realignment
15 under the 2005 round of defense base closure and re-
16 alignment in accordance with section 120(h)(4) of the
17 Comprehensive Environmental Response, Compensa-
18 tion, and Liability Act of 1980 (42 U.S.C.
19 9620(h)(4)).

20 (2) *RESULTS.*—

21 (A) *IN GENERAL.*—As soon as practicable
22 after the date on which an identification under
23 paragraph (1) is completed, the Secretary of De-
24 fense shall—

25 (i) provide a notice of the results of the
26 identification to—

1 (I) the Administrator of the Envi-
2 ronmental Protection Agency;

3 (II) the head of any other appro-
4 priate Federal agency, as determined
5 by the Secretary; and

6 (III) any affected State or tribal
7 government official, as determined by
8 the Secretary; and

9 (ii) publish in the Federal Register the
10 results of the identification.

11 (B) REQUEST FOR CONCURRENCE.—The
12 Secretary shall include in a notice provided
13 under subclause (I) or (III) of subparagraph
14 (A)(i) a request for concurrence with the identi-
15 fication in such form as the Secretary determines
16 to be appropriate.

17 (3) CONCURRENCE.—

18 (A) IN GENERAL.—An identification under
19 paragraph (1) shall not be considered to be com-
20 plete until—

21 (i) for a property that is a site, or part
22 of a site, on the National Priorities List de-
23 veloped by the President in accordance with
24 section 105(a)(8)(B) of the Comprehensive
25 Environmental Response, Compensation,

1 *and Liability Act of 1980 (42 U.S.C.*
2 *9605(a)(8)(B)), the date on which the Ad-*
3 *ministrator of the Environmental Protec-*
4 *tion Agency and each appropriate State*
5 *and tribal government official concur with*
6 *the identification; and*

7 *(ii) for any property that is not a site*
8 *described in clause (i), the date on which*
9 *each appropriate State and tribal govern-*
10 *ment official concurs with the identifica-*
11 *tion.*

12 *(B) FAILURE TO ACT.—The Administrator,*
13 *or a State or tribal government official, shall be*
14 *considered to concur with an identification*
15 *under paragraph (1) if the Administrator or*
16 *government official fails to make a determina-*
17 *tion with respect to a request for concurrence*
18 *with such identification under paragraph (2)(B)*
19 *by not later than 90 days after the date on which*
20 *such request for concurrence is received.*

21 *(b) EXPEDITING ENVIRONMENTAL RESPONSE.—The*
22 *Secretary of Defense shall coordinate with appropriate Fed-*
23 *eral, State, tribal, and local governmental officials, as deter-*
24 *mined by the Secretary, to expedite environmental response*
25 *at military installations approved for closure or realign-*

1 *ment under the 2005 round of defense base closure and re-*
2 *alignment.*

3 (c) *REPORT.*—*The Secretary shall submit to Congress,*
4 *as part of each annual report under section 2706 of title*
5 *10, United States Code, a report describing any progress*
6 *made in carrying out this section.*

7 (d) *EFFECT OF SECTION.*—*Nothing in this section af-*
8 *fects any obligation of the Secretary with respect to any*
9 *other Federal or State requirement relating to—*

10 (1) *the environment; or*

11 (2) *the transfer of property.*

12 **SEC. 2894. SENSE OF CONGRESS ON LIMITATION ON TRANS-**
13 **FER OF UNITS FROM CLOSED AND RE-**
14 **ALIGNED MILITARY INSTALLATIONS PEND-**
15 **ING READINESS OF RECEIVING LOCATIONS.**

16 (a) *FINDINGS.*—

17 (1) *The Commission on Review of Overseas Mili-*
18 *tary Facility Structure of the United States, also*
19 *known as the Overseas Basing Commission, trans-*
20 *mitted a report to the President and Congress on Au-*
21 *gust 15, 2005, that discussed considerations for the re-*
22 *turn to the United States of up to 70,000 service per-*
23 *sonnel and 100,000 family members and civilian em-*
24 *ployees from overseas garrisons.*

1 (2) *The 2005 Base Closure and Realignment*
2 *Commission released a report on September 8, 2005,*
3 *to the President that assessed the closure and realign-*
4 *ment decisions of the Department of Defense, which*
5 *would affect 26,830 military personnel positions.*

6 (3) *Both of these reports expressed concerns that*
7 *massive movements of units, service personnel, and*
8 *families may disrupt unit operational effectiveness*
9 *and the quality of life for family members if not car-*
10 *ried out with adequate planning and resources.*

11 (4) *The 2005 Base Closure and Realignment*
12 *Commission, in its decision to close Fort Monmouth,*
13 *included a provision requiring the Secretary of De-*
14 *fense to provide a report that “movement of organiza-*
15 *tions, functions, or activities from Fort Monmouth to*
16 *Aberdeen Proving Ground will be accomplished with-*
17 *out disruption of their support to the Global War on*
18 *Terrorism or other critical contingency operations,*
19 *and that safeguards exist to ensure that necessary re-*
20 *dundant capabilities are put in place to mitigate po-*
21 *tential degradation of such support, and to ensure*
22 *maximum retention of critical workforce”.*

23 (5) *The Overseas Basing Commission found that*
24 *“base closings at home along with the return of yet*
25 *additional masses of service members and dependents*

1 *from overseas will have major impact on local com-*
2 *munities and the quality of life that can be expected.*
3 *Movements abroad from established bases into new lo-*
4 *cations, or into locations already in use that will be*
5 *put under pressure by increases in populations, will*
6 *impact on living conditions.”*

7 (6) *The Overseas Basing Commission notes that*
8 *the four most critical elements of quality of life as*
9 *they relate to restructuring of the global defense pos-*
10 *ture are housing, military child education, healthcare,*
11 *and service member and family services.*

12 (7) *The Overseas Basing Commission rec-*
13 *ommended that “planners must take a ‘last day-first*
14 *day’ approach to the movement of units and families*
15 *from one location to another”, meaning that they*
16 *must maintain the support infrastructure for per-*
17 *sonnel until the last day they are in place and must*
18 *have the support infrastructure in place on the first*
19 *day troops arrive in the new location.*

20 (8) *The Overseas Basing Commission further rec-*
21 *ommended that it is “imperative that the ‘last day-*
22 *first day’ approach should be taken whether the move-*
23 *ment is abroad from one locale to another, from over-*
24 *seas to the United States, or from one base in CONUS*

1 *[the continental United States] to yet another as a re-*
 2 *sult of base realignment and closures”.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
 4 *that the Secretary of Defense should not transfer any unit*
 5 *from a military installation closed or realigned due to the*
 6 *relocation of forces under the Integrated Global Presence*
 7 *and Basing Strategy or the 2005 round of defense base clo-*
 8 *sure and realignment until adequate facilities and infra-*
 9 *structure necessary to support the unit’s mission and qual-*
 10 *ity of life requirements for military families are ready for*
 11 *use at the receiving location.*

12 ***DIVISION C—DEPARTMENT OF***
 13 ***ENERGY NATIONAL SECURITY***
 14 ***AUTHORIZATIONS AND***
 15 ***OTHER AUTHORIZATIONS***
 16 ***TITLE XXXI—DEPARTMENT OF***
 17 ***ENERGY NATIONAL SECURITY***
 18 ***PROGRAMS***
 19 ***Subtitle A—National Security***
 20 ***Programs Authorizations***

21 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
 22 ***TION.***

23 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 24 *hereby authorized to be appropriated to the Department of*
 25 *Energy for fiscal year 2006 for the activities of the National*

1 *Nuclear Security Administration in carrying out programs*
2 *necessary for national security in the amount of*
3 *\$9,357,427,000, to be allocated as follows:*

4 (1) *For weapons activities, \$6,590,319,000.*

5 (2) *For defense nuclear nonproliferation activi-*
6 *ties, \$1,637,239,000, of which amount \$338,565,000*
7 *shall be available for project 99–D–143, the Mixed*
8 *Oxide Fuel Fabrication Facility, Savannah River*
9 *Site, Aiken, South Carolina, and \$24,000,000 shall be*
10 *available for project 99–D–141, the Pit Disassembly*
11 *and Conversion Facility, Savannah River Site,*
12 *Aiken, South Carolina.*

13 (3) *For naval reactors, \$786,000,000.*

14 (4) *For the Office of the Administrator for Nu-*
15 *clear Security, \$343,869,000.*

16 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*
17 *From funds referred to in subsection (a) that are available*
18 *for carrying out plant projects, the Secretary of Energy*
19 *may carry out new plant projects for weapons activities*
20 *as follows:*

21 (1) *For readiness in technical base and facilities,*
22 *the following new plant projects:*

23 *Project 06–D–140, Readiness in Technical*
24 *Base and Facilities Program (RTBF), project*

1 *engineering and design, various locations,*
2 *\$19,113,000.*

3 *Project 06-D-402, replacement of Fire Sta-*
4 *tions Number 1 and Number 2, Nevada Test*
5 *Site, Nevada, \$8,284,000.*

6 *Project 06-D-403, tritium facility mod-*
7 *ernization, Lawrence Livermore National Lab-*
8 *oratory, Livermore, California, \$2,600,000.*

9 *Project 06-D-404, remediation, restoration,*
10 *and upgrade of Building B-3, Nevada Test Site,*
11 *Nevada, \$16,000,000.*

12 *(2) For facilities and infrastructure recapitaliza-*
13 *tion, the following new plant projects:*

14 *Project 06-D-160, Facilities and Infra-*
15 *structure Recapitalization Program (FIRP),*
16 *project engineering and design, various locations,*
17 *\$5,811,000.*

18 *Project 06-D-601, electrical distribution*
19 *system upgrade, Pantex Plant, Amarillo, Texas,*
20 *\$4,000,000.*

21 *Project 06-D-602, gas main and distribu-*
22 *tion system upgrade, Pantex Plant, Amarillo,*
23 *Texas, \$3,700,000.*

1 *Project 06–D–603, Steam Plant Life Exten-*
2 *sion Project (SLEP), Y–12 National Security*
3 *Complex, Oak Ridge, Tennessee, \$729,000.*

4 (3) *For naval reactors, the following new plant*
5 *project:*

6 *Project 06–N–901, Central Office Building*
7 *2, Bettis Atomic Power Laboratory, West Miff-*
8 *lin, Pennsylvania, \$7,000,000.*

9 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

10 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
11 *hereby authorized to be appropriated to the Department of*
12 *Energy for fiscal year 2006 for environmental management*
13 *activities in carrying out programs necessary for national*
14 *security in the amount of \$6,189,433,000, to be allocated*
15 *as follows:*

16 (1) *For defense site acceleration completion,*
17 *\$5,335,849,000.*

18 (2) *For defense environmental services,*
19 *\$853,584,000.*

20 (b) *AUTHORIZATION OF NEW PLANT PROJECT.—From*
21 *funds referred to in subsection (a)(1) that are available for*
22 *carrying out plant projects, the Secretary of Energy may*
23 *carry out, for environmental management activities, the fol-*
24 *lowing new plant project:*

1 *Project 06–D–401, sodium bearing waste treat-*
2 *ment project, Idaho National Laboratory, Idaho Falls,*
3 *Idaho, \$15,000,000.*

4 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

5 *Funds are hereby authorized to be appropriated to the*
6 *Department of Energy for fiscal year 2006 for other defense*
7 *activities in carrying out programs necessary for national*
8 *security in the amount of \$563,423,000.*

9 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

10 *Funds are hereby authorized to be appropriated to the*
11 *Department of Energy for fiscal year 2006 for defense nu-*
12 *clear waste disposal for payment to the Nuclear Waste Fund*
13 *established in section 302(c) of the Nuclear Waste Policy*
14 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*
15 *\$301,447,000.*

16 ***Subtitle B—Other Matters***

17 **SEC. 3111. REPORT ON COMPLIANCE WITH DESIGN BASIS**
18 ***THREAT.***

19 *(a) REPORT REQUIRED.—Not later than 180 days*
20 *after the date of the enactment of this Act, the Secretary*
21 *of Energy shall submit to the congressional defense commit-*
22 *tees a report detailing plans for achieving compliance under*
23 *the Design Basis Threat issued by the Department of En-*
24 *ergy in 2004.*

1 (b) *CONTENT.*—*The report required under subsection*

2 *(a) shall include—*

3 (1) *an implementation plan with associated*
4 *funding requirements to achieve by September 30,*
5 *2007, compliance under the Design Basis Threat of*
6 *all Department of Energy and National Nuclear Se-*
7 *curity Administration sites that contain nuclear*
8 *weapons or special nuclear material; and*

9 (2) *an evaluation of options for applying secu-*
10 *rity technologies and innovative protective force de-*
11 *ployment to increase the efficiency and effectiveness of*
12 *efforts to protect against the threats postulated in the*
13 *Design Basis Threat.*

14 (c) *FORM.*—*The report required under subsection (a)*
15 *shall be submitted in classified form with an unclassified*
16 *summary.*

17 **SEC. 3112. COST ESTIMATE FOR WASTE TREATMENT AND**

18 **IMMOBILIZATION PLANT PROJECT, HANFORD**

19 **SITE, RICHLAND, WASHINGTON.**

20 (a) *REPORT REQUIRED.*—*Not later than 180 days*
21 *after the date of the enactment of this Act, the Secretary*
22 *of Energy shall submit to the congressional defense commit-*
23 *tees an independent cost estimate prepared by the Army*
24 *Corps of Engineers for the Waste Treatment and Immo-*

1 *bilization Plant project at the Hanford Site, Richland,*
2 *Washington (in this section referred to as the “project”).*

3 (b) *CONTENT.—The cost estimate required under sub-*
4 *section (a) shall include estimates of the total cost and an-*
5 *ual funding requirements, listed by year, to complete the*
6 *project, assuming a completion date in each of 2011, 2012,*
7 *2013, 2014, and 2015.*

8 **SEC. 3113. REPORT ON INTERNATIONAL BORDER SECURITY**
9 **PROGRAMS.**

10 (a) *REPORT REQUIRED.—Not later than 120 days*
11 *after the date of the enactment of this Act, the Secretary*
12 *of Energy shall, in consultation with the Secretary of De-*
13 *fense, the Secretary of State, and, as appropriate, the Sec-*
14 *retary of Homeland Security, submit to the Committees on*
15 *Armed Services of the Senate and the House of Representa-*
16 *tives a report on the management by such Secretaries of*
17 *border security programs in the countries of the former So-*
18 *viet Union and other countries.*

19 (b) *CONTENT.—The report required under subsection*
20 *(a) shall include—*

21 (1) *a description of the roles and responsibilities*
22 *of each department and agency of the United States*
23 *Government in international border security pro-*
24 *grams;*

1 (2) *a description of the interactions and coordi-*
2 *nation among departments and agencies of the United*
3 *States Government that are conducting international*
4 *border security programs;*

5 (3) *a description of the mechanisms that exist to*
6 *ensure coordination, avoid duplication, and provide a*
7 *means to resolve conflicts or problems that might*
8 *arise in the implementation of international border*
9 *security programs;*

10 (4) *a discussion of whether there is existing*
11 *interagency guidance that addresses the roles, inter-*
12 *actions, and dispute resolution mechanisms for de-*
13 *partments and agencies of the United States Govern-*
14 *ment that are conducting international border secu-*
15 *rity programs, and the adequacy of such guidance if*
16 *it exists; and*

17 (5) *recommendations to improve the coordina-*
18 *tion and effectiveness of international border security*
19 *programs.*

20 **SEC. 3114. CLARIFICATION OF COOPERATIVE AGREEMENT**

21 **AUTHORITY UNDER CHEMICAL DEMILI-**
22 **TARIZATION PROGRAM.**

23 (a) *IN GENERAL.*—Section 1412(c)(4) of the Depart-
24 *ment of Defense Authorization Act, 1986 (50 U.S.C.*
25 *1521(c)(4)), is amended—*

1 (1) by inserting “(A)” after “(4)”;

2 (2) in the first sentence—

3 (A) by inserting “and tribal organizations”
4 after “State and local governments”; and

5 (B) by inserting “and tribal organizations”
6 after “those governments”;

7 (3) in the third sentence—

8 (A) by striking “Additionally, the Sec-
9 retary” and inserting the following:

10 “(B) Additionally, the Secretary”; and

11 (B) by inserting “and tribal organizations”
12 after “State and local governments”; and

13 (4) by adding at the end the following:

14 “(C) In this paragraph, the term ‘tribal or-
15 ganization’ has the meaning given the term in
16 section 4(l) of the Indian Self-Determination
17 and Education Assistance Act (25 U.S.C.
18 450b(l)).”.

19 (b) *EFFECTIVE DATE.*—The amendments made by sub-
20 section (a)—

21 (1) take effect on December 5, 1991; and

22 (2) apply to any cooperative agreement entered
23 into on or after that date.

1 **SEC. 3115. SAVANNAH RIVER NATIONAL LABORATORY.**

2 *The Savannah River National Laboratory shall*
3 *be a participating laboratory in the Department of*
4 *Energy laboratory directed research and development*
5 *program.*

6 **SEC. 3116. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY**

7 **SITE.**

8 (a) *DEFINITIONS.—In this section:*

9 (1) *ESSENTIAL MINERAL RIGHT.—The term “es-*
10 *sential mineral right” means a right to mine sand*
11 *and gravel at Rocky Flats, as depicted on the map.*

12 (2) *FAIR MARKET VALUE.—The term “fair mar-*
13 *ket value” means the value of an essential mineral*
14 *right, as determined by an appraisal performed by an*
15 *independent, certified mineral appraiser under the*
16 *Uniform Standards of Professional Appraisal Prac-*
17 *tice.*

18 (3) *MAP.—The term “map” means the map enti-*
19 *tled “Rocky Flats National Wildlife Refuge”, dated*
20 *July 25, 2005, and available for inspection in appro-*
21 *prate offices of the United States Fish and Wildlife*
22 *Service and the Department of Energy.*

23 (4) *NATURAL RESOURCE DAMAGE LIABILITY*
24 *CLAIM.—The term “natural resource damage liability*
25 *claim” means a natural resource damage liability*
26 *claim under subsections (a)(4)(C) and (f) of section*

1 *107 of the Comprehensive Environmental Response,*
2 *Compensation, and Liability Act of 1980 (42 U.S.C.*
3 *9607) arising from hazardous substances releases at*
4 *or from Rocky Flats that, as of the date of enactment*
5 *of this Act, are identified in the administrative record*
6 *for Rocky Flats required by the National Oil and*
7 *Hazardous Substances Pollution Contingency Plan*
8 *prepared under section 105 of that Act (42 U.S.C.*
9 *9605).*

10 (5) *ROCKY FLATS.*—*The term “Rocky Flats”*
11 *means the Department of Energy facility in the State*
12 *of Colorado known as the “Rocky Flats Environ-*
13 *mental Technology Site”.*

14 (6) *SECRETARY.*—*The term “Secretary” means*
15 *the Secretary of Energy.*

16 (7) *TRUSTEES.*—*The term “Trustees” means the*
17 *Federal and State officials designated as trustees*
18 *under section 107(f)(2) of the Comprehensive Envi-*
19 *ronmental Response, Compensation, and Liability*
20 *Act of 1980 (42 U.S.C. 9607(f)(2)).*

21 **(b) PURCHASE OF ESSENTIAL MINERAL RIGHTS.**—

22 (1) *IN GENERAL.*—*Not later than 1 year after*
23 *the date of enactment of this Act, such amounts au-*
24 *thorized to be appropriated under subsection (c) shall*

1 *be available to the Secretary to purchase essential*
2 *mineral rights at Rocky Flats.*

3 (2) *CONDITIONS.—The Secretary shall not pur-*
4 *chase an essential mineral right under paragraph (1)*
5 *unless—*

6 (A) *the owner of the essential mineral right*
7 *is a willing seller; and*

8 (B) *the Secretary purchases the essential*
9 *mineral right for an amount that does not exceed*
10 *fair market value.*

11 (3) *LIMITATION.—Only those funds authorized to*
12 *be appropriated under subsection (c) shall be avail-*
13 *able for the Secretary to purchase essential mineral*
14 *rights under paragraph (1).*

15 (4) *RELEASE FROM LIABILITY.—Notwith-*
16 *standing any other law, any natural resource damage*
17 *liability claim shall be considered to be satisfied by—*

18 (A) *the purchase by the Secretary of essen-*
19 *tial mineral rights under paragraph (1) for con-*
20 *sideration in an amount equal to \$10,000,000;*

21 (B) *the payment by the Secretary to the*
22 *Trustees of \$10,000,000; or*

23 (C) *the purchase by the Secretary of any*
24 *portion of the mineral rights under paragraph*
25 *(1) for—*

1 (i) *consideration in an amount less*
2 *than \$10,000,000; and*

3 (ii) *a payment by the Secretary to the*
4 *Trustees of an amount equal to the dif-*
5 *ference between—*

6 (I) *\$10,000,000; and*

7 (II) *the amount paid under clause*

8 (i).

9 (5) *USE OF FUNDS.—*

10 (A) *IN GENERAL.—Any amounts received*
11 *under paragraph (4) shall be used by the Trust-*
12 *ees for the purposes described in section 107(f)(1)*
13 *of the Comprehensive Environmental Response,*
14 *Compensation, and Liability Act of 1980 (42*
15 *U.S.C. 9607(f)(1)), including—*

16 (i) *the purchase of additional mineral*
17 *rights at Rocky Flats; and*

18 (ii) *the development of habitat restora-*
19 *tion projects at Rocky Flats.*

20 (B) *CONDITION.—Any expenditure of funds*
21 *under this paragraph shall be made jointly by*
22 *the Trustees.*

23 (C) *ADDITIONAL FUNDS.—The Trustees may*
24 *use the funds received under paragraph (4) in*
25 *conjunction with other private and public funds.*

1 (6) *EXEMPTION FROM NATIONAL ENVIRON-*
2 *MENTAL POLICY ACT.*—*Any purchases of mineral*
3 *rights under this subsection shall be exempt from the*
4 *National Environmental Policy Act of 1969 (42*
5 *U.S.C. 4321 et seq.).*

6 (7) *ROCKY FLATS NATIONAL WILDLIFE REF-*
7 *UGE.*—

8 (A) *TRANSFER OF MANAGEMENT RESPON-*
9 *SIBILITIES.*—*The Rocky Flats National Wildlife*
10 *Refuge Act of 2001 (16 U.S.C. 668dd note; Pub-*
11 *lic Law 107–107) is amended—*

12 (i) *in section 3175—*

13 (I) *by striking subsections (b) and*

14 *(f); and*

15 (II) *by redesignating subsections*

16 *(c), (d), and (e) as subsections (b), (c),*

17 *and (d), respectively; and*

18 (ii) *in section 3176(a)(1), by striking*

19 *“section 3175(d)” and inserting “section*

20 *3175(c)”.*

21 (B) *BOUNDARIES.*—*Section 3177 of the*
22 *Rocky Flats National Wildlife Refuge Act of*
23 *2001 (16 U.S.C. 668dd note; Public Law 107–*
24 *107) is amended by striking subsection (c) and*
25 *inserting the following:*

1 “(c) *COMPOSITION.*—

2 “(1) *IN GENERAL.*—*Except as provided in para-*
3 *graph (2), the refuge shall consist of land within the*
4 *boundaries of Rocky Flats, as depicted on the map—*

5 “(A) *entitled ‘Rocky Flats National Wildlife*
6 *Refuge’;*

7 “(B) *dated July 25, 2005; and*

8 “(C) *available for inspection in the appro-*
9 *priate offices of the United States Fish and*
10 *Wildlife Service and the Department of Energy.*

11 “(2) *EXCLUSIONS.*—*The refuge does not*
12 *include—*

13 “(A) *any land retained by the Department*
14 *of Energy for response actions under section*
15 *3175(c);*

16 “(B) *any land depicted on the map de-*
17 *scribed in paragraph (1) that is subject to 1 or*
18 *more essential mineral rights described in section*
19 *3114(a) of the National Defense Authorization*
20 *Act for Fiscal Year 2006 over which the Sec-*
21 *retary shall retain jurisdiction of the surface es-*
22 *tate until the essential mineral rights—*

23 “(i) *are purchased under subsection (b)*
24 *of that Act; or*

1 “(ii) are mined and reclaimed by the
2 mineral rights holders in accordance with
3 requirements established by the State of Col-
4 orado; and

5 “(C) the land depicted on the map described
6 in paragraph (1) on which essential mineral
7 rights are being actively mined as of the date of
8 enactment of the National Defense Authorization
9 Act for Fiscal Year 2006 until—

10 “(i) the essential mineral rights are
11 purchased; or

12 “(ii) the surface estate is reclaimed by
13 the mineral rights holder in accordance
14 with requirements established by the State
15 of Colorado.

16 “(3) ACQUISITION OF ADDITIONAL LAND.—Not-
17 withstanding paragraph (2), upon the purchase of the
18 mineral rights or reclamation of the land depicted on
19 the map described in paragraph (1), the Secretary
20 shall—

21 “(A) transfer the land to the Secretary of
22 the Interior for inclusion in the refuge; and

23 “(B) the Secretary of the Interior shall—

24 “(i) accept the transfer of the land;
25 and

1 “(ii) manage the land as part of the
2 refuge.”.

3 (c) *FUNDING.*—Of the amounts authorized to be appro-
4 priated to the Secretary for the Rocky Flats Environmental
5 Technology Site for fiscal year 2006, \$10,000,000 may be
6 made available to the Secretary for the purposes described
7 in subsection (b).

8 **SEC. 3117. PROHIBITION ON USE OF FUNDS FOR ROBUST**
9 **NUCLEAR EARTH PENETRATOR.**

10 None of the funds authorized to be appropriated to the
11 Department of Energy under this Act may be made avail-
12 able for the Robust Nuclear Earth Penetrator.

13 **SEC. 3118. SENSE OF THE SENATE REGARDING INTERIM RE-**
14 **PORTS ON RESIDUAL BERYLLIUM CONTAMI-**
15 **NATION AT DEPARTMENT OF ENERGY VEN-**
16 **DOR FACILITIES.**

17 (a) *FINDINGS.*—The Senate makes the following find-
18 ings:

19 (1) Section 3169 of the Ronald W. Reagan Na-
20 tional Defense Authorization Act for Fiscal Year 2005
21 (Public Law 108–375; 42 U.S.C. 7384 note) requires
22 the National Institute for Occupational Safety and
23 Health to submit, not later than December 31, 2006,
24 an update to the October 2003 report of the Institute

1 *on residual beryllium contamination at Department*
2 *of Energy vendor facilities.*

3 (2) *The American Beryllium Company,*
4 *Tallevast, Florida, machined beryllium for the De-*
5 *partment of Energy's Oak Ridge Y-12, Tennessee,*
6 *and Rocky Flats, Colorado, facilities from 1967 until*
7 *1992.*

8 (3) *The National Institute for Occupational*
9 *Safety and Health has completed its evaluation of re-*
10 *sidual beryllium contamination at the American Be-*
11 *ryllium Company.*

12 (4) *Workers at the American Beryllium Com-*
13 *pany and other affected companies should be made*
14 *aware fo the site-specific results of the study as soon*
15 *as such results are available.*

16 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
17 *ate to urge the Director of the National Institute for Occu-*
18 *pational Safety and Health—*

19 (1) *to provide to Congress interim reports of re-*
20 *sidual beryllium contamination at facilities not later*
21 *than 14 days after completing the internal review of*
22 *such reports; and*

23 (2) *to publish in the Federal Register summaries*
24 *of the findings of such reports, including the dates of*
25 *any significant residual beryllium contamination, at*

1 **TITLE XXXII—DEFENSE NU-**
2 **CLEAR FACILITIES SAFETY**
3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 *There are authorized to be appropriated for fiscal year*
6 *2006, \$22,032,000 for the operation of the Defense Nuclear*
7 *Facilities Safety Board under chapter 21 of the Atomic En-*
8 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

9 **TITLE XXXIII—NATIONAL**
10 **DEFENSE STOCKPILE**

11 **SEC. 3301. REVISIONS TO REQUIRED RECEIPT OBJECTIVES**
12 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
13 **FROM NATIONAL DEFENSE STOCKPILE.**

14 *(a) DISPOSAL AUTHORITY.—Section 3303(a)(5) of the*
15 *Strom Thurmond National Defense Authorization Act for*
16 *Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d*
17 *note), as amended by section 3302 of the Ronald W. Reagan*
18 *National Defense Authorization Act for Year 2005 (Public*
19 *Law 108–375; 50 U.S.C. 98d note), is amended by striking*
20 *paragraph (5) and inserting the following new paragraphs:*

21 *“(5) \$900,000,000 by the end of fiscal year 2010.*

22 *“(6) \$1,000,000,000 by the end of fiscal year*
23 *2013.”.*

24 *(b) ADDITIONAL DISPOSAL AUTHORITY.—Section*
25 *3402(b) of the National Defense Authorization Act for Fis-*

1 *cal Year 2000 (Public Law 106–65; 113 Stat. 972; 50*
2 *U.S.C. 98d note), as amended by section 3302 of the Na-*
3 *tional Defense Authorization Act for Fiscal Year 2004 (Pub-*
4 *lic Law 108–136; 50 U.S.C. 98d note), is amended by strik-*
5 *ing paragraph (4) and inserting the following new para-*
6 *graphs:*

7 “(4) \$500,000,000 before the end of fiscal year
8 2010.

9 “(5) \$600,000,000 before the end of fiscal year
10 2013.”.

11 **SEC. 3302. AUTHORIZATION FOR DISPOSAL OF TUNGSTEN**
12 **ORES AND CONCENTRATES.**

13 (a) *DISPOSAL AUTHORIZED.*—*The President may dis-*
14 *pose of up to 8,000,000 pounds of contained tungsten in*
15 *the form of tungsten ores and concentrates from the Na-*
16 *tional Defense Stockpile in fiscal year 2006.*

17 (b) *CERTAIN SALES AUTHORIZED.*—*The tungsten ores*
18 *and concentrates disposed under subsection (a) may be sold*
19 *to entities with ore conversion or tungsten carbide manufac-*
20 *turing or processing capabilities in the United States.*

21 **SEC. 3303. DISPOSAL OF FERROMANGANESE.**

22 (a) *DISPOSAL AUTHORIZED.*—*The Secretary of De-*
23 *fense may dispose of up to 75,000 tons of ferromanganese*
24 *from the National Defense Stockpile during fiscal year*
25 *2006.*

1 (b) *CONTINGENT AUTHORITY FOR ADDITIONAL DIS-*
2 *POSAL.*—*If the Secretary of Defense completes the disposal*
3 *of the total quantity of ferromanganese authorized for dis-*
4 *posal by subsection (a) before September 30, 2006, the Sec-*
5 *retary of Defense may dispose of up to an additional 25,000*
6 *tons of ferromanganese from the National Defense Stockpile*
7 *before that date.*

8 (c) *CERTIFICATION.*—*The Secretary of Defense may*
9 *dispose of ferromanganese under the authority of subsection*
10 *(b) only if the Secretary submits written certification to*
11 *the Committee on Armed Services of the Senate and the*
12 *Committee on Armed Services of the House of Representa-*
13 *tives, not later than 30 days before the commencement of*
14 *disposal, that—*

15 (1) *the disposal of the additional ferromanganese*
16 *from the National Defense Stockpile is in the interest*
17 *of national defense;*

18 (2) *the disposal of the additional ferromanganese*
19 *will not cause undue disruption to the usual markets*
20 *of producers and processors of ferromanganese in the*
21 *United States; and*

22 (3) *the disposal of the additional ferromanganese*
23 *is consistent with the requirements and purpose of the*
24 *National Defense Stockpile.*

1 (d) *DELEGATION OF RESPONSIBILITY.*—*The Secretary*
2 *of Defense may delegate the responsibility of the Secretary*
3 *under subsection (c) to an appropriate official within the*
4 *Department of Defense.*

5 (e) *NATIONAL DEFENSE STOCKPILE DEFINED.*—*In*
6 *this section, the term “National Defense Stockpile” means*
7 *the stockpile provided for in section 4 of the Strategic and*
8 *Critical Materials Stock Piling Act (50 U.S.C. 98c).*

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

H. R. 1815

AMENDMENT