

Union Calendar No. 47109TH CONGRESS
1ST SESSION**H. R. 1815****[Report No. 109–89]**

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. HUNTER (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

MAY 20, 2005

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on April 26, 2005]

A BILL

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

8 (1) *Division A—Department of Defense Author-*
 9 *izations.*

10 (2) *Division B—Military Construction Author-*
 11 *izations.*

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

14 (b) *TABLE OF CONTENTS.—The table of contents for*
 15 *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.

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Sec. 112. Multiyear procurement authority for Apache Modernized Target Acqui-
sition Designation Sight/Pilot Night Vision Sensor.

Sec. 113. Multiyear procurement authority for Apache Block II conversion.

Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.

Sec. 115. Limitation on Army Modular Force Initiative.

Sec. 116. Contract requirement for Objective Individual Combat Weapon - Increment 1.

Subtitle C—Navy Programs

- Sec. 121. Virginia-class submarine program.*
Sec. 122. LHA Replacement amphibious assault ship program.
Sec. 123. Future major surface combatant, destroyer type.
Sec. 124. Littoral Combat Ship (LCS) program.
Sec. 125. Authorization of two additional Arleigh Burke class destroyers.
Sec. 126. Refueling and complex overhaul of the U.S.S. Carl Vinson.
Sec. 127. Report on propulsion system alternatives for surface combatants.
Sec. 128. Aircraft carrier force structure.
Sec. 129. Contingent transfer of additional funds for CVN-21 Carrier Replacement Program.

Subtitle D—Air Force Programs

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Subtitle E—Joint and Multiservice Matters

- Sec. 141. Requirement that all tactical unmanned aerial vehicles use specified standard data link.*
Sec. 142. Limitation on initiation of new unmanned aerial vehicle systems.

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- Sec. 201. Authorization of appropriations.*
Sec. 202. Amount for defense science and technology.

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- Sec. 211. Annual Comptroller General report on Future Combat Systems program.*
Sec. 212. Objective requirements for non-line-of-sight cannon system not to be diminished to meet weight requirements.
Sec. 213. Independent analysis of Future Combat Systems manned ground vehicle transportability requirement.
Sec. 214. Amounts for Armored Systems Modernization program.
Sec. 215. Limitation on systems development and demonstration of manned ground vehicles under Armored Systems Modernization program.
Sec. 216. Testing of Internet Protocol version 6 by Naval Research Laboratory.
Sec. 217. Program to design and develop next-generation nuclear submarine.
Sec. 218. Extension of requirements relating to management responsibility for naval mine countermeasures programs.
Sec. 219. Single joint requirement for heavy lift rotorcraft.
Sec. 220. Requirements for development of tactical radio communications systems.
Sec. 221. Limitation on systems development and demonstration of Personnel Recovery Vehicle.
Sec. 222. Separate program element required for each significant research, development, test, and evaluation project.
Sec. 223. Small Business Innovation Research Phase III Acceleration Pilot Program.
Sec. 224. Revised requirements relating to submission of Joint Warfighting Science and Technology Plan.

- Sec. 225. Shipbuilding Industrial Base Improvement Program for development of innovative shipbuilding technologies, processes, and facilities.*
- Sec. 226. Renewal of University National Oceanographic Laboratory System fleet.*
- Sec. 227. Limitation on VXX helicopter program.*

Subtitle C—Missile Defense Programs

- Sec. 231. Report on capabilities and costs for operational boost/ascent-phase missile defense systems.*
- Sec. 232. Required flight-intercept test of ballistic missile defense groundbased midcourse system.*

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- Sec. 301. Operation and maintenance funding.*
- Sec. 302. Working capital funds.*
- Sec. 303. Other Department of Defense programs.*

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- Sec. 311. Revision of required content of environmental quality annual report.*
- Sec. 312. Pilot project on compatible use buffers on real property bordering Fort Carson, Colorado.*
- Sec. 313. Repeal of Air Force report on military installation encroachment issues.*
- Sec. 314. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.*

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- Sec. 321. Proceeds from cooperative activities with non-Army entities.*
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- Sec. 331. Extension of authority to provide logistics support and services for weapons systems contractors.*
- Sec. 332. Extension and revision of temporary authority for contractor performance of security guard functions.*

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- Sec. 342. Military operations and overflights, Utah Test and Training Range.*
- Sec. 343. Planning process for Federal lands in Utah Test and Training Range.*
- Sec. 344. Designation and management of Cedar Mountain Wilderness, Utah.*
- Sec. 345. Identification of additional Bureau of Land Management land in Utah as trust land for Skull Valley Band of Goshutes.*
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Subtitle F—Other Matters

- Sec. 351. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.*

- Sec. 352. Limitation on purchase of investment items with operation and maintenance funds.*
- Sec. 353. Provision of Department of Defense support for certain paralympic sporting events.*
- Sec. 354. Development and explanation of budget models for base operations support, sustainment, and facilities recapitalization.*
- Sec. 355. Report on Department of Army programs for prepositioning of equipment and other materiel.*
- Sec. 356. Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.*
- Sec. 357. Congressional notification requirements regarding placement of liquefied natural gas facilities, pipelines, and related structures on defense lands.*
- Sec. 358. Report regarding army and air force exchange system management of army lodging.*

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- Sec. 402. Revision in permanent active duty end strength minimum levels.*

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- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.*
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- Sec. 414. Fiscal year 2006 limitation on number of non-dual status technicians.*
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- Sec. 421. Military personnel.*
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- Sec. 501. Temporary increase in percentage limits on reduction of time-in-grade requirements for retirement in grade upon voluntary retirement.*
- Sec. 502. Two-year renewal of authority to reduce minimum commissioned service requirement for voluntary retirement as an officer.*
- Sec. 503. Separation at age 64 for reserve component senior officers.*
- Sec. 504. Improved administration of transitions involving officers in senior general and flag officer positions.*
- Sec. 505. Consolidation of grade limitations on officer assignment and insignia practice known as frocking.*
- Sec. 506. Authority for designation of a general/flag officer position on the Joint Staff to be held by reserve component general or flag officer on active duty.*
- Sec. 507. Authority to retain permanent professors at the Naval Academy beyond 30 years of active commissioned service.*
- Sec. 508. Authority for appointment of Coast Guard flag officer as Chief of Staff to the President.*

Sec. 509. Clarification of time for receipt of statutory selection board communications.

Sec. 510. Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army.

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Sec. 511. Use of Reserve Montgomery GI Bill benefits and benefits for mobilized members of the Selected Reserve and National Guard for payments for licensing or certification tests.

Sec. 512. Modifications to new Reserve educational benefit for certain active service in support of contingency operations.

Sec. 513. Military technicians (dual status) mandatory separation.

Sec. 514. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.

Sec. 515. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities.

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Sec. 522. Increased enrollment for eligible defense industry employees in the defense product development program at Naval Postgraduate School.

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Sec. 524. Authority for National Defense University award of degree of Master of Science in Joint Campaign Planning and Strategy.

Sec. 525. One-year extension of authority to use appropriated funds to provide recognition items for recruitment and retention of certain reserve component personnel.

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Sec. 527. Increase in annual limit on number of ROTC scholarships under Army Reserve and National Guard program.

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Sec. 529. Sense of Congress concerning establishment of National College of Homeland Security.

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- Sec. 543. Standards and guidelines for Department of Defense programs to assist wounded and injured members.*
- Sec. 544. Authority for members on active duty with disabilities to participate in Paralympic Games.*

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- Sec. 572. Adoption leave for members of the Armed Forces adopting children.*
- Sec. 573. Report on need for a personnel plan for linguists in the Armed Forces.*
- Sec. 574. Ground combat and other exclusion policies.*

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- Sec. 602. Additional pay for permanent military professors at United States Naval Academy with over 36 years of service.*
- Sec. 603. Basic pay rates for reserve component members selected to attend military service academy preparatory schools.*
- Sec. 604. Clarification of restriction on compensation for correspondence courses.*
- Sec. 605. Permanent authority for supplemental subsistence allowance for low-income members with dependents.*
- Sec. 606. Basic allowance for housing for Reserve members.*

- Sec. 607. Overseas cost of living allowance.*
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- Sec. 702. Additional information required by surveys on TRICARE standard.*
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- Sec. 713. Correction to eligibility of certain Reserve officers for military health care pending active duty following commissioning.*
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- Sec. 715. Clarification of inclusion of dental care in medical readiness tracking and health surveillance program.*
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- Sec. 814. Requirement for contracting operations to be included in interagency planning related to stabilization and reconstruction.*
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- Sec. 1605. Requirements for contractors relating to possession of weapons.*
- Sec. 1606. Battlefield accountability.*

*DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**Sec. 2001. Short title.**TITLE I—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. Modification of authority to carry out certain fiscal year 2004 project.**TITLE II—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 2004 project.**Sec. 2206. Modifications of authority to carry out certain fiscal year 2005 projects.**TITLE III—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 IV—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 V—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**Sec. 2501. Authorized NATO construction and land acquisition projects.**Sec. 2502. Authorization of appropriations, NATO.**TITLE VI—GUARD AND RESERVE FORCES FACILITIES**Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.**TITLE VII—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 VIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Modification of congressional notification requirements for certain military construction activities.*
- Sec. 2802. Improve availability and timeliness of Department of Defense information regarding military construction and family housing accounts and activities.*
- Sec. 2803. Expansion of authority to convey property at military installations to support military construction.*
- Sec. 2804. Effect of failure to submit required report on need for general and flag officers quarters in National Capital Region.*
- Sec. 2805. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.*
- Sec. 2806. Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.*

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.*
- Sec. 2812. Report on use of utility system conveyance authority and temporary suspension of authority pending report.*
- Sec. 2813. Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.*

Subtitle C—Base Closure and Realignment

- Sec. 2821. Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.*
- Sec. 2822. Termination of project authorizations for military installations approved for closure in 2005 round of base realignments and closures.*
- Sec. 2823. Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.*
- Sec. 2824. Sense of Congress regarding consideration of national defense industrial base interests during Base Closure and Realignment Commission review of Department of Defense base closure and realignment recommendations.*

*Subtitle D—Land Conveyances**PART 1—ARMY CONVEYANCES*

- Sec. 2831. Modification of land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.*
- Sec. 2832. Land conveyance, Army Reserve Center, Bothell, Washington.*

PART 2—NAVY CONVEYANCES

- Sec. 2841. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.*

PART 3—AIR FORCE CONVEYANCES

Sec. 2851. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.

Sec. 2852. Land conveyance, Air Force property, Jacksonville, Arkansas.

Subtitle E—Other Matters

Sec. 2861. Lease authority, Army Heritage and Education Center, Carlisle, Pennsylvania.

Sec. 2862. Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.

Sec. 2863. Assessment of water needs for Presidio of Monterey and Ord Military Community.

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—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Reliable Replacement Warhead program.

Sec. 3112. Report on assistance for a comprehensive inventory of Russian non-strategic nuclear weapons.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.

Sec. 3302. Revision of fiscal year 1999 authority to dispose of certain materials in the National Defense Stockpile.

Sec. 3303. Revision of fiscal year 2000 authority to dispose of certain materials in the National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2006.

Sec. 3502. Payments for State and regional maritime academies.

Sec. 3503. Maintenance and repair reimbursement pilot program.

Sec. 3504. Tank vessel construction assistance.

Sec. 3505. Improvements to the Maritime Administration vessel disposal program.

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**

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for UH-60/MH-60 helicopters.*
Sec. 112. Multiyear procurement authority for Apache Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor.
Sec. 113. Multiyear procurement authority for Apache Block II conversion.
Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.
Sec. 115. Limitation on Army Modular Force Initiative.
Sec. 116. Contract requirement for Objective Individual Combat Weapon - Increment 1.

Subtitle C—Navy Programs

- Sec. 121. Virginia-class submarine program.*
Sec. 122. LHA Replacement amphibious assault ship program.
Sec. 123. Future major surface combatant, destroyer type.
Sec. 124. Littoral Combat Ship (LCS) program.
Sec. 125. Authorization of two additional Arleigh Burke class destroyers.
Sec. 126. Refueling and complex overhaul of the U.S.S. Carl Vinson.
Sec. 127. Report on propulsion system alternatives for surface combatants.
Sec. 128. Aircraft carrier force structure.
Sec. 129. Contingent transfer of additional funds for CVN-21 Carrier Replacement Program.

Subtitle D—Air Force Programs

- Sec. 131. Multiyear procurement authority for C-17 aircraft.*

Subtitle E—Joint and Multiservice Matters

- Sec. 141. Requirement that all tactical unmanned aerial vehicles use specified standard data link.*
Sec. 142. Limitation on initiation of new unmanned aerial vehicle systems.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 101. ARMY.**

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

6 (1) *For aircraft, \$2,861,380,000.*

7 (2) *For missiles, \$1,242,919,000.*

8 (3) *For weapons and tracked combat vehicles,*
9 *\$1,601,978,000.*

10 (4) *For ammunition, \$1,750,772,000.*

11 (5) *For other procurement, \$4,043,289,000.*

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

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

16 (1) *For aircraft, \$10,042,526,000.*

17 (2) *For weapons, including missiles and tor-*
18 *pedoes, \$2,775,041,000.*

19 (3) *For ammunition, \$869,770,000.*

20 (4) *For shipbuilding and conversion,*
21 *\$10,779,773,000.*

22 (5) *For other procurement, \$5,634,318,000.*

23 (b) *MARINE CORPS.—Funds are hereby authorized to*
24 *be appropriated for fiscal year 2006 for procurement for*
25 *the Marine Corps in the amount of \$1,407,605,000.*

1 **SEC. 103. AIR FORCE.**

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

4 *(1) For aircraft, \$12,793,756,000.*

5 *(2) For ammunition, \$1,031,207,000.*

6 *(3) For missiles, \$5,490,287,000.*

7 *(4) For other procurement, \$14,068,789,000.*

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

9 *Funds are hereby authorized to be appropriated for fis-*
 10 *cal year 2006 for Defense-wide procurement in the amount*
 11 *of \$2,715,446,000.*

12 ***Subtitle B—Army Programs***

13 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**
 14 **60/MH-60 HELICOPTERS.**

15 *The Secretary of the Army may, in accordance with*
 16 *section 2306b of title 10, United States Code, enter into a*
 17 *multiyear contract, beginning with the fiscal year 2007 pro-*
 18 *gram year, for procurement of up to 461 helicopters in the*
 19 *UH-60M configuration and, acting as executive agent for*
 20 *the Department of the Navy, in the MH-60S configuration.*

21 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**
 22 **APACHE MODERNIZED TARGET ACQUISITION**
 23 **DESIGNATION SIGHT/PILOT NIGHT VISION**
 24 **SENSOR.**

25 *The Secretary of the Army may, in accordance with*
 26 *section 2306b of title 10, United States Code, enter into a*

1 *multiyear contract, beginning with the fiscal year 2006 pro-*
2 *gram year and for four program years, for procurement of*
3 *612 Apache Modernized Target Acquisition Designation*
4 *Sights/Pilot Night Vision Sensors.*

5 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**
6 **APACHE BLOCK II CONVERSION.**

7 *The Secretary of the Army may, in accordance with*
8 *section 2306b of title 10, United States Code, enter into a*
9 *multiyear contract, beginning with the fiscal year 2006 pro-*
10 *gram year and for four program years, for procurement of*
11 *conversion of 96 Apache helicopters to the Block II configu-*
12 *ration.*

13 **SEC. 114. ACQUISITION STRATEGY FOR TACTICAL WHEELED**
14 **VEHICLE PROGRAMS.**

15 *(a) ARMY.—If, in carrying out a program for mod-*
16 *ernization and recapitalization of the fleet of tactical*
17 *wheeled vehicles of the Army, the Secretary of the Army de-*
18 *termines to award a contract for procurement of a new ve-*
19 *hicle class for the next-generation tactical wheeled vehicle*
20 *(other than a contract for modifications, upgrades, or prod-*
21 *uct improvements to the existing fleet of vehicles), the Sec-*
22 *retary shall award and execute the acquisition program*
23 *under that contract as a joint service program with the Ma-*
24 *rine Corps.*

1 (b) *MARINE CORPS.*—*If, in carrying out a program*
2 *for modernization and recapitalization of the fleet of tac-*
3 *tical wheeled vehicles of the Marine Corps, the Secretary*
4 *of the Navy determines to award a contract for procurement*
5 *of a new vehicle class for the next-generation tactical*
6 *wheeled vehicle (other than a contract for modifications, up-*
7 *grades, or product improvements to the existing fleet of vehi-*
8 *cles), the Secretary shall award and execute the acquisition*
9 *program under that contract as a joint service program*
10 *with the Army.*

11 **SEC. 115. LIMITATION ON ARMY MODULAR FORCE INITIA-**
12 **TIVE.**

13 (a) *LIMITATION.*—*From funds available to the Army*
14 *for fiscal year 2006, not more than \$3,000,000,000 may be*
15 *obligated or expended for acquisition programs for the*
16 *Army Modular Force Initiative until the Secretary of the*
17 *Army submits to the congressional defense committees a re-*
18 *port described in subsection (b).*

19 (b) *REPORT.*—*A report under subsection (a) shall set*
20 *forth the following:*

21 (1) *An outline of the full scope of acquisition*
22 *programs that are considered part of the Modular*
23 *Force Initiative and the acquisition objectives for each*
24 *such program.*

1 (2) *An outline of the funding levels provided in*
2 *the fiscal year 2007 Future Years Defense Program*
3 *for each program specified under paragraph (1) and,*
4 *for each such program, the adequacy of that funding*
5 *for achieving the acquisition objectives referred to in*
6 *paragraph (1).*

7 (3) *A detailed accounting of the use of funds pro-*
8 *vided for the Modular Force Initiative in title I of di-*
9 *vision A of the Emergency Supplemental Appropria-*
10 *tions Act for Defense, the Global War on Terrorism,*
11 *and Tsunami Relief Act, 2005.*

12 **SEC. 116. CONTRACT REQUIREMENT FOR OBJECTIVE INDI-**
13 **VIDUAL COMBAT WEAPON - INCREMENT 1.**

14 *In awarding a contract for procurement of the Objec-*
15 *tive Individual Combat Weapon - Increment 1, the Sec-*
16 *retary of the Army shall ensure that the contractor is se-*
17 *lected through a full and open competition process that al-*
18 *lows potential offerors adequate time to prepare and submit*
19 *qualifying proposals.*

20 **Subtitle C—Navy Programs**

21 **SEC. 121. VIRGINIA-CLASS SUBMARINE PROGRAM.**

22 (a) *LIMITATION OF COSTS.—Except as provided in*
23 *subsection (b), the total amount obligated or expended for*
24 *procurement of the five Virginia-class submarines des-*
25 *ignated as SSN-779, SSN-780, SSN-781, SSN-782, and*

1 *SSN-783 may not exceed the following amounts (such*
2 *amounts being the estimated total procurement end cost of*
3 *those vessels in the fiscal year 2006 budget):*

4 (1) *For the SSN-779 submarine, \$2,143,700,000.*

5 (2) *For the SSN-780 submarine, \$2,238,800,000.*

6 (3) *For the SSN-781 submarine, \$2,402,000,000.*

7 (4) *For the SSN-782 submarine, \$2,581,300,000.*

8 (5) *For the SSN-783 submarine, \$2,690,000,000.*

9 (b) *ADJUSTMENT OF LIMITATION AMOUNTS.—The Sec-*
10 *retary of the Navy may adjust the amount set forth in sub-*
11 *section (a) for any Virginia-class submarine specified in*
12 *that subsection by the following:*

13 (1) *The amounts of increases or decreases in*
14 *costs attributable to economic inflation after Sep-*
15 *tember 30, 2005.*

16 (2) *The amounts of increases or decreases in*
17 *costs attributable to compliance with changes in Fed-*
18 *eral, State, or local laws enacted after September 30,*
19 *2005.*

20 (c) *NOTICE TO CONGRESS OF PROGRAM CHANGES.—*
21 *The Secretary of the Navy shall annually submit to Con-*
22 *gress, at the same time as the budget is submitted under*
23 *section 1105(a) of title 31, United States Code, written no-*
24 *tice of any change in any of the amounts set forth in sub-*
25 *section (a) during the preceding fiscal year that the Sec-*

1 *retary has determined to be associated with a cost referred*
2 *to in subsection (b).*

3 **SEC. 122. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP**
4 **PROGRAM.**

5 (a) *LIMITATION OF COSTS.—Except as provided in*
6 *subsection (b), the total amount obligated or expended for*
7 *procurement of each ship of the LHA Replacement*
8 *(LHA(R)) amphibious assault ship program may not ex-*
9 *ceed \$2,000,000,000.*

10 (b) *ADJUSTMENT OF LIMITATION AMOUNT.—The Sec-*
11 *retary of the Navy may adjust the amount set forth in sub-*
12 *section (a) for the program referred to in that subsection*
13 *by the following:*

14 (1) *The amounts of increases or decreases in*
15 *costs attributable to economic inflation after Sep-*
16 *tember 30, 2005.*

17 (2) *The amounts of increases or decreases in*
18 *costs attributable to compliance with changes in Fed-*
19 *eral, State, or local laws enacted after September 30,*
20 *2005.*

21 (c) *WRITTEN NOTICE OF CHANGE IN AMOUNT.—The*
22 *Secretary of the Navy shall annually submit to Congress,*
23 *at the same time as the budget is submitted under section*
24 *1105(a) of title 31, United States Code, written notice of*
25 *any change in the amount set forth in subsection (a) during*

1 *the preceding fiscal year that the Secretary has determined*
2 *to be associated with a cost referred to in subsection (b).*

3 *(d) LIMITATION ON PROCUREMENT FUNDS.—Funds*
4 *available to the Navy for Shipbuilding and Conversion,*
5 *Navy, may be obligated or expended for procurement for*
6 *the LHA Replacement ship program only after the Sec-*
7 *retary of Defense certifies in writing to the congressional*
8 *defense committees that—*

9 *(1) the Joint Requirements Oversight Council*
10 *has approved a detailed Operational Requirements*
11 *Document for the program; and*

12 *(2) there exists a stable design for the LHA(R)*
13 *class of vessels.*

14 *(e) STABLE DESIGN.—For purposes of this section, the*
15 *design of a class of vessels shall be considered to be stable*
16 *when no substantial change to the design is anticipated.*

17 **SEC. 123. FUTURE MAJOR SURFACE COMBATANT, DE-**
18 **STROYER TYPE.**

19 *(a) LIMITATION OF COSTS.—Except as provided in*
20 *subsection (b), the total amount obligated or expended for*
21 *procurement of each ship for the future major surface com-*
22 *batant, destroyer type, may not exceed \$1,700,000,000 (such*
23 *amount being the estimated total procurement end cost of*
24 *that ship in the fiscal year 2006 budget).*

1 (b) *ADJUSTMENT OF LIMITATION AMOUNT.*—*The Sec-*
2 *retary of the Navy may adjust the amount set forth in sub-*
3 *section (a) for the ship type referred to in that subsection*
4 *by the following:*

5 (1) *The amounts of increases or decreases in*
6 *costs attributable to economic inflation after Sep-*
7 *tember 30, 2005.*

8 (2) *The amounts of increases or decreases in*
9 *costs attributable to compliance with changes in Fed-*
10 *eral, State, or local laws enacted after September 30,*
11 *2005.*

12 (c) *WRITTEN NOTICE OF CHANGE IN AMOUNT.*—*The*
13 *Secretary of the Navy shall annually submit to Congress,*
14 *at the same time as the budget is submitted under section*
15 *1105(a) of title 31, United States Code, written notice of*
16 *any change in the amount set forth in subsection (a) during*
17 *the preceding fiscal year that the Secretary has determined*
18 *to be associated with a cost referred to in subsection (b).*

19 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*
20 *amount provided in section 201(2) for Research and Devel-*
21 *opment, Navy, for fiscal year 2006, \$700,000,000 is avail-*
22 *able for technology development and demonstration for the*
23 *ship referred to in subsection (a).*

24 (e) *ACQUISITION PLAN.*—*In developing the acquisition*
25 *plan for the future major surface combatant, destroyer type,*

1 *the Secretary shall ensure that the resulting acquisition*
2 *program—*

3 *(1) uses technologies from the DD(X) and CG(X)*
4 *programs, as well as any other technology the Sec-*
5 *retary considers appropriate;*

6 *(2) has an overall capability not less than that*
7 *of the Flight IIA version of the Arleigh Burke (DDG-*
8 *51) class destroyer; and*

9 *(3) would be ready for lead-ship procurement not*
10 *later than fiscal year 2011.*

11 **SEC. 124. LITTORAL COMBAT SHIP (LCS) PROGRAM.**

12 *(a) LIMITATION OF COSTS.—Except as provided in*
13 *subsection (b), the total amount obligated or expended for*
14 *procurement of each ship for the Littoral Combat Ship*
15 *(LCS) program, including amounts for mission modules,*
16 *may not exceed \$400,000,000 (such amount being the esti-*
17 *mated total procurement end cost of that ship in the fiscal*
18 *year 2006 budget).*

19 *(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Sec-*
20 *retary of the Navy may adjust the amount set forth in sub-*
21 *section (a) for the ships referred to in that subsection by*
22 *the following:*

23 *(1) The amounts of increases or decreases in*
24 *costs attributable to economic inflation after Sep-*
25 *tember 30, 2005.*

1 (2) *The amounts of increases or decreases in*
2 *costs attributable to compliance with changes in Fed-*
3 *eral, State, or local laws enacted after September 30,*
4 *2005.*

5 (c) *WRITTEN NOTICE OF CHANGE IN AMOUNT.—The*
6 *Secretary of the Navy shall annually submit to Congress,*
7 *at the same time as the budget is submitted under section*
8 *1105(a) of title 31, United States Code, written notice of*
9 *any change in the amount set forth in subsection (a) during*
10 *the preceding fiscal year that the Secretary has determined*
11 *to be associated with a cost referred to in subsection (b).*

12 (d) *LIMITATION ON SHIPS AND MISSION MODULES.—*
13 *No funds available to the Navy may be used for the acquisi-*
14 *tion of Littoral Combat Ships, or Littoral Combat Ship*
15 *mission modules until the Secretary of Defense submits to*
16 *the congressional defense committees—*

17 (1) *the results of an operational evaluation of the*
18 *first four Littoral Combat Ships conducted by the Di-*
19 *rector of Operational Test and Evaluation Force of*
20 *the Department of Defense; and*

21 (2) *the Secretary's certification in writing that*
22 *there exists a stable design for the Littoral Combat*
23 *Ship class of vessels.*

1 (e) *STABLE DESIGN.*—For purposes of this section, the
2 design of a class of vessels shall be considered to be stable
3 when no substantial change to the design is anticipated.

4 **SEC. 125. AUTHORIZATION OF TWO ADDITIONAL ARLEIGH**
5 **BURKE CLASS DESTROYERS.**

6 Of the amount provided in section 102(a)(4) for Ship-
7 building and Conversion, Navy, for fiscal year 2006, the
8 amount of \$2,500,000,000 is available for construction of
9 two additional Arleigh Burke class destroyers, to be con-
10 structed under a single contract which shall be competi-
11 tively awarded.

12 **SEC. 126. REFUELING AND COMPLEX OVERHAUL OF THE**
13 **U.S.S. CARL VINSON.**

14 (a) *AMOUNT AUTHORIZED FROM SCN ACCOUNT.*—Of
15 the amount authorized to be appropriated by section
16 102(a)(4), for fiscal year 2006, \$1,493,563,000 is available
17 for the commencement of the nuclear refueling and complex
18 overhaul of the U.S.S. Carl Vinson (CVN-70). The amount
19 made available in the preceding sentence is the first incre-
20 ment in the incremental funding planned for the nuclear
21 refueling and complex overhaul of that vessel.

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

1 (c) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
2 *MENTS.*—*A contract entered into under subsection (b) shall*
3 *provide that any obligation of the United States to make*
4 *a payment under the contract for a fiscal year after fiscal*
5 *year 2006 is subject to the availability of appropriations*
6 *for that purpose for that later fiscal year.*

7 **SEC. 127. REPORT ON PROPULSION SYSTEM ALTERNATIVES**
8 **FOR SURFACE COMBATANTS.**

9 (a) *REPORT REQUIRED.*—*The Secretary of the Navy*
10 *shall submit to the congressional defense committees a re-*
11 *port on the results of the study directed by the Chief of*
12 *Naval Operations and in progress in mid-2005 on alter-*
13 *native propulsion methods for surface combatant vessels of*
14 *the Navy. The report shall be submitted not later than the*
15 *date of the President’s submission of the budget of the*
16 *United States Government for fiscal year 2007.*

17 (b) *MATTERS TO BE INCLUDED.*—*The report of the*
18 *Secretary of the Navy under subsection (a) shall include*
19 *the following:*

20 (1) *The objectives and scope of the study referred*
21 *to in subsection (a) and the timeframes for analysis*
22 *under the study and the key assumptions used in car-*
23 *rying out the study.*

24 (2) *The methodology and analysis techniques*
25 *used to conduct the study.*

1 (3) *A description of current and future tech-*
2 *nology relating to propulsion that has been incor-*
3 *porated in recently-designed surface combatants or is*
4 *expected to be available within the next 10-to-20*
5 *years.*

6 (4) *The propulsion alternatives for surface com-*
7 *batants considered under the study and the analysis*
8 *and evaluation under the study of each of those alter-*
9 *natives from an operational and cost-effectiveness*
10 *standpoint.*

11 (5) *The conclusions and recommendations of the*
12 *study, including those conclusions and recommenda-*
13 *tions that could impact the design of future ships or*
14 *lead to modifications of existing ships.*

15 (6) *The Secretary's intended actions and time-*
16 *frames for implementation, if any, of the findings*
17 *and conclusions of the study.*

18 **SEC. 128. AIRCRAFT CARRIER FORCE STRUCTURE.**

19 (a) *REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT*
20 *CARRIERS WITHIN THE NAVY.—Section 5062 of title 10,*
21 *United States Code, is amended—*

22 (1) *by redesignating subsections (b) and (c) as*
23 *subsections (c) and (d), respectively; and*

24 (2) *by inserting after subsection (a) the following*
25 *new subsection (b):*

1 “(b) *The naval combat forces of the Navy shall include*
2 *not less than 12 operational aircraft carriers. For purposes*
3 *of this subsection, an operational aircraft carrier includes*
4 *an aircraft carrier that is temporarily unavailable for*
5 *worldwide deployment due to routine or scheduled mainte-*
6 *nance or repair.”.*

7 **(b) U.S.S. JOHN F. KENNEDY.—**

8 **(1) FULLY MISSION CAPABLE STATUS.—***The Sec-*
9 *retary of Defense shall take all necessary actions to*
10 *ensure that the U.S.S. John F. Kennedy (CVN-67) is*
11 *maintained in a fully mission capable status.*

12 **(2) MAINTENANCE.—***From the amounts provided*
13 *under section 301 for operation and maintenance of*
14 *the Navy for fiscal year 2006, \$60,000,000 is author-*
15 *ized for the operation and routine maintenance of the*
16 *U.S.S. John F. Kennedy.*

17 **SEC. 129. CONTINGENT TRANSFER OF ADDITIONAL FUNDS**
18 **FOR CVN-21 CARRIER REPLACEMENT PRO-**
19 **GRAM.**

20 *If the Director of Program Analysis and Evaluation*
21 *of the Office of the Secretary of Defense certifies to Congress*
22 *that an additional amount of \$86,700,000 for fiscal year*
23 *2006 for advance procurement for the CVN-21 Carrier Re-*
24 *placement Program would allow construction of the CVN-*
25 *21 vessel to begin in fiscal year 2007, then upon such cer-*

1 *tification the amount of \$86,700,000 shall be transferred*
2 *from amounts available for fiscal year 2006 for Defense-*
3 *wide Operation and Maintenance, to be derived from*
4 *amounts for Defense-wide Advisory and Assistance Services,*
5 *to amounts available for fiscal year 2006 for Shipbuilding*
6 *and Conversion, Navy, to be available for advance procure-*
7 *ment for the CVN-21 Carrier Replacement Program.*

8 ***Subtitle D—Air Force Programs***

9 ***SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C-17***

10 ***AIRCRAFT.***

11 *The Secretary of the Air Force may, in accordance*
12 *with section 2306b of title 10, United States Code, enter*
13 *into a multiyear contract, beginning with the fiscal year*
14 *2006 program year, for procurement of up to 42 additional*
15 *C-17 aircraft.*

16 ***Subtitle E—Joint and Multiservice***
17 ***Matters***

18 ***SEC. 141. REQUIREMENT THAT ALL TACTICAL UNMANNED***

19 ***AERIAL VEHICLES USE SPECIFIED STANDARD***

20 ***DATA LINK.***

21 *(a) REQUIREMENT.—The Secretary of Defense shall*
22 *take such steps as necessary to ensure that all tactical un-*
23 *manned aerial vehicles (UAVs) of the Army, Navy, Marine*
24 *Corps, and Air Force are equipped and configured so that—*

1 *ground station, sensor, or other associated equipment for*
 2 *any such system, or to modify any such system to include*
 3 *any form of armament, unless such procurement or modi-*
 4 *fication is authorized in writing in advance by the Under*
 5 *Secretary of Defense for Acquisition, Technology, and Lo-*
 6 *gistics.*

7 **(b) EXCEPTION FOR EXISTING SYSTEMS.**—*The limita-*
 8 *tion in subsection (a) does not apply with respect to an*
 9 *unmanned aerial vehicle (UAV) system for which funds*
 10 *have been appropriated for procurement before the date of*
 11 *the enactment of this Act.*

12 **TITLE II—RESEARCH, DEVELOP-**
 13 **MENT, TEST, AND EVALUA-**
 14 **TION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Annual Comptroller General report on Future Combat Systems program.
Sec. 212. Objective requirements for non-line-of-sight cannon system not to be diminished to meet weight requirements.
Sec. 213. Independent analysis of Future Combat Systems manned ground vehicle transportability requirement.
Sec. 214. Amounts for Armored Systems Modernization program.
Sec. 215. Limitation on systems development and demonstration of manned ground vehicles under Armored Systems Modernization program.
Sec. 216. Testing of Internet Protocol version 6 by Naval Research Laboratory.
Sec. 217. Program to design and develop next-generation nuclear submarine.
Sec. 218. Extension of requirements relating to management responsibility for naval mine countermeasures programs.
Sec. 219. Single joint requirement for heavy lift rotorcraft.
Sec. 220. Requirements for development of tactical radio communications systems.
Sec. 221. Limitation on systems development and demonstration of Personnel Recovery Vehicle.

Sec. 222. *Separate program element required for each significant research, development, test, and evaluation project.*

Sec. 223. *Small Business Innovation Research Phase III Acceleration Pilot Program.*

Sec. 224. *Revised requirements relating to submission of Joint Warfighting Science and Technology Plan.*

Sec. 225. *Shipbuilding Industrial Base Improvement Program for development of innovative shipbuilding technologies, processes, and facilities.*

Sec. 226. *Renewal of University National Oceanographic Laboratory System fleet.*

Sec. 227. *Limitation on VXX helicopter program.*

Subtitle C—Missile Defense Programs

Sec. 231. *Report on capabilities and costs for operational boost/ascent-phase missile defense systems.*

Sec. 232. *Required flight-intercept test of ballistic missile defense groundbased midcourse system.*

1 ***Subtitle A—Authorization of***
 2 ***Appropriations***

3 ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

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

7 (1) *For the Army, \$9,777,372,000.*

8 (2) *For the Navy, \$18,022,140,000.*

9 (3) *For the Air Force, \$22,408,212,000.*

10 (4) *For Defense-wide activities, \$19,261,263,000,*
 11 *of which \$168,458,000 is authorized for the Director*
 12 *of Operational Test and Evaluation.*

13 ***SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-***
 14 ***NOLOGY.***

15 (a) *FISCAL YEAR 2006.—Of the amounts authorized*
 16 *to be appropriated by section 201, \$11,418,146,000 shall be*
 17 *available for the Defense Science and Technology Program,*

1 *including basic research, applied research, and advanced*
2 *technology development projects.*

3 (b) *BASIC RESEARCH, APPLIED RESEARCH, AND AD-*
4 *VANCED TECHNOLOGY DEVELOPMENT DEFINED.*—*For pur-*
5 *poses of this section, the term “basic research, applied re-*
6 *search, and advanced technology development” means work*
7 *funded in program elements for defense research and devel-*
8 *opment under Department of Defense category 6.1, 6.2, or*
9 *6.3.*

10 ***Subtitle B—Program Requirements,***
11 ***Restrictions, and Limitations***

12 ***SEC. 211. ANNUAL COMPTROLLER GENERAL REPORT ON***
13 ***FUTURE COMBAT SYSTEMS PROGRAM.***

14 (a) *ANNUAL GAO REVIEW.*—*The Comptroller General*
15 *shall conduct an annual review of the Future Combat Sys-*
16 *tems program and shall, not later than March 15 of each*
17 *year, submit to Congress a report on the results of the most*
18 *recent review. With each such report, the Comptroller Gen-*
19 *eral shall submit a certification as to whether the Comp-*
20 *troller General has had access to sufficient information to*
21 *enable the Comptroller General to make informed judgments*
22 *on the matters covered by the report.*

23 (b) *MATTERS TO BE INCLUDED.*—*Each report on the*
24 *Future Combat Systems program under subsection (a) shall*

1 *include the following with respect to research and develop-*
2 *ment under the program:*

3 (1) *The extent to which systems development and*
4 *demonstration under the program is meeting estab-*
5 *lished goals, including the goals established for per-*
6 *formance, key performance parameters, technology*
7 *readiness levels, cost, and schedule.*

8 (2) *The budget for the current fiscal year, and*
9 *the projected budget for the next fiscal year, for all*
10 *Department of Defense programs directly supporting*
11 *the Future Combat Systems program and an evalua-*
12 *tion of the contribution each such program makes to*
13 *meeting the goals established for performance, key*
14 *performance parameters, and technology readiness*
15 *levels of the Future Combat Systems program.*

16 (3) *The plan for such systems development and*
17 *demonstration (leading to production) for the fiscal*
18 *year that begins in the year in which the report is*
19 *submitted.*

20 (4) *The Comptroller General's conclusion regard-*
21 *ing whether such systems development and demonstra-*
22 *tion (leading to production) is likely to be completed*
23 *at a total cost not in excess of the amount specified*
24 *(or to be specified) for such purpose in the Selected*
25 *Acquisition report for the Future Combat Systems*

1 program under section 2432 of title 10, United States
2 Code, for the first quarter of the fiscal year during
3 which the report of the Comptroller General is sub-
4 mitted.

5 (c) *TERMINATION.*—No report is required under this
6 section after systems development and demonstration under
7 the Future Combat Systems program is completed.

8 **SEC. 212. OBJECTIVE REQUIREMENTS FOR NON-LINE-OF-**
9 **SIGHT CANNON SYSTEM NOT TO BE DIMIN-**
10 **ISHED TO MEET WEIGHT REQUIREMENTS.**

11 In carrying out the program required by section 216
12 of the Bob Stump National Defense Authorization Act for
13 Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2482)
14 to provide the Army with a non-line-of-sight cannon capa-
15 bility, the Secretary of Defense shall ensure that the objec-
16 tive requirements set forth in Appendix C of the Oper-
17 ational Requirements Document for the Future Combat
18 Systems, dated April 14, 2003, are not reduced or dimin-
19 ished in order to achieve the weight requirements in exist-
20 ence as of April 14, 2003.

21 **SEC. 213. INDEPENDENT ANALYSIS OF FUTURE COMBAT**
22 **SYSTEMS MANNED GROUND VEHICLE TRANS-**
23 **PORTABILITY REQUIREMENT.**

24 (a) *ANALYSIS REQUIRED.*—The Secretary of Defense
25 shall ensure that an independent analysis is carried out

1 *with respect to the transportability requirement for the*
2 *manned ground vehicles under the Future Combat Systems*
3 *program. The purpose of the analysis shall be to determine*
4 *whether—*

5 (1) *the requirement can be supported by the pro-*
6 *jected extended planning period inter-theater and*
7 *intra-theater airlift force structure;*

8 (2) *the requirement is justified by any likely de-*
9 *ployment scenario envisioned by current operational*
10 *plans;*

11 (3) *mature technologies have been demonstrated*
12 *that allow the requirement to be met while dem-*
13 *onstrating at least equal lethality and survivability*
14 *compared with the manned ground vehicles intended*
15 *to be replaced by such manned ground vehicles; and*

16 (4) *the projected unit procurement cost warrants*
17 *the investment required to deploy such manned*
18 *ground vehicles.*

19 (b) *REPORT.—Not later than February 1, 2006, the*
20 *Secretary shall submit to the congressional defense commit-*
21 *tees a report on the results of the analysis required by sub-*
22 *section (a).*

1 **SEC. 214. AMOUNTS FOR ARMORED SYSTEMS MODERNIZA-**
2 **TION PROGRAM.**

3 *Of the amounts appropriated or otherwise made avail-*
4 *able pursuant to the authorization of appropriations in sec-*
5 *tion 201 for the Armored Systems Modernization pro-*
6 *gram—*

7 (1) *\$100,000,000 may be made available for*
8 *manned ground vehicles in advanced component de-*
9 *velopment and prototypes;*

10 (2) *\$2,322,197,000 may be made available for fu-*
11 *ture combat systems common operating environment*
12 *in systems development and demonstration;*

13 (3) *\$47,203,000 may be made available for re-*
14 *connnaissance platforms and sensors in advanced com-*
15 *ponent development and prototypes;*

16 (4) *\$58,130,000 may be made available for re-*
17 *connnaissance platforms and sensors in advanced tech-*
18 *nology development;*

19 (5) *\$2,504,000 may be made available for unat-*
20 *tended sensors in advanced component development*
21 *and prototypes; and*

22 (6) *\$86,445,000 may be made available for*
23 *robotic ground systems in advanced component devel-*
24 *opment and prototypes.*

1 **SEC. 215. LIMITATION ON SYSTEMS DEVELOPMENT AND**
2 **DEMONSTRATION OF MANNED GROUND VEHI-**
3 **CLES UNDER ARMORED SYSTEMS MOD-**
4 **ERNIZATION PROGRAM.**

5 *Of the amounts appropriated or otherwise made avail-*
6 *able pursuant to the authorization of appropriations in sec-*
7 *tion 201 for the Armored Systems Modernization program,*
8 *no funds may be obligated for systems development and*
9 *demonstration of manned ground vehicles until the objective*
10 *requirements for those vehicles with respect to lethality and*
11 *survivability have been met and demonstrated in a relevant*
12 *environment to be at least equal to the lethality and surviv-*
13 *ability for the manned ground vehicles to be replaced by*
14 *those vehicles.*

15 **SEC. 216. TESTING OF INTERNET PROTOCOL VERSION 6 BY**
16 **NAVAL RESEARCH LABORATORY.**

17 *(a) IN GENERAL.—Section 331 of the Ronald W.*
18 *Reagan National Defense Authorization Act for Fiscal Year*
19 *2005 (Public Law 108—375; 118 Stat. 1850) is amended—*

20 *(1) by redesignating subsection (d) as subsection*
21 *(e);*

22 *(2) by inserting after subsection (c) the following*
23 *new subsection:*

24 *“(d) TESTING AND EVALUATION BY NAVAL RESEARCH*
25 *LABORATORY.—In each of fiscal years 2006 through 2008,*

1 *the Secretary of Defense shall carry out subsection (c)*
2 *through the Naval Research Laboratory.”; and*

3 *(3) in subsection (e) (as so redesignated) by add-*
4 *ing at the end the following new paragraph:*

5 *“(3) For each of fiscal years 2006 through 2008, the*
6 *Secretary of Defense shall, not later than the end of that*
7 *fiscal year, submit to the congressional defense committees*
8 *a report on the testing and evaluation carried out pursuant*
9 *to subsection (d).”.*

10 *(b) FUNDING.—Of the amount authorized to be appro-*
11 *priated by section 201(2), \$10,000,000 shall be available in*
12 *program element 63727D8Z only to carry out section 331*
13 *of the Ronald W. Reagan National Defense Authorization*
14 *Act for Fiscal Year 2005.*

15 **SEC. 217. PROGRAM TO DESIGN AND DEVELOP NEXT-GEN-**
16 **ERATION NUCLEAR SUBMARINE.**

17 *(a) PROGRAM REQUIRED.—The Secretary of the Navy*
18 *shall carry out a program to design and develop a class*
19 *of nuclear submarines that will serve as a successor to the*
20 *Virginia class of nuclear submarines.*

21 *(b) OBJECTIVE.—The objective of the program required*
22 *by subsection (a) is to develop, for procurement beginning*
23 *with fiscal year 2014, a nuclear submarine that meets or*
24 *exceeds the warfighting capability of a submarine of the*

1 *Virginia class at a cost dramatically lower than the cost*
2 *of a submarine of the Virginia class.*

3 (c) *REPORT.*—

4 (1) *IN GENERAL.*—*The Secretary of the Navy*
5 *shall include, with the defense budget justification*
6 *materials submitted in support of the President’s*
7 *budget for fiscal year 2007 submitted to Congress*
8 *under section 1105 of title 31, United States Code, a*
9 *report on the program required by subsection (a).*

10 (2) *CONTENTS.*—*The report shall include—*

11 (A) *an outline of the management approach*
12 *to be used in carrying out the program;*

13 (B) *the goals for the program; and*

14 (C) *a schedule for the program.*

15 **SEC. 218. EXTENSION OF REQUIREMENTS RELATING TO**
16 **MANAGEMENT RESPONSIBILITY FOR NAVAL**
17 **MINE COUNTERMEASURES PROGRAMS.**

18 *Section 216 of the National Defense Authorization Act*
19 *for Fiscal Years 1992 and 1993 (Public Law 102–190; 105*
20 *Stat. 1317), as most recently amended by section 212 of*
21 *the Bob Stump National Defense Authorization Act for Fis-*
22 *cal Year 2003 (Public Law 107–314; 116 Stat. 2480), is*
23 *amended—*

24 (1) *in subsection (a), by striking “2008” and in-*
25 *serting “2011”;*

1 (2) *in subsection (b)(1) by inserting after “Sec-*
2 *retary of Defense” the following: “, and the Secretary*
3 *of Defense has forwarded to the congressional defense*
4 *committees,”;*

5 (3) *in subsection (b)(2) by inserting before the*
6 *semicolon at the end the following: “and, in so certi-*
7 *fying, shall ensure that the budget meets the require-*
8 *ments of section 2437 of title 10, United States Code”;*
9 *and*

10 (4) *by striking subsection (c) and inserting the*
11 *following new subsection (c):*

12 “(c) *NOTIFICATION OF CERTAIN PROPOSED*
13 *CHANGES.—*

14 “(1) *IN GENERAL.—With respect to a fiscal year,*
15 *the Secretary may not carry out any change to the*
16 *naval mine countermeasures master plan or the budg-*
17 *et resources for mine countermeasures with respect to*
18 *that fiscal year until after the Under Secretary of De-*
19 *fense for Acquisition, Technology, and Logistics sub-*
20 *mits to the congressional defense committees a notifi-*
21 *cation of the proposed change. Such notification shall*
22 *describe the nature of the proposed change and the ef-*
23 *fect of the proposed change on the naval mine coun-*
24 *termeasures program or related programs with respect*
25 *to that fiscal year.*

1 “(2) *EXCEPTION.*—*Paragraph (1) does not apply*
2 *to a change if both—*

3 “(A) *the amount of the change is below the*
4 *applicable reprogramming threshold; and*

5 “(B) *the effect of the change does not affect*
6 *the validity of the decision to certify.*”.

7 **SEC. 219. SINGLE JOINT REQUIREMENT FOR HEAVY LIFT**
8 **ROTORCRAFT.**

9 (a) *JOINT REQUIREMENT.*—*The Secretary of the Army*
10 *and the Secretary of the Navy shall develop a single joint*
11 *requirement for a next-generation heavy lift rotorcraft for*
12 *the Army and the Marine Corps.*

13 (b) *APPROVAL BY JROC REQUIRED.*—*The Secretary*
14 *of Defense may not authorize a new program start for the*
15 *next-generation heavy lift rotocraft until the single joint re-*
16 *quirement required by subsection (a) has been approved by*
17 *the Joint Requirements Oversight Council.*

18 **SEC. 220. REQUIREMENTS FOR DEVELOPMENT OF TAC-**
19 **TICAL RADIO COMMUNICATIONS SYSTEMS.**

20 (a) *INTERIM TACTICAL RADIO COMMUNICATIONS.*—
21 *The Secretary of Defense shall—*

22 (1) *assess the immediate requirements of the*
23 *military departments for tactical radio communica-*
24 *tions systems; and*

1 (2) *ensure that the military departments rapidly*
2 *acquire tactical radio communications systems uti-*
3 *lizing existing technology or mature systems readily*
4 *available in the commercial marketplace.*

5 **(b) JOINT TACTICAL RADIO SYSTEM.—**

6 (1) **MILESTONE B.**—*The Secretary of Defense*
7 *shall apply Department of Defense Instruction 5000.2*
8 *to the Joint Tactical Radio System in a manner that*
9 *does not permit the Milestone B entrance require-*
10 *ments to be waived.*

11 (2) **MANAGEMENT OF FUNDS.**—*The head of the*
12 *single joint program office designated under section*
13 *213 of the National Defense Authorization Act for*
14 *Fiscal Year 2004 (Public Law 108–136; 117 Stat.*
15 *1416) shall manage and control all research and de-*
16 *velopment funds for the entire Joint Tactical Radio*
17 *System, including all waveform development.*

18 **(c) REPORT ON IMPLEMENTATION REQUIRED.**—*Not*
19 *later than February 14, 2006, the Secretary of Defense shall*
20 *submit to the Committee on Armed Services of the Senate*
21 *and the Committee on Armed Services of the House of Rep-*
22 *resentatives a report on the implementation of this section.*

1 **SEC. 221. LIMITATION ON SYSTEMS DEVELOPMENT AND**
2 **DEMONSTRATION OF PERSONNEL RECOVERY**
3 **VEHICLE.**

4 *None of the amounts made available pursuant to the*
5 *authorization of appropriations in section 201 for systems*
6 *development and demonstration of the Personnel Recovery*
7 *Vehicle may be obligated until 30 days after the Secretary*
8 *of Defense submits to the congressional defense committees*
9 *each of the following:*

10 *(1) The Secretary's certification that the require-*
11 *ments and schedule for the Personnel Recovery Vehicle*
12 *have been validated by the Under Secretary of Defense*
13 *for Acquisition, Technology, and Logistics.*

14 *(2) The Secretary's certification that all tech-*
15 *nologies required to meet the requirements (as vali-*
16 *dated under paragraph (1)) for the Personnel Recov-*
17 *ery Vehicle are mature and demonstrated in a rel-*
18 *evant environment.*

19 *(3) The Secretary's certification that no other*
20 *aircraft, and no other modification of an aircraft, in*
21 *the inventory of the Department of Defense can meet*
22 *the requirements (as validated under paragraph (1))*
23 *for the Personnel Recovery Vehicle.*

24 *(4) A statement setting forth the independent*
25 *cost estimate and manpower estimate (as required by*

1 *section 2434 of title 10, United States Code) for the*
2 *Personnel Recovery Vehicle.*

3 **SEC. 222. SEPARATE PROGRAM ELEMENT REQUIRED FOR**
4 **EACH SIGNIFICANT RESEARCH, DEVELOP-**
5 **MENT, TEST, AND EVALUATION PROJECT.**

6 *(a) PROGRAM ELEMENTS SPECIFIED.—The Secretary*
7 *of Defense shall ensure that a project is assigned a separate,*
8 *dedicated program element if—*

9 *(1) the project is carried out or proposed to be*
10 *carried out using amounts for research, development,*
11 *test, and evaluation activities; and*

12 *(2) the estimated expenditures and proposed ap-*
13 *propriations for that project in the future-years de-*
14 *fense program are \$100,000,000 or more.*

15 *(b) DISPLAY IN BUDGET JUSTIFICATION MATE-*
16 *RIALS.—In the budget justification materials submitted to*
17 *Congress in support of the Department of Defense budget*
18 *for any fiscal year (as submitted with the budget of the*
19 *President under section 1105(a) of title 31, United States*
20 *Code), the amount requested for research, development, test,*
21 *and evaluation activities shall be set forth in a manner that*
22 *complies with subsection (a).*

23 *(c) NOT APPLICABLE TO MISSILE DEFENSE.—This*
24 *section does not apply to the Missile Defense Agency.*

1 **SEC. 223. SMALL BUSINESS INNOVATION RESEARCH PHASE**

2 **III ACCELERATION PILOT PROGRAM.**

3 *(a) PILOT PROGRAM TO EXPAND ROLE OF SMALL*
4 *BUSINESS CONCERNS IN DEFENSE ACQUISITION.—*

5 *(1) PILOT PROGRAM.—The Secretary of Defense*
6 *shall designate the Secretary of a military depart-*
7 *ment to carry out a pilot program, to be known as*
8 *the “Small Business Innovation Research Phase III*
9 *Acceleration Pilot Program” to expand the role of*
10 *small business concerns in the defense acquisition*
11 *process by designating certain Department of Defense*
12 *research or research and development projects for ac-*
13 *celerated transition under the Small Business Innova-*
14 *tion Research Program (in this section referred to as*
15 *the SBIR program), as defined in section 9(e)(4) of*
16 *the Small Business Act (15 U.S.C. 638(e)(4)).*

17 *(2) ACCELERATED TRANSITION.—In this section,*
18 *the term “accelerated transition” means the expedi-*
19 *tious transfer under existing authority from the sec-*
20 *ond phase of the SBIR program (as described in sec-*
21 *tion 9(e)(4)(B) of the Small Business Act (15 U.S.C.*
22 *638(e)(4)(B))) to the third phase, in which applica-*
23 *tions of research or research and development projects*
24 *are funded (as described in section 9(e)(4)(C)(i) of*
25 *such Act).*

1 (b) *DESIGNATION OF PROJECTS FOR ACCELERATED*
2 *TRANSITION.*—*For each of fiscal years 2006 through 2008,*
3 *the Secretary designated under subsection (a)(1) shall des-*
4 *ignate for accelerated transition under the pilot program*
5 *under this section at least 10 research or research and devel-*
6 *opment projects for which funds have been provided by that*
7 *Secretary through a second phase award under the SBIR*
8 *program.*

9 (c) *REPORT.*—*Not later than September 30, 2008, the*
10 *Secretary of Defense shall submit to the congressional de-*
11 *fense committees a report which contains the following:*

12 (1) *The name of each research or research and*
13 *development project designated for accelerated transi-*
14 *tion under subsection (b).*

15 (2) *The rationale behind the selection of each*
16 *such project.*

17 (3) *A recommendation as to whether the pilot*
18 *program under this section should be extended.*

19 (d) *DEFINITION.*—*In this section, the term “research”*
20 *or “research and development” has the same meaning as*
21 *in section 9(e)(5) of the Small Business Act (15 U.S.C.*
22 *638(e)(5)).*

1 **SEC. 224. REVISED REQUIREMENTS RELATING TO SUBMIS-**
2 **SION OF JOINT WARFIGHTING SCIENCE AND**
3 **TECHNOLOGY PLAN.**

4 (a) *BIENNIAL SUBMITTAL.*—Section 270 of the Na-
5 tional Defense Authorization Act for Fiscal Year 1997 (Pub-
6 lic Law 104–201; 10 U.S.C. 2501 note) is amended—

7 (1) by striking “**ANNUAL**” in the section head-
8 ing and inserting “**BIENNIAL**” ; and

9 (2) by striking “(a) *ANNUAL PLAN REQUIRED.*—
10 On March 1 of each year” and inserting “Not later
11 than March 1 of each even-numbered year,”.

12 (b) *REPEAL OF REQUIREMENT FOR INCLUSION OF*
13 *TECHNOLOGY AREA REVIEW AND ASSESSMENT SUM-*
14 *MARIES.*—Subsection (b) of such section is repealed.

15 **SEC. 225. SHIPBUILDING INDUSTRIAL BASE IMPROVEMENT**
16 **PROGRAM FOR DEVELOPMENT OF INNOVA-**
17 **TIVE SHIPBUILDING TECHNOLOGIES, PROC-**
18 **ESSES, AND FACILITIES.**

19 (a) *PROGRAM FOR UNITED STATES PRIVATE SHIP-*
20 *YARDS.*—The Secretary of the Navy shall establish a pro-
21 gram under which the Secretary shall provide funds, in
22 such amounts as are made available to carry out this pro-
23 gram—

24 (1) to qualified applicants to facilitate the devel-
25 opment of innovative design and production tech-
26 nologies and processes for naval vessels and the devel-

1 *opment of modernized shipbuilding infrastructure;*
2 *and*

3 *(2) to private shipyards to facilitate their acqui-*
4 *sition of such technologies, processes, and infrastruc-*
5 *ture.*

6 *(b) PURPOSES OF PROGRAM.—The purposes of the pro-*
7 *gram referred to in subsection (a) are—*

8 *(1) to improve the efficiency and cost-effectiveness of*
9 *the construction of naval vessels for the United States;*

10 *(2) to enhance the quality of naval vessel construction;*
11 *and*

12 *(3) to promote the international competitiveness of*
13 *United States shipyards for the construction of commercial*
14 *ships and naval ships intended for sale to foreign govern-*
15 *ments.*

16 *(c) APPLICATION FOR DEVELOPMENT FUNDING.—An*
17 *entity requesting assistance under the program referred to*
18 *in subsection (a) to develop new design or production tech-*
19 *nologies or processes for naval vessels or to improve ship-*
20 *building infrastructure shall submit to the Secretary of the*
21 *Navy an application that describes the proposal of the enti-*
22 *ty and provides evidence of its capability to develop one*
23 *or more of the following:*

24 *(1) Numerically controlled machine tools, robots,*
25 *automated process control equipment, computerized*

1 *flexible manufacturing systems, associated computer*
2 *software, and other technology designed to improve*
3 *shipbuilding and related industrial productivity.*

4 (2) *Novel techniques and processes designed to*
5 *improve shipbuilding quality, productivity, and prac-*
6 *tice on a broad and sustained basis, including in such*
7 *areas as engineering design, quality assurance, con-*
8 *current engineering, continuous process production*
9 *technology, employee skills enhancement, and manage-*
10 *ment of customers and suppliers.*

11 (3) *Technology, techniques, and processes appro-*
12 *priate to enhancing the productivity of shipyard in-*
13 *frastructure.*

14 (d) *SELECTION OF PARTICIPATING ENTITIES.*—*Using*
15 *the applications submitted under subsection (c), the Sec-*
16 *retary of the Navy shall select entities to receive funds under*
17 *subsection (a)(1) based on their ability to research and de-*
18 *velop innovative technologies, processes, and infrastructure*
19 *to alleviate areas of shipyard construction inefficiencies dis-*
20 *covered under the assessment described in subsection (f).*

21 (e) *SHIPYARD USE OF DEVELOPED TECHNOLOGIES,*
22 *PROCESSES, AND INFRASTRUCTURE.*—*Upon making a de-*
23 *termination that a technology, process, or infrastructure*
24 *improvement developed using funds provided under sub-*
25 *section (a)(1) will improve the productivity and cost-effec-*

1 *tiveness of naval vessel construction, the Secretary of the*
2 *Navy may provide funds under subsection (a)(2) to a ship-*
3 *yard to facilitate the purchase of such technology, process,*
4 *or infrastructure improvement.*

5 *(f) ASSESSMENTS OF NAVAL VESSEL CONSTRUCTION*
6 *INEFFICIENCIES.—*

7 *(1) PERIODIC ASSESSMENTS REQUIRED.—The*
8 *Secretary of the Navy shall conduct, in the third*
9 *quarter of each fiscal year or as often as necessary,*
10 *an assessment of the following aspects of naval vessel*
11 *construction to determine where and to what extent*
12 *inefficiencies exist and to what extent innovative de-*
13 *sign and production technologies, processes, and in-*
14 *frastructure can be developed to alleviate such ineffi-*
15 *ciencies:*

16 *(A) Program design, engineering, and pro-*
17 *duction engineering.*

18 *(B) Organization and operating systems.*

19 *(C) Steelwork production.*

20 *(D) Ship construction and outfitting.*

21 *(2) RELATION TO INDEPENDENT NAVY SHIP CON-*
22 *STRUCTION ASSESSMENT.—The assessments required*
23 *by paragraph (1) shall occur subsequent to, and take*
24 *into consideration the results of, the study of the cost*
25 *effectiveness of the ship construction program of the*

1 *Navy required by section 1014 of the Ronald W.*
2 *Reagan National Defense Authorization Act for Fiscal*
3 *Year 2005 (Public Law 108–375; 118 Stat. 2041).*

4 *(g) AVAILABILITY OF FUNDS.—Of the amount author-*
5 *ized to be appropriated pursuant to section 201(2) for re-*
6 *search, development, test, and evaluation for the Navy,*
7 *\$100,000,000 shall be available to the Secretary of the Navy*
8 *only to provide assistance under this section.*

9 *(h) DEFINITIONS.—In this section:*

10 *(1) The term “shipyard” means a private ship-*
11 *yard located in the United States whose business in-*
12 *cludes the construction, repair, and maintenance of*
13 *United States naval vessels.*

14 *(2) The term “vessel” has the meaning given*
15 *such term in title 1, United States Code.*

16 **SEC. 226. RENEWAL OF UNIVERSITY NATIONAL OCEANO-**
17 **GRAPHIC LABORATORY SYSTEM FLEET.**

18 *(a) PROGRAM PLAN.—The Secretary of the Navy shall*
19 *develop a plan for a program to renew the University Na-*
20 *tional Oceanographic Laboratory System (UNOLS) fleet.*
21 *The Secretary shall include in the plan provisions for the*
22 *construction of up to four Ocean-class ships.*

23 *(b) FUNDING FOR PRELIMINARY DESIGN AND FEASI-*
24 *BILITY STUDIES.—Of the amount provided in section 201*
25 *for fiscal year 2006 for the Navy, \$4,000,000 is available,*

1 *through Program Element PE 63564N (Ship Preliminary*
2 *Design and Feasibility Studies), to conduct feasibility as-*
3 *sessments and initiate design of the first Ocean-class ship*
4 *that would be constructed under the program referred to in*
5 *subsection (a).*

6 **SEC. 227. LIMITATION ON VXX HELICOPTER PROGRAM.**

7 *No funds available to the Department of Defense for*
8 *research, development, test, and evaluation, or for procure-*
9 *ment, may be obligated for acquisition of pilot production*
10 *helicopters for the VXX helicopter program until the Sec-*
11 *retary of the Navy certifies to the congressional defense com-*
12 *mittees that the results of tests conducted by the fleet of test*
13 *article helicopters for the VXX program demonstrate that*
14 *VXX helicopters in the VXX mission configuration can be*
15 *produced without significant further design modification.*

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

18 **SEC. 231. REPORT ON CAPABILITIES AND COSTS FOR OPER-**
19 ***ATIONAL BOOST/ASCENT-PHASE MISSILE DE-***
20 ***FENSE SYSTEMS.***

21 *(a) SECRETARY OF DEFENSE ASSESSMENT.—The Sec-*
22 *retary of Defense shall conduct an assessment of the United*
23 *States missile defense programs that are designed to provide*
24 *capability against threat ballistic missiles in the boost/as-*
25 *cent phase of flight.*

1 (b) *PURPOSE.*—*The purpose of the assessment shall be*
2 *to compare and contrast—*

3 (1) *capabilities of those programs (if oper-*
4 *ational) to defeat, while in the boost/ascent phase of*
5 *flight, ballistic missiles launched from North Korea or*
6 *a location in the Middle East against the continental*
7 *United States, Alaska, or Hawaii; and*

8 (2) *asset requirements and costs for those pro-*
9 *grams to become operational with the capabilities re-*
10 *ferred to in paragraph (1).*

11 (c) *REPORT.*—*Not later than October 1, 2006, the Sec-*
12 *retary shall submit to Congress a report providing the re-*
13 *sults of the assessment.*

14 **SEC. 232. REQUIRED FLIGHT-INTERCEPT TEST OF BAL-**
15 **LISTIC MISSILE DEFENSE GROUNDBASED**
16 **MIDCOURSE SYSTEM.**

17 *Of the amount provided for the Missile Defense Agency*
18 *in section 201(4) for defense-wide research, development,*
19 *test, and evaluation, the amount of \$100,000,000, in addi-*
20 *tion to amounts otherwise available for the Ballistic Missile*
21 *Defense Midcourse Defense Segment, shall be provided to*
22 *conduct one flight-intercept test of the Ballistic Missile De-*
23 *fense Groundbased Midcourse system in addition to the*
24 *flight tests planned for that system as of the submission of*
25 *the President's budget for fiscal year 2006. The interceptor*

1 *for such additional flight-intercept test shall be launched*
 2 *from an operational silo, and the test shall be conducted*
 3 *as soon as practicable.*

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

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions

Sec. 311. Revision of required content of environmental quality annual report.
Sec. 312. Pilot project on compatible use buffers on real property bordering Fort Carson, Colorado.
Sec. 313. Repeal of Air Force report on military installation encroachment issues.
Sec. 314. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.

Subtitle C—Workplace and Depot Issues

Sec. 321. Proceeds from cooperative activities with non-Army entities.
Sec. 322. Public-private competition.
Sec. 323. Public-private competition pilot program.
Sec. 324. Sense of Congress on equitable legal standing for civilian employees.

Subtitle D—Extension of Program Authorities

Sec. 331. Extension of authority to provide logistics support and services for weapons systems contractors.
Sec. 332. Extension and revision of temporary authority for contractor performance of security guard functions.

Subtitle E—Utah Test and Training Range

Sec. 341. Definitions.
Sec. 342. Military operations and overflights, Utah Test and Training Range.
Sec. 343. Planning process for Federal lands in Utah Test and Training Range.
Sec. 344. Designation and management of Cedar Mountain Wilderness, Utah.
Sec. 345. Identification of additional Bureau of Land Management land in Utah as trust land for Skull Valley Band of Goshutes.
Sec. 346. Relation to other lands and laws.

Subtitle F—Other Matters

Sec. 351. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
Sec. 352. Limitation on purchase of investment items with operation and maintenance funds.

Sec. 353. Provision of Department of Defense support for certain paralympic sporting events.

Sec. 354. Development and explanation of budget models for base operations support, sustainment, and facilities recapitalization.

Sec. 355. Report on Department of Army programs for prepositioning of equipment and other materiel.

Sec. 356. Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.

Sec. 357. Congressional notification requirements regarding placement of liquefied natural gas facilities, pipelines, and related structures on defense lands.

Sec. 358. Report regarding army and air force exchange system management of army lodging.

1 **Subtitle A—Authorization of** 2 **Appropriations**

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

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2006 for the use of the Armed Forces and other*
6 *activities and agencies of the Department of Defense for ex-*
7 *penses, not otherwise provided for, for operation and main-*
8 *tenance, in amounts as follows:*

9 (1) *For the Army, \$24,383,873,000.*

10 (2) *For the Navy, \$30,312,736,000.*

11 (3) *For the Marine Corps, \$3,631,277,000.*

12 (4) *For the Air Force, \$30,559,135,000.*

13 (5) *For Defense-wide activities, \$18,375,781,000.*

14 (6) *For the Army Reserve, \$1,998,282,000.*

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

16 (8) *For the Marine Corps Reserve, \$207,434,000.*

17 (9) *For the Air Force Reserve, \$2,501,686,000.*

18 (10) *For the Army National Guard,*
19 *\$4,521,119,000.*

1 (11) *For the Air National Guard,*
2 \$4,727,091,000.

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, \$221,921,000.*

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 *\$316,340,000.*

5 (2) *For the National Defense Sealift Fund,*
6 *\$1,697,023,000.*

7 (3) *For the Defense Working Capital Fund, De-*
8 *fense Commissary, \$1,155,000,000.*

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

10 (a) *DEFENSE HEALTH PROGRAM.—Funds are hereby*
11 *authorized to be appropriated for the Department of Defense*
12 *for fiscal year 2006 for expenses, not otherwise provided for,*
13 *for the Defense Health Program, in the amount of*
14 *\$19,756,194,000, of which—*

15 (1) *\$19,204,219,000 is for Operation and Main-*
16 *tenance;*

17 (2) *\$176,656,000 is for Research, Development,*
18 *Test, and Evaluation; and*

19 (3) *\$375,319,000 is for Procurement.*

20 (b) *CHEMICAL AGENTS AND MUNITIONS DESTRUC-*
21 *TION, DEFENSE.—*

22 (1) *AUTHORIZATION OF APPROPRIATIONS.—*
23 *Funds are hereby authorized to be appropriated for*
24 *the Department of Defense for fiscal year 2006 for ex-*
25 *penses, not otherwise provided for, for Chemical*

1 *Agents and Munitions Destruction, Defense, in the*
2 *amount of \$1,405,827,000, of which—*

3 *(A) \$1,241,514,000 is for Operation and*
4 *Maintenance;*

5 *(B) \$116,527,000 is for Research, Develop-*
6 *ment, Test, and Evaluation; and*

7 *(C) \$47,786,000 is for Procurement.*

8 *(2) USE.—Amounts authorized to be appro-*
9 *priated under paragraph (1) are authorized for—*

10 *(A) the destruction of lethal chemical agents*
11 *and munitions in accordance with section 1412*
12 *of the Department of Defense Authorization Act,*
13 *1986 (50 U.S.C. 1521); and*

14 *(B) the destruction of chemical warfare ma-*
15 *teriel of the United States that is not covered by*
16 *section 1412 of such Act.*

17 *(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVI-*
18 *TIES, DEFENSE-WIDE.—Funds are hereby authorized to be*
19 *appropriated for the Department of Defense for fiscal year*
20 *2006 for expenses, not otherwise provided for, for Drug*
21 *Interdiction and Counter-Drug Activities, Defense-wide, in*
22 *the amount of \$895,741,000.*

23 *(d) DEFENSE INSPECTOR GENERAL.—Funds are here-*
24 *by authorized to be appropriated for the Department of De-*
25 *fense for fiscal year 2006 for expenses, not otherwise pro-*

1 *vided for, for the Office of the Inspector General of the De-*
2 *partment of Defense, in the amount of \$174,487,000, of*
3 *which—*

4 *(1) \$173,487,000 is for Operation and Mainte-*
5 *nance; and*

6 *(2) \$1,000,000 is for Procurement; and*

7 ***Subtitle B—Environmental***
8 ***Provisions***

9 ***SEC. 311. REVISION OF REQUIRED CONTENT OF ENVIRON-***
10 ***MENTAL QUALITY ANNUAL REPORT.***

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

13 *(1) by striking subparagraphs (D), (E), and (F);*
14 *and*

15 *(2) by inserting after subparagraph (C) the fol-*
16 *lowing new subparagraph (D):*

17 *“(D) A statement of the amounts expended, and*
18 *anticipated to be expended, during the period covered*
19 *by the report for any activities overseas related to the*
20 *environment, including amounts for activities relat-*
21 *ing to environmental remediation, compliance, con-*
22 *servation, and pollution prevention.”.*

1 **SEC. 312. PILOT PROJECT ON COMPATIBLE USE BUFFERS**
2 **ON REAL PROPERTY BORDERING FORT CAR-**
3 **SON, COLORADO.**

4 (a) *PILOT PROJECT REQUIRED.*—*The Secretary of De-*
5 *fense shall carry out a pilot project at Fort Carson, Colo-*
6 *rado, for purposes of evaluating the feasibility and effective-*
7 *ness of utilizing conservation easements and leases granted*
8 *by one or more willing eligible entity to limit development*
9 *on real property in the vicinity of military installations*
10 *in the United States.*

11 (b) *PHASES.*—*The Secretary shall carry out the pilot*
12 *project in four phases, as specified in the Fort Carson Army*
13 *Compatible Use Buffer Project.*

14 (c) *LEASE AND EASEMENT AGREEMENTS; PURPOSE.*—
15 *Under the pilot project, the Secretary shall enter into agree-*
16 *ments with one or more willing eligible entities to purchase*
17 *from the entity or entities one or more conservation ease-*
18 *ments, or to lease from the entity or entities one or more*
19 *conservation leases, on real property in the vicinity of Fort*
20 *Carson for the purposes of limiting any development or use*
21 *of the property that would be incompatible with the current*
22 *and anticipated future missions of Fort Carson.*

23 (d) *ENCROACHMENTS AND OTHER CONSTRAINTS ON*
24 *USE.*—*In entering into agreements under the pilot project,*
25 *the Secretary may utilize, subject to this section, the author-*
26 *ity for agreements under subsection (c) to limit encroach-*

1 *ments and other constraints on military training, testing,*
2 *and operations under section 2684a of title 10, United*
3 *States Code.*

4 *(e) EXPIRATION.—The authority of the Secretary to*
5 *enter into agreements under the pilot project shall expire*
6 *on the earlier of—*

7 *(1) the date of the completion of phase IV of the*
8 *Fort Carson Army Compatible Use Buffer Project; or*

9 *(2) the date that is five years after the date of*
10 *the enactment of this Act.*

11 *(f) DEFINITIONS.—In this section:*

12 *(1) The term “eligible entity” means any of the*
13 *following:*

14 *(A) The State of Colorado or a political*
15 *subdivision of the State.*

16 *(B) A private entity that has as its stated*
17 *principal organizational purpose or goal the*
18 *conservation, restoration, or preservation of land*
19 *and natural resources, or a similar purpose or*
20 *goal, as determined by the Secretary.*

21 *(2) The term “Fort Carson Army Compatible*
22 *Use Buffer Project” means the plan developed for Fort*
23 *Carson to use conservation easements and leases on*
24 *property in the vicinity of Fort Carson to create a*
25 *land buffer to accommodate current and future mis-*

1 *sions at Fort Carson, while also conserving sensitive*
2 *natural resources.*

3 **SEC. 313. REPEAL OF AIR FORCE REPORT ON MILITARY IN-**
4 **STALLATION ENCROACHMENT ISSUES.**

5 *Section 315 of the Ronald W. Reagan National Defense*
6 *Authorization Act for Fiscal Year 2005 (Public Law 108-*
7 *375; 118 Stat. 1843) is repealed.*

8 **SEC. 314. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS**
9 **IN CONNECTION WITH DEFENSE ENVIRON-**
10 **MENTAL RESTORATION PROGRAM.**

11 *(a) ACTIVITIES AT FORMER DEFENSE PROPERTY SUB-*
12 *JECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—*
13 *Section 2701(d) of title 10, United States Code, is amend-*
14 *ed—*

15 *(1) in paragraph (1)—*

16 *(A) by inserting “any owner of covenant*
17 *property,” after “any Indian tribe,”; and*

18 *(B) by inserting “owner,” after “, Indian*
19 *tribe,”;*

20 *(2) in paragraph (3), by adding at the end the*
21 *following new sentence: “An agreement under such*
22 *paragraph with respect to a site also may not change*
23 *the cleanup standards selected for the site pursuant to*
24 *law.”;*

1 (3) in paragraph (4), by adding at the end the
2 following new subparagraph:

3 “(C) The term ‘owner of covenant property’
4 means an owner of property subject to a cov-
5 enant provided by the United States in accord-
6 ance with the requirements of paragraphs (3)
7 and (4) of section 120(h) of CERCLA (42 U.S.C.
8 9620(h)), so long as the covenant property is the
9 site at which the services procured under para-
10 graph (1) are to be performed.”; and

11 (4) by adding at the end the following new para-
12 graph:

13 “(5) SAVINGS CLAUSE.—Nothing in this sub-
14 section affects the applicability of section 120 of
15 CERCLA (42 U.S.C. 6920) to the Department of De-
16 fense or the obligations and responsibilities of the De-
17 partment of Defense under subsection (h) of such sec-
18 tion.”.

19 (b) SOURCE OF FUNDS FOR FORMER BRAC PROPERTY
20 SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL AC-
21 TION.—Section 2703 of such title is amended—

22 (1) in subsection (g)(1), by striking “The sole
23 source” and inserting “Except as provided in sub-
24 section (h), the sole source”; and

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

3 “(h) *SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL*
4 *REMEDIATION AT CERTAIN BASE REALIGNMENT AND CLO-*
5 *SURE SITES.—In the case of property disposed of pursuant*
6 *to a base closure law and subject to a covenant that was*
7 *required to be provided by paragraphs (3) and (4) of section*
8 *120(h) of CERCLA (42 U.S.C. 9620(h)), the sole source of*
9 *funds for services procured under subsection 2701(d)(1) of*
10 *this title shall be the applicable Department of Defense base*
11 *closure account.”.*

12 ***Subtitle C—Workplace and Depot***
13 ***Issues***

14 ***SEC. 321. PROCEEDS FROM COOPERATIVE ACTIVITIES WITH***
15 ***NON-ARMY ENTITIES.***

16 *Section 4544 of title 10, United States Code, is amend-*
17 *ed—*

18 (1) *by redesignating subsections (h) through (j)*
19 *as subsections (i) through (k), respectively; and*

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

22 “(h) *PROCEEDS CREDITED TO WORKING CAPITAL*
23 *FUND.—Proceeds received from the sale of an article or*
24 *service pursuant to a contract or other cooperative arrange-*
25 *ment under this section shall be credited to the working cap-*

1 *ital fund that incurs the cost of manufacturing the article*
2 *or performing the service.”.*

3 **SEC. 322. PUBLIC-PRIVATE COMPETITION.**

4 *Section 2461(b) of title 10, United States Code, is*
5 *amended by adding at the end the following new paragraph:*

6 *“(5)(A) A function of the Department of Defense*
7 *performed by 10 or more civilian employees may not*
8 *be converted, in whole or in part, to performance by*
9 *a contractor unless the conversion is based on the re-*
10 *sults of a public-private competition process that—*

11 *“(i) formally compares the cost of civilian*
12 *employee performance of the function with the*
13 *costs of performance by a contractor;*

14 *“(ii) creates an agency tender, including a*
15 *most efficient organization plan, in accordance*
16 *with Office of Management and Budget Circular*
17 *A-76, as implemented on May 29, 2003;*

18 *“(iii) determines whether the submitted of-*
19 *fers meet the needs of the Department of Defense*
20 *with respect to factors other than cost, including*
21 *quality and reliability; and*

22 *“(iv) requires continued performance of the*
23 *function by civilian employees if the difference*
24 *in the cost of performance of the function by a*
25 *contractor compared to the civilian employees*

1 *would, over all performance periods required by*
2 *the solicitation, be less than—*

3 “(I) 10 percent of the personnel-related
4 costs for performance of that activity or
5 function in the agency tender; or

6 “(II) \$10,000,000.

7 “(B) An activity that is performed by the De-
8 partment of Defense and is reengineered, reorganized,
9 modernized, upgraded, expanded, or changed to be-
10 come more efficient, but still essentially provides the
11 same service, shall not be considered a new require-
12 ment.

13 “(C) In no case may a commercial or industrial
14 type function being performed by Department of De-
15 fense personnel be modified, reorganized, divided, or
16 in any way changed for the purpose of exempting
17 from the requirements of subsection (a) the change of
18 all or any part of such function to performance by a
19 private contractor.

20 “(D) The Secretary of Defense may waive the
21 competition requirement in specific instances if—

22 “(i) the written waiver is prepared by the
23 Secretary of Defense, or the relevant Assistant
24 Secretary or agency head; and

1 “(ii) the written waiver is accompanied by
2 a detailed determination that national security
3 interests are so compelling as to preclude compli-
4 ance with the requirement for a public-private
5 competition.”.

6 **SEC. 323. PUBLIC-PRIVATE COMPETITION PILOT PROGRAM.**

7 (a) *ESTABLISHMENT.*—The Secretary of Defense shall
8 establish a pilot program to examine the use of the public-
9 private competition process of Office of Management and
10 Budget Circular A-76, as defined by such Circular, and
11 functions currently being performed by contractors that
12 could be performed by civilian employees of the Department
13 of Defense.

14 (b) *PROCESS AND CRITERIA.*—

15 (1) The process and criteria for competition
16 under the pilot program established in subsection (a)
17 shall be consistent with the criteria for conducting a
18 similar competition for work performed by the public
19 sector.

20 (2) The pilot program shall include not less than
21 four competitions.

22 (c) *REPORT.*—The Secretary of Defense shall submit
23 a report to Congress on the results of the competitions con-
24 ducted under the pilot program and any potential benefit
25 or detriment of expanding the pilot program.

1 (d) *TERMINATION.*—*The pilot program established*
2 *under this subsection shall terminate on the date that is*
3 *three years after the date of the enactment of this Act.*

4 **SEC. 324. SENSE OF CONGRESS ON EQUITABLE LEGAL**
5 **STANDING FOR CIVILIAN EMPLOYEES.**

6 *It is the sense of Congress that, in order to ensure that*
7 *when public-private competitions are held, they are con-*
8 *ducted as fairly, effectively, and efficiently as possible, com-*
9 *peting parties, both Department of Defense civilian employ-*
10 *ees (or their representatives) and contractors (or their rep-*
11 *resentatives), should receive comparable treatment through-*
12 *out the competition regarding access to relevant informa-*
13 *tion and legal standing to challenge the way a competition*
14 *has been conducted at all appropriate forums.*

15 **Subtitle D—Extension of Program**
16 **Authorities**

17 **SEC. 331. EXTENSION OF AUTHORITY TO PROVIDE LOGIS-**
18 **TICS SUPPORT AND SERVICES FOR WEAPONS**
19 **SYSTEMS CONTRACTORS.**

20 *Section 365(g)(1) of the Bob Stump National Defense*
21 *Authorization Act for Fiscal Year 2003 (Public Law 107–*
22 *314; 116 Stat. 2521; 10 U.S.C. 2302 note) is amended by*
23 *striking “2007” and inserting “2010”.*

1 **SEC. 332. EXTENSION AND REVISION OF TEMPORARY AU-**
2 **THORITY FOR CONTRACTOR PERFORMANCE**
3 **OF SECURITY GUARD FUNCTIONS.**

4 *Section 332(c) of the Bob Stump National Defense Au-*
5 *thorization Act for Fiscal Year 2003 (Public Law 107–314;*
6 *116 Stat. 2513) is amended—*

7 *(1) by striking “2006” each place it appears and*
8 *inserting “2008”; and*

9 *(2) by adding at the end the following new para-*
10 *graphs:*

11 *“(3) No contract, subcontract, or task order for the per-*
12 *formance of security-guard functions at a military installa-*
13 *tion or facility in the United States awarded before Sep-*
14 *tember 30, 2006, shall be extended beyond September 30,*
15 *2006.*

16 *“(4) A contract for the performance of security-guard*
17 *functions at a military installation or facility in the*
18 *United States awarded on or after September 30, 2006,*
19 *shall be awarded using full and open competition, as au-*
20 *thorized under section 2304 of title 10, United States Code.*
21 *Section 602 of the Business Opportunity Development Re-*
22 *form Act of 1988 (Public Law 100–656; 15 U.S.C. 637 note)*
23 *shall not apply to such a contract.”.*

1 **Subtitle E—Utah Test and Training**
2 **Range**

3 **SEC. 341. DEFINITIONS.**

4 *In this subtitle:*

5 (1) *The term “covered wilderness” means the*
6 *wilderness area designated by this subtitle and wil-*
7 *derness study areas located near lands withdrawn for*
8 *military use and beneath special use airspace critical*
9 *to the support of military test and training missions*
10 *at the Utah Test and Training Range, including the*
11 *Deep Creek, Fish Springs, Swasey Mountain, Howell*
12 *Peak, Notch Peak, King Top, Wah Wah Mountain,*
13 *and Conger Mountain units designated by the De-*
14 *partment of the Interior.*

15 (2) *The term “Tribe” means the Skull Valley*
16 *Band of Goshute Indians.*

17 (3) *The term “Utah Test and Training Range”*
18 *means those portions of the military operating area*
19 *of the Utah Test and Training Area located solely in*
20 *the State of Utah. The term includes the Dugway*
21 *Proving Ground.*

22 (4) *The term “Wilderness Act” means Public*
23 *Law 88–577, approved September 3, 1964 (16 U.S.C.*
24 *1131 et seq.).*

1 **SEC. 342. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH**

2 **TEST AND TRAINING RANGE.**

3 (a) *FINDINGS.*—*The Congress finds the following:*

4 (1) *The testing and development of military*
5 *weapons systems and the training of military forces*
6 *are critical to ensuring the national security of the*
7 *United States.*

8 (2) *The Utah Test and Training Range in the*
9 *State of Utah is a unique and irreplaceable national*
10 *asset at the core of the test and training mission of*
11 *the Department of Defense.*

12 (3) *The Cedar Mountain Wilderness Area des-*
13 *ignated by section 344, as well as several wilderness*
14 *study areas, are located near lands withdrawn for*
15 *military use or are beneath special use airspace crit-*
16 *ical to the support of military test and training mis-*
17 *sions at the Utah Test and Training Range.*

18 (4) *The Utah Test and Training Range and spe-*
19 *cial use airspace withdrawn for military uses create*
20 *unique management circumstances for the covered*
21 *wilderness in this subtitle, and it is not the intent of*
22 *Congress that passage of this subtitle shall be con-*
23 *strued as establishing a precedent with respect to any*
24 *future national conservation area or wilderness des-*
25 *ignation.*

1 (5) *Continued access to the special use airspace*
2 *and lands that comprise the Utah Test and Training*
3 *Range, under the terms and conditions described in*
4 *this section, is a national security priority and is not*
5 *incompatible with the protection and proper manage-*
6 *ment of the natural, environmental, cultural, and*
7 *other resources of such lands.*

8 (b) *OVERFLIGHTS.*—*Nothing in this subtitle or the*
9 *Wilderness Act shall preclude low-level overflights and oper-*
10 *ations of military aircraft, helicopters, missiles, or un-*
11 *manned aerial vehicles over the covered wilderness, includ-*
12 *ing military overflights and operations that can be seen or*
13 *heard within the covered wilderness.*

14 (c) *SPECIAL USE AIRSPACE AND TRAINING ROUTES.*—
15 *Nothing in this subtitle or the Wilderness Act shall preclude*
16 *the designation of new units of special use airspace, the ex-*
17 *pansion of existing units of special use airspace, or the use*
18 *or establishment of military training routes over the covered*
19 *wilderness.*

20 (d) *COMMUNICATIONS AND TRACKING SYSTEMS.*—
21 *Nothing in this subtitle shall prevent any required mainte-*
22 *nance of existing communications, instrumentation, or elec-*
23 *tronic tracking systems (or infrastructure supporting such*
24 *systems) or prevent the installation of new communication,*
25 *instrumentation, or other equipment necessary for effective*

1 *testing and training to meet military requirements in wil-*
2 *derness study areas located beneath special use airspace*
3 *comprising the Utah Test and Training Range, including*
4 *the Deep Creek, Fish Springs, Swasey Mountain, Howell*
5 *Peak, Notch Peak, King Top, Wah Wah Mountain, and*
6 *Conger Mountain units designated by the Department of*
7 *Interior, so long as the Secretary of the Interior, after con-*
8 *sultation with the Secretary of the Air Force, determines*
9 *that the installation and maintenance of such systems,*
10 *when considered both individually and collectively, comply*
11 *with section 603 of the Federal Land Policy and Manage-*
12 *ment Act of 1976 (43 U.S.C. 1782).*

13 *(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in*
14 *this subtitle or the Wilderness Act shall preclude the con-*
15 *tinuation of the memorandum of understanding in existence*
16 *as of the date of enactment of this Act between the Depart-*
17 *ment of the Interior and the Department of the Air Force*
18 *with respect to emergency access and response.*

19 *(f) PROHIBITION ON GROUND MILITARY OPER-*
20 *ATIONS.—Except as provided in subsections (d) and (e),*
21 *nothing in this section shall be construed to permit a mili-*
22 *tary operation to be conducted on the ground in covered*
23 *wilderness in the Utah Test and Training Range unless*
24 *such ground operation is otherwise permissible under Fed-*
25 *eral law and consistent with the Wilderness Act.*

1 **SEC. 343. PLANNING PROCESS FOR FEDERAL LANDS IN**
2 **UTAH TEST AND TRAINING RANGE.**

3 (a) *ANALYSIS OF MILITARY READINESS AND OPER-*
4 *ATIONAL IMPACTS.*—*The Secretary of the Interior shall de-*
5 *velop, maintain, and revise land use plans pursuant to sec-*
6 *tion 202 of the Federal Land Policy and Management Act*
7 *of 1976 (43 U.S. C. 1712) for Federal lands located in the*
8 *Utah Test and Training Range in consultation with the*
9 *Secretary of Defense. As part of the required consultation*
10 *in connection with a proposed revision of a land use plan,*
11 *the Secretary of Defense shall prepare and transmit to the*
12 *Secretary of the Interior an analysis of the military readi-*
13 *ness and operational impacts of the proposed revision with-*
14 *in six months of a request from the Secretary of Interior.*

15 (b) *LIMITATION ON RIGHTS-OF-WAYS.*—*The Secretary*
16 *of the Interior shall not grant or issue any authorizations*
17 *for rights-of-way under section 501(a)(6) of the Federal*
18 *Land Policy and Management Act of 1976 (43 U.S.C.*
19 *1761(a)(6)) upon Federal lands identified as inventory*
20 *units UTU-020-086, UTU-020-088, UTU-020-095,*
21 *UTU-020-096, UTU-020-100, UTU-020-101, UTU-020-*
22 *103, UTU-020-104, UTU-020-105, and UTU-020-110, as*
23 *generally depicted on the map entitled “Wilderness Inven-*
24 *tory, State of Utah” and dated August 1979, until the later*
25 *of the following:*

1 (1) *The completion of a full revision of the Pony*
2 *Express Area Resource Management Plan, dated Jan-*
3 *uary 12, 1990, by the Salt Lake Field Office of the*
4 *Bureau of Land Management.*

5 (2) *January 1, 2015.*

6 **SEC. 344. DESIGNATION AND MANAGEMENT OF CEDAR**
7 **MOUNTAIN WILDERNESS, UTAH.**

8 (a) *DESIGNATION.*—*Certain Federal lands in Tooele*
9 *County, Utah, as generally depicted on the map entitled*
10 *“Cedar Mountain Wilderness” and dated March 7, 2004,*
11 *are hereby designated as wilderness and, therefore, as a*
12 *component of the National Wilderness Preservation System*
13 *to be known as the Cedar Mountain Wilderness Area.*

14 (b) *WITHDRAWAL.*—*Subject to valid existing rights,*
15 *the Federal lands in the Cedar Mountain Wilderness Area*
16 *are hereby withdrawn from all forms of entry, appropria-*
17 *tion, or disposal under the public land laws, from location,*
18 *entry, and patent under the United States mining laws,*
19 *and from disposition under all laws pertaining to mineral*
20 *and geothermal leasing, and mineral materials, and all*
21 *amendments to such laws.*

22 (c) *MAP AND DESCRIPTION.*—

23 (1) *TRANSMITTAL.*—*As soon as practicable after*
24 *the date of the enactment of this Act, the Secretary of*
25 *the Interior shall transmit a map and legal descrip-*

1 *tion of the Cedar Mountain Wilderness Area to the*
2 *Committee on Resources of the House of Representa-*
3 *tives and the Committee on Energy and Natural Re-*
4 *sources of the Senate.*

5 (2) *LEGAL EFFECT.*—*The map and legal descrip-*
6 *tion shall have the same force and effect as if included*
7 *in this Act, except that the Secretary of the Interior*
8 *may correct clerical and typographical errors in the*
9 *map and legal description.*

10 (3) *AVAILABILITY.*—*The map and legal descrip-*
11 *tion shall be on file and available for public inspec-*
12 *tion in the office of the Director of the Bureau of*
13 *Land Management and the office of the State Director*
14 *of the Bureau of Land Management in the State of*
15 *Utah.*

16 (d) *ADMINISTRATION.*—*Subject to valid existing rights*
17 *and this subtitle, the Cedar Mountain Wilderness Area shall*
18 *be administered by the Secretary of the Interior in accord-*
19 *ance with the provisions of the Wilderness Act, except that*
20 *any reference in such provisions to the effective date of the*
21 *Wilderness Act (or any similar reference) shall be deemed*
22 *to be a reference to the date of the enactment of this Act.*

23 (e) *LAND ACQUISITION.*—*Any lands or interest in*
24 *lands within the boundaries of the Cedar Mountain Wilder-*
25 *ness Area acquired by the United States after the date of*

1 *the enactment of this Act shall be added to and adminis-*
2 *tered as part of the Cedar Mountain Wilderness Area.*

3 *(f) FISH AND WILDLIFE MANAGEMENT.—As provided*
4 *in section 4(d)(7) of the Wilderness Act (16 U.S.C.*
5 *1133(d)(7)), nothing in this subtitle shall be construed as*
6 *affecting the jurisdiction of the State of Utah with respect*
7 *to fish and wildlife on the Federal lands located in that*
8 *State.*

9 *(g) GRAZING.—Within the Cedar Mountain Wilderness*
10 *Area, the grazing of livestock, where established before the*
11 *date of the enactment of this Act, shall be permitted to con-*
12 *tinue subject to such reasonable regulations, policies, and*
13 *practices as the Secretary of the Interior considers nec-*
14 *essary, as long as such regulations, policies, and practices*
15 *fully conform with and implement the intent of Congress*
16 *regarding grazing in such areas, as such intent is expressed*
17 *in the Wilderness Act, section 101(f) of Public Law 101–*
18 *628 (104 Stat. 4473), and appendix A of the Report of the*
19 *Committee on Interior and Insular Affairs to accompany*
20 *H.R. 2570 of the 101st Congress (H. Rept. 101–405).*

21 *(h) BUFFER ZONES.—Congress does not intend for the*
22 *designation of the Cedar Mountain Wilderness Area to lead*
23 *to the creation of protective perimeters or buffer zones*
24 *around the wilderness area. The fact that nonwilderness ac-*
25 *tivities or uses can be seen or heard within the wilderness*

1 *area shall not, of itself, preclude such activities or uses up*
2 *to the boundary of the wilderness area.*

3 (i) *RELEASE FROM WILDERNESS STUDY AREA STA-*
4 *TUS.—The lands identified as the Browns Spring*
5 *Cherrystem on the map entitled “Proposed Browns Spring*
6 *Cherrystem” and dated May 11, 2004, are released from*
7 *their status as a wilderness study area, and shall no longer*
8 *be subject to the requirements of section 603(c) of the Fed-*
9 *eral Land Policy and Management Act of 1976 (43 U.S.C.*
10 *1782(c)) pertaining to the management of wilderness study*
11 *areas in a manner that does not impair the suitability of*
12 *those areas for preservation of wilderness.*

13 **SEC. 345. IDENTIFICATION OF ADDITIONAL BUREAU OF**
14 **LAND MANAGEMENT LAND IN UTAH AS TRUST**
15 **LAND FOR SKULL VALLEY BAND OF**
16 **GOSHUTES.**

17 (a) *IDENTIFICATION OF TRUST LAND.—The Secretary*
18 *of the Interior shall identify approximately 640 additional*
19 *acres of Bureau of Land Management land in the State of*
20 *Utah to be administered in trust for the benefit of the Skull*
21 *Valley Band of Goshutes.*

22 (b) *SPECIAL CONSIDERATIONS.—In identifying the*
23 *land under subsection (a), the Secretary of the Interior*
24 *shall—*

1 (1) *consult with leaders of the Tribe and the*
2 *Governor of Utah; and*

3 (2) *ensure that the land has ready access to*
4 *State or Federal highways and, in the judgment of*
5 *the Secretary, provides the best opportunities for com-*
6 *mmercial economic development in closest proximity to*
7 *other lands of the Tribe.*

8 (c) *PLACEMENT IN TRUST.*—*Not later than December*
9 *31, 2005, the Secretary of the Interior shall place the land*
10 *identified pursuant to subsection (a) into trust for the pur-*
11 *poses of economic development for the Tribe. At least 30*
12 *days before placing the land in trust for the Tribe, the Sec-*
13 *retary shall publish in the Federal Register legal descrip-*
14 *tions of the land to be placed in trust.*

15 (d) *MANAGEMENT OF TRUST LAND.*—*The land placed*
16 *into trust for the Tribe under subsection (c) shall be admin-*
17 *istered in accordance with laws generally applicable to*
18 *property held in trust by the United States for Indian*
19 *Tribes, except that the land shall immediately revert to the*
20 *administrative control of the Bureau of Land Management*
21 *if the Tribe sells, or attempts to sell, any part of the land.*

22 (e) *EFFECT.*—*Nothing in this section—*

23 (1) *affects any valid right-of-way, lease, permit,*
24 *mining claim, grazing permit, water right, or other*
25 *right or interest of any person or entity (other than*

1 *the United States) in or to the trust land that exists*
2 *before the date on which the land is placed in trust*
3 *for the Tribe under subsection (c);*

4 *(2) enlarges, impairs, or otherwise affects a right*
5 *or claim of the Tribe to any land or interest in land*
6 *based on Aboriginal or Indian title that exists before*
7 *the date of the enactment of this Act;*

8 *(3) constitutes an express or implied reservation*
9 *of water or water right for any purpose with respect*
10 *to the trust land; or*

11 *(4) affects any water right of the Tribe that ex-*
12 *ists before the date of the enactment of this Act.*

13 **SEC. 346. RELATION TO OTHER LANDS AND LAWS.**

14 *(a) OTHER LANDS.—Nothing in this subtitle shall be*
15 *construed to affect any Federal lands located outside of the*
16 *covered wilderness or the management of such lands.*

17 *(b) CONFORMING REPEAL.—Section 2815 of the Na-*
18 *tional Defense Authorization Act for Fiscal Year 2000 (Pub-*
19 *lic Law 106–65; 113 Stat. 852) is amended by striking sub-*
20 *section (d).*

1 **Subtitle F—Other Matters**

2 **SEC. 351. CODIFICATION AND REVISION OF LIMITATION ON**
3 **MODIFICATION OF MAJOR ITEMS OF EQUIP-**
4 **MENT SCHEDULED FOR RETIREMENT OR DIS-**
5 **POSAL.**

6 (a) *IN GENERAL.*—Chapter 134 of title 10, United
7 States Code, is amended by inserting after section 2244 the
8 following new section:

9 **“§ 2244a. Equipment scheduled for retirement or dis-**
10 **posal: limitation on expenditures for**
11 **modifications**

12 “(a) *PROHIBITION.*—Except as otherwise provided in
13 this section, the Secretary of a military department may
14 not carry out a significant modification of an aircraft,
15 weapon, vessel, or other item of equipment that the Sec-
16 retary plans to retire or otherwise dispose of within five
17 years after the date on which the modification, if carried
18 out, would be completed.

19 “(b) *SIGNIFICANT MODIFICATION DEFINED.*—In this
20 section, a significant modification is any modification for
21 which the cost is in an amount equal to or greater than
22 \$1,000,000.

23 “(c) *EXCEPTION FOR SAFETY MODIFICATIONS.*—The
24 prohibition in subsection (a) does not apply to a safety
25 modification.

1 “(d) *WAIVER AUTHORITY.*—*The Secretary concerned*
 2 *may waive the prohibition in subsection (a) in the case of*
 3 *any modification otherwise subject to that subsection if the*
 4 *Secretary determines that carrying out the modification is*
 5 *in the national security interest of the United States. When-*
 6 *ever the Secretary issues such a waiver, the Secretary shall*
 7 *notify the congressional defense committees in writing.”.*

8 (b) *CLERICAL AMENDMENT.*—*The table of section at*
 9 *the beginning of such chapter is amended by inserting after*
 10 *the item relating to section 2244 the following new item:*

*“2244a. Equipment scheduled for retirement or disposal: limitation on expendi-
 tures for modifications.”.*

11 (c) *CONFORMING REPEAL.*—*Section 8053 of the De-*
 12 *partment of Defense Appropriations Act, 1998 (Public Law*
 13 *105–56; 10 U.S.C. 2241 note), is repealed.*

14 **SEC. 352. LIMITATION ON PURCHASE OF INVESTMENT**
 15 **ITEMS WITH OPERATION AND MAINTENANCE**
 16 **FUNDS.**

17 (a) *LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS.*—*Chapter 134 of title 10, United States*
 18 *Code, is amended by inserting after section 2245 the fol-*
 19 *lowing new section:*

21 **“§ 2245a. Use of operation and maintenance funds for**
 22 **purchase of investment items: limitation**

23 *“Funds appropriated to the Department of Defense for*
 24 *operation and maintenance may not be used to purchase*

1 *any item (including any item to be acquired as a replace-*
2 *ment for an item) that has an investment item unit cost*
3 *that is greater than \$250,000.”.*

4 (b) *CLERICAL AMENDMENT.—The table of sections at*
5 *the beginning of such chapter is amended by inserting after*
6 *the item relating to section 2245 the following new item:*

“2245a. Use of operation and maintenance funds for purchase of investment items:
limitation.”.

7 **SEC. 353. PROVISION OF DEPARTMENT OF DEFENSE SUP-**
8 **PORT FOR CERTAIN PARALYMPIC SPORTING**
9 **EVENTS.**

10 *Section 2564 of title 10, United States Code, is amend-*
11 *ed—*

12 (1) *in subsection (c), by adding at the end the*
13 *following new paragraphs:*

14 “(4) *A sporting event sanctioned by the United*
15 *States Olympic Committee through the Paralympic*
16 *Military Program.*

17 “(5) *A national or international paralympic*
18 *sporting event (other than one covered by paragraph*
19 *(3) or (4))—*

20 “(A) *which is—*

21 “(i) *held in the United States or any*
22 *of its territories or commonwealths;*

23 “(ii) *governed by the International*
24 *Paralympic Committee; and*

1 “(iii) sanctioned by the United States
2 Olympic Committee; and

3 “(B) for which participation exceeds 500
4 amateur athletes.”; and

5 (2) in subsection (d)—

6 (A) by inserting “(1)” before “The Sec-
7 retary”; and

8 (B) by adding at the end the following new
9 paragraph:

10 “(2) No more than \$1,000,000 may be expended
11 in any fiscal year to provide support for events speci-
12 fied under paragraph (5) of subsection (c).”.

13 **SEC. 354. DEVELOPMENT AND EXPLANATION OF BUDGET**
14 **MODELS FOR BASE OPERATIONS SUPPORT,**
15 **SUSTAINMENT, AND FACILITIES RECAPITAL-**
16 **IZATION.**

17 (a) **REPORTS ON MODELS USED.**—The Secretary of
18 Defense shall include with the defense budget materials for
19 fiscal years 2007 through 2011 a report describing the mod-
20 els used to prepare the budget requests for base operations
21 support, sustainment, and facilities recapitalization.

22 (b) **CONTENT OF REPORTS.**—The report for a fiscal
23 year under subsection (a) shall include the following:

24 (1) An explanation of the methodology used to
25 develop each model and, if there have been any

1 *changes to the methodology since the previous report,*
2 *an explanation of the changes and the reasons there-*
3 *for.*

4 (2) *A description of the items contained in each*
5 *model.*

6 (3) *An explanation of whether the models are*
7 *being applied to each military department and De-*
8 *fense Agencies under common definitions of base oper-*
9 *ations support, sustainment, and facilities recapital-*
10 *ization and, if common definitions are not being*
11 *used, an explanation of the differences and the rea-*
12 *sons therefor.*

13 (4) *A description of the requested funding levels*
14 *for base operations support, sustainment, and facili-*
15 *ties recapitalization for the fiscal year covered by the*
16 *defense budget materials and the funding goals estab-*
17 *lished for base operations support, sustainment, and*
18 *facilities recapitalization for at least the four suc-*
19 *ceeding fiscal years.*

20 (5) *If the requested funding levels for base oper-*
21 *ations support, sustainment, and facilities recapital-*
22 *ization for the fiscal year covered by the defense budg-*
23 *et materials deviate from the goals for that fiscal year*
24 *contained in the preceding report, or the funding*
25 *goals established for succeeding fiscal years deviate*

1 *from the goals for those fiscal years contained in the*
2 *preceding report, a justification for the funding levels*
3 *and goals and an explanation of the reasons for the*
4 *changes from the preceding report.*

5 *(c) DEFENSE BUDGET MATERIALS DEFINED.—In this*
6 *section, the term “defense budget materials” means the ma-*
7 *terials submitted to Congress by the Secretary of Defense*
8 *in support of the budget for a fiscal year submitted to Con-*
9 *gress by the President under section 1105(a) of title 31,*
10 *United States Code.*

11 **SEC. 355. REPORT ON DEPARTMENT OF ARMY PROGRAMS**
12 **FOR PREPOSITIONING OF EQUIPMENT AND**
13 **OTHER MATERIEL.**

14 *(a) SECRETARY OF ARMY ASSESSMENT.—The Sec-*
15 *retary of the Army shall conduct an assessment of the pro-*
16 *grams of the Department of Army for the prepositioning*
17 *of equipment and other materiel stocks. The assessment shall*
18 *focus on how those programs are configured to support the*
19 *evolving goals of the Department of Army and shall include*
20 *identification of the following:*

21 *(1) The key operational capabilities currently*
22 *available in both the afloat and ashore prepositioned*
23 *stocks of the Army, by geographic region, including*
24 *inventory levels in brigade sets, operational projects,*
25 *and sustainment programs.*

1 (2) *Any significant shortfalls that exist in those*
2 *stocks, particularly in combat and support equip-*
3 *ment, spare parts, and munitions, and how the Army*
4 *would mitigate those shortfalls in the event of a new*
5 *conflict.*

6 (3) *The maintenance condition of prepositioned*
7 *equipment and supplies, especially the key “pacing”*
8 *items in brigade sets, including the percentage cur-*
9 *rently maintained at the Technical Manual -10/20*
10 *standard required by the Army.*

11 (4) *The percentage of required cyclic mainte-*
12 *nance performed on all stocks for each of fiscal years*
13 *2003, 2004, and 2005 and the quality control proce-*
14 *dures used to ensure that such maintenance was com-*
15 *pleted according to Army standards.*

16 (5) *Whether the oversight mechanisms and inter-*
17 *nal management reports of the Army with respect to*
18 *those stocks are adequate and ensure an accurate por-*
19 *trayal of the readiness of stocks covered by the report.*

20 (6) *The funding allocated and expended for*
21 *prepositioning programs each fiscal year since fiscal*
22 *year 2000, by region, and an assessment of whether*
23 *that funding level has been adequate to maintain pro-*
24 *gram readiness.*

1 (7) *The facilities used to store and maintain bri-*
2 *gade sets and whether those facilities provide adequate*
3 *(or excess) capacity, by region, for the current and fu-*
4 *ture mission.*

5 (8) *The current funding for the war reserve, the*
6 *sufficiency of the war reserve inventory, and the effect*
7 *of the war reserve on the ability of the Army to con-*
8 *duct operations.*

9 (b) *REPORT.*—*The Secretary shall submit to Congress*
10 *a report on the assessment under subsection (a) not later*
11 *than January 1, 2006. The report shall include each of the*
12 *matters specified in paragraphs (1) through (7) of that sub-*
13 *section.*

14 (c) *COMPTROLLER GENERAL REVIEW.*—*Not later than*
15 *120 days after the date of receipt of the report under sub-*
16 *section (b), the Comptroller General shall submit to Con-*
17 *gress an independent review of the assessment conducted by*
18 *the Secretary of the Army under subsection (a). The review*
19 *under this subsection shall include the following:*

20 (1) *The Comptroller General’s assessment of*
21 *whether the assessment by the Secretary of the Army*
22 *under subsection (a) comprehensively addresses each*
23 *of the matters specified in paragraphs (1) through (7)*
24 *of that subsection.*

1 (2) *The status of the Army in addressing any*
2 *shortfalls or other issues reported by the Department*
3 *of the Army or identified by the Government Account-*
4 *ability Office.*

5 **SEC. 356. REPORT REGARDING EFFECT ON MILITARY READ-**
6 **INESS OF UNDOCUMENTED IMMIGRANTS**
7 **TRESPASSING UPON OPERATIONAL RANGES.**

8 (a) *REPORT CONTAINING ASSESSMENT AND RESPONSE*
9 *PLAN.*—*Not later than March 15, 2006, the Secretary of*
10 *Defense and the Secretary of Homeland Security shall sub-*
11 *mit to Congress a report containing—*

12 (1) *an assessment, conducted jointly by the Sec-*
13 *retaries, of the impact on military readiness caused*
14 *by undocumented immigrants whose entry into the*
15 *United States involves trespassing upon operational*
16 *ranges of the Department of Defense; and*

17 (2) *a plan, prepared jointly by the Secretaries,*
18 *for the implementation of measures to prevent such*
19 *trespass.*

20 (b) *ELEMENTS OF ASSESSMENT.*—*The assessment re-*
21 *quired by subsection (a) shall include the following:*

22 (1) *A listing of the operational ranges adversely*
23 *affected by the trespass of undocumented immigrants*
24 *upon operational ranges.*

1 (2) *A description of the types of range activities*
2 *affected by such trespass.*

3 (3) *A determination of the amount of time lost*
4 *for range activities, and the increased costs incurred,*
5 *as a result of such trespass.*

6 (4) *An evaluation of the nature and extent of*
7 *such trespass and means of travel.*

8 (5) *An evaluation of the factors that contribute*
9 *to the use by undocumented immigrants of oper-*
10 *ational ranges as a means to enter the United States.*

11 (6) *A description of measures currently in place*
12 *to prevent such trespass, including the use of barriers*
13 *to vehicles and persons, military patrols, border pa-*
14 *trols, and sensors.*

15 (c) *ELEMENTS OF PLAN.*—*The plan required by sub-*
16 *section (a) shall include the following:*

17 (1) *The types of measures to be implemented to*
18 *better prevent the trespass of undocumented immi-*
19 *grants upon operational ranges, including the con-*
20 *struction of barriers to vehicles and persons, the use*
21 *of additional military or border patrols, and the in-*
22 *stallation of sensors.*

23 (2) *The costs of, and timeline for, implementa-*
24 *tion of the plan.*

1 (d) *IMPLEMENTATION REPORTS.*—Not later than Sep-
2 tember 15, 2006, March 15, 2007, September 15, 2007, and
3 March 15, 2008, the Secretary of Defense shall submit to
4 Congress a report detailing the progress made by the De-
5 partment of Defense, during the six-month period covered
6 by the report, in implementing measures recommended in
7 the plan required by subsection (a) to prevent undocu-
8 mented immigrants from trespassing upon operational
9 ranges. Each report shall include the number and types of
10 mitigation measures implemented and the success of such
11 measures in preventing such trespass.

12 (e) *DEFINITIONS.*—In this section, the terms “oper-
13 ational range” and “range activities” have the meaning
14 given those terms in section 101(e) of title 10, United States
15 Code.

16 **SEC. 357. CONGRESSIONAL NOTIFICATION REQUIREMENTS**
17 **REGARDING PLACEMENT OF LIQUEFIED NAT-**
18 **URAL GAS FACILITIES, PIPELINES, AND RE-**
19 **LATED STRUCTURES ON DEFENSE LANDS.**

20 (a) *NOTIFICATION REQUIRED.*—Not less than 30 days
21 before the Secretary of Defense or the Secretary of a mili-
22 tary department issues a final approval or disapproval or
23 a formal opinion regarding the placement of any liquefied
24 natural gas facility, pipeline, or related structure on or in
25 the vicinity of a military installation, range, or other lands

1 *under the jurisdiction of the Department of Defense, the*
2 *Secretary shall submit to Congress a report detailing the*
3 *justification for the approval, disapproval, or opinion.*

4 (b) *CONTENT OF REPORT.*—*A report under subsection*
5 *(a) shall include consideration of the potential long-term*
6 *effects of the liquefied natural gas facility, pipeline, or re-*
7 *lated structure that is the subject of the approval, dis-*
8 *approval, or opinion on military readiness, particularly the*
9 *effects on the use of operational ranges.*

10 (c) *DEFINITIONS.*—*In this section:*

11 (1) *The term “military installation” has the*
12 *meaning given that term in section 2687(e)(1) of title*
13 *10, United States Code.*

14 (2) *The terms “range” and “operational range”*
15 *have the meanings given those terms in section 101(e)*
16 *of such title.*

17 **SEC. 358. REPORT REGARDING ARMY AND AIR FORCE EX-**

18 **CHANGE SYSTEM MANAGEMENT OF ARMY**

19 **LODGING.**

20 (a) *REPORT REQUIRED.*—*The Secretary of Defense*
21 *shall submit to Congress a report containing the results of*
22 *a study evaluating the merits of allowing the Army and*
23 *Air Force Exchange System to manage Army lodging. The*
24 *study should consider at a minimum the following:*

1 (1) *Whether current lodging agreements with the*
2 *Army and Air Force Exchange System to provide*
3 *hospitality telecommunication services would be im-*
4 *pacted by privatization and whether the proposed*
5 *change will have an impact on funds contributed to*
6 *morale, welfare, and recreation accounts.*

7 (2) *Whether allowing the Army and Air Force*
8 *Exchange System to participate as a partner in the*
9 *management of Army lodging would enhance the*
10 *quality of lodging and improve access to such lodging*
11 *as a nonprofit organization versus a partnership with*
12 *a for-profit corporation.*

13 (3) *Whether privatization of Army lodging will*
14 *result in significant cost increases to members of the*
15 *Armed Forces or other eligible patrons or the loss of*
16 *such lodging if it is determined that management of*
17 *such lodging is not a profitable marketing venture.*

18 (4) *Whether there are certain benefits to having*
19 *the Army and Air Force Exchange System become the*
20 *partner with the Army that would not exist were the*
21 *Army to partner with a private sector entity.*

22 (b) *LIMITATION PENDING SUBMISSION OF REPORT.—*
23 *Until the Secretary of Defense submits the report required*
24 *by subsection (a) to Congress, the Department of the Army*
25 *may not solicit or consider any request for qualifications*

1 *that would privatize Army lodging beyond the level of pri-*
 2 *vatization identified for inclusion in Group A of the Privat-*
 3 *ization of Army Lodging Initiative.*

4 **TITLE IV—MILITARY PERSONNEL**
 5 **AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2006 limitation on number of non-dual status technicians.

*Sec. 415. Maximum number of reserve personnel authorized to be on active duty
for operational support.*

Subtitle C—Authorizations of Appropriations

Sec. 421. Military personnel.

Sec. 422. Armed Forces Retirement Home.

6 ***Subtitle A—Active Forces***

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

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

10 (1) *The Army, 482,400.*

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

12 (3) *The Marine Corps, 175,000.*

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

1 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
2 **STRENGTH MINIMUM LEVELS.**

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

6 “(1) For the Army, 482,400.

7 “(2) For the Navy, 352,700.

8 “(3) For the Marine Corps, 175,000.

9 “(4) For the Air Force, 357,400.”.

10 (b) *EFFECTIVE DATE.*—The amendment made by sub-
11 section (a) shall take effect on October 1, 2005, or the the
12 date of the enactment of this Act, whichever is later.

13 **Subtitle B—Reserve Forces**

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

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

18 (1) The Army National Guard of the United
19 States, 350,000.

20 (2) The Army Reserve, 205,000.

21 (3) The Naval Reserve, 73,100.

22 (4) The Marine Corps Reserve, 39,600.

23 (5) The Air National Guard of the United
24 States, 106,800.

25 (6) The Air Force Reserve, 74,000.

26 (7) The Coast Guard Reserve, 10,000.

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

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

8 (2) *the total number of individual members not*
9 *in units organized to serve as units of the Selected*
10 *Reserve of such component who are on active duty*
11 *(other than for training or for unsatisfactory partici-*
12 *pation in training) without their consent at the end*
13 *of the fiscal year.*

14 *Whenever such units or such individual members are re-*
15 *leased from active duty during any fiscal year, the end*
16 *strength prescribed for such fiscal year for the Selected Re-*
17 *serve of such reserve component shall be increased propor-*
18 *tionately by the total authorized strengths of such units and*
19 *by the total number of such individual members.*

20 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
21 **DUTY IN SUPPORT OF THE RESERVES.**

22 *Within the end strengths prescribed in section 411(a),*
23 *the reserve components of the Armed Forces are authorized,*
24 *as of September 30, 2006, the following number of Reserves*
25 *to be serving on full-time active duty or full-time duty, in*

1 **SEC. 414. FISCAL YEAR 2006 LIMITATION ON NUMBER OF**
2 **NON-DUAL STATUS TECHNICIANS.**

3 (a) *LIMITATIONS.*—

4 (1) *NATIONAL GUARD.*—*Within the limitation*
5 *provided in section 10217(c)(2) of title 10, United*
6 *States Code, the number of non-dual status techni-*
7 *cians employed by the National Guard as of Sep-*
8 *tember 30, 2006, may not exceed the following:*

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

11 (B) *For the Air National Guard of the United*
12 *States, 350.*

13 (2) *ARMY RESERVE.*—*The number of non-dual*
14 *status technicians employed by the Army Reserve as*
15 *of September 30, 2006, may not exceed 695.*

16 (3) *AIR FORCE RESERVE.*—*The number of non-*
17 *dual status technicians employed by the Air Force*
18 *Reserve as of September 30, 2006, may not exceed 90.*

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

1 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
2 **THORIZED TO BE ON ACTIVE DUTY FOR**
3 **OPERATIONAL SUPPORT.**

4 *During fiscal year 2006, the maximum number of*
5 *members of the reserve components of the Armed Forces who*
6 *may be serving at any time on full-time operational sup-*
7 *port duty under section 115(b) of title 10, United States*
8 *Code, is the following:*

9 (1) *The Army National Guard of the United*
10 *States, 17,000.*

11 (2) *The Army Reserve, 13,000.*

12 (3) *The Naval Reserve, 6,200.*

13 (4) *The Marine Corps Reserve, 3,000.*

14 (5) *The Air National Guard of the United*
15 *States, 16,000.*

16 (6) *The Air Force Reserve, 14,000.*

17 **Subtitle C—Authorizations of**
18 **Appropriations**

19 **SEC. 421. MILITARY PERSONNEL.**

20 *There is hereby authorized to be appropriated to the*
21 *Department of Defense for military personnel for fiscal year*
22 *2006 a total of \$108,824,292,000. The authorization in the*
23 *preceding sentence supersedes any other authorization of*
24 *appropriations (definite or indefinite) for such purpose for*
25 *fiscal year 2006.*

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

2 *There is hereby authorized to be appropriated for fiscal*
 3 *year 2006 from the Armed Forces Retirement Home Trust*
 4 *Fund the sum of \$58,281,000 for the operation of the Armed*
 5 *Forces Retirement Home.*

6 **TITLE V—MILITARY PERSONNEL**
 7 **POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Temporary increase in percentage limits on reduction of time-in-grade requirements for retirement in grade upon voluntary retirement.*
- Sec. 502. Two-year renewal of authority to reduce minimum commissioned service requirement for voluntary retirement as an officer.*
- Sec. 503. Separation at age 64 for reserve component senior officers.*
- Sec. 504. Improved administration of transitions involving officers in senior general and flag officer positions.*
- Sec. 505. Consolidation of grade limitations on officer assignment and insignia practice known as frocking.*
- Sec. 506. Authority for designation of a general/flag officer position on the Joint Staff to be held by reserve component general or flag officer on active duty.*
- Sec. 507. Authority to retain permanent professors at the Naval Academy beyond 30 years of active commissioned service.*
- Sec. 508. Authority for appointment of Coast Guard flag officer as Chief of Staff to the President.*
- Sec. 509. Clarification of time for receipt of statutory selection board communications.*
- Sec. 510. Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army.*

Subtitle B—Reserve Component Management

- Sec. 511. Use of Reserve Montgomery GI Bill benefits and benefits for mobilized members of the Selected Reserve and National Guard for payments for licensing or certification tests.*
- Sec. 512. Modifications to new Reserve educational benefit for certain active service in support of contingency operations.*
- Sec. 513. Military technicians (dual status) mandatory separation.*
- Sec. 514. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.*
- Sec. 515. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities.*

Subtitle C—Education and Training

- Sec. 521. Repeal of limitation on amount of financial assistance under ROTC scholarship programs.*
- Sec. 522. Increased enrollment for eligible defense industry employees in the defense product development program at Naval Postgraduate School.*
- Sec. 523. Payment of expenses to obtain professional credentials.*
- Sec. 524. Authority for National Defense University award of degree of Master of Science in Joint Campaign Planning and Strategy.*
- Sec. 525. One-year extension of authority to use appropriated funds to provide recognition items for recruitment and retention of certain reserve component personnel.*
- Sec. 526. Report on rationale and plans of the Navy to provide enlisted members an opportunity to obtain graduate degrees.*
- Sec. 527. Increase in annual limit on number of ROTC scholarships under Army Reserve and National Guard program.*
- Sec. 528. Capstone overseas field studies trips to People's Republic of China and Republic of China on Taiwan.*
- Sec. 529. Sense of Congress concerning establishment of National College of Homeland Security.*

Subtitle D—General Service Requirements

- Sec. 531. Uniform enlistment standards for the Armed Forces.*
- Sec. 532. Increase in maximum term of original enlistment in regular component.*
- Sec. 533. Members completing statutory initial military service obligation.*
- Sec. 534. Extension of qualifying service for initial military service under National Call to Service program.*

Subtitle E—Matters Relating to Casualties

- Sec. 541. Requirement for members of the Armed Forces to designate a person to be authorized to direct the disposition of the member's remains.*
- Sec. 542. Enhanced program of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers.*
- Sec. 543. Standards and guidelines for Department of Defense programs to assist wounded and injured members.*
- Sec. 544. Authority for members on active duty with disabilities to participate in Paralympic Games.*

Subtitle F—Military Justice and Legal Assistance Matters

- Sec. 551. Clarification of authority of military legal assistance counsel to provide military legal assistance without regard to licensing requirements.*
- Sec. 552. Use of teleconferencing in administrative sessions of courts-martial.*
- Sec. 553. Extension of statute of limitations for murder, rape, and child abuse offenses under the Uniform Code of Military Justice.*
- Sec. 554. Offense of stalking under the Uniform Code of Military Justice.*
- Sec. 555. Rape, sexual assault, and other sexual misconduct under Uniform Code of Military Justice.*

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

- Sec. 561. Enrollment in overseas schools of Defense Dependents' Education System of children of citizens or nationals of the United States hired in overseas areas as full-time Department of Defense employees.*
- Sec. 562. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*
- Sec. 563. Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member.*

Subtitle H—Decorations and Awards

- Sec. 565. Cold War Victory Medal.*
- Sec. 566. Establishment of Combat Medevac Badge.*
- Sec. 567. Eligibility for Operation Enduring Freedom campaign medal.*

Subtitle I—Other Matters

- Sec. 571. Extension of waiver authority of Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.*
- Sec. 572. Adoption leave for members of the Armed Forces adopting children.*
- Sec. 573. Report on need for a personnel plan for linguists in the Armed Forces.*
- Sec. 574. Ground combat and other exclusion policies.*

1 Subtitle A—Officer Personnel Policy

2 SEC. 501. TEMPORARY INCREASE IN PERCENTAGE LIMITS **3 ON REDUCTION OF TIME-IN-GRADE REQUIRE-** **4 MENTS FOR RETIREMENT IN GRADE UPON** **5 VOLUNTARY RETIREMENT.**

6 Section 1370(a)(2) of title 10, United States Code, is
7 amended by adding at the end the following new subpara-
8 graph:

9 “(F) Notwithstanding subparagraph (E), during the
10 period beginning on October 1, 2005, and ending on Decem-
11 ber 31, 2007, the number of lieutenant colonels and colonels
12 of the Army, Marine Corps, and Air Force, and the number
13 of commanders and captains of the Navy, for whom a reduc-

1 *tion is made under this section during any fiscal year in*
 2 *the period of service-in-grade otherwise required under this*
 3 *paragraph may not exceed four percent of the authorized*
 4 *active-duty strength for that fiscal year for officers of that*
 5 *armed force in that grade.”.*

6 **SEC. 502. TWO-YEAR RENEWAL OF AUTHORITY TO REDUCE**
 7 **MINIMUM COMMISSIONED SERVICE REQUIRE-**
 8 **MENT FOR VOLUNTARY RETIREMENT AS AN**
 9 **OFFICER.**

10 *Sections 3911(b), 6323(a)(2), and 8911(b) of title 10,*
 11 *United States Code, are amended by striking “during the*
 12 *period beginning on October 1, 1990, and ending on Decem-*
 13 *ber 31, 2001” and inserting “during the period beginning*
 14 *on October 1, 2005, and ending on December 31, 2007”.*

15 **SEC. 503. SEPARATION AT AGE 64 FOR RESERVE COMPO-**
 16 **NENT SENIOR OFFICERS.**

17 *Section 14512(a) of title 10, United States Code, is*
 18 *amended—*

19 *(1) by inserting “(1)” before “Unless retired,”;*

20 *(2) by striking “who is Chief” and all that fol-*
 21 *lows through “of a State,” and inserting “who is*
 22 *specified in paragraph (2)”;* and

23 *(3) by adding at the end the following new para-*
 24 *graph:*

1 “(2) Paragraph (1) applies to a reserve officer of the
2 Army or Air Force who is any of the following:

3 “(A) The Chief of the National Guard Bureau.

4 “(B) The Chief of the Army Reserve, Chief of the
5 Air Force Reserve, Director of the Army National
6 Guard, or Director of the Air National Guard.

7 “(C) An adjutant general.

8 “(D) If a reserve officer of the Army, the com-
9 manding general of the troops of a State.”.

10 **SEC. 504. IMPROVED ADMINISTRATION OF TRANSITIONS IN-**
11 **VOLVING OFFICERS IN SENIOR GENERAL AND**
12 **FLAG OFFICER POSITIONS.**

13 (a) **EXCLUSION FROM GRADE DISTRIBUTION LIMITA-**
14 **TIONS FOR SENIOR OFFICERS TRANSITIONING BETWEEN**
15 **POSITIONS OR AWAITING RETIREMENT.**—Section 525(d) of
16 title 10, United States Code, is amended to read as follows:

17 “(d) An officer continuing to hold the grade of general,
18 admiral, lieutenant general, or vice admiral under para-
19 graph (2) or (4) of section 601(b) of this title shall not be
20 counted for purposes of this section.”.

21 (b) **APPOINTMENTS TO POSITIONS OF IMPORTANCE**
22 **AND RESPONSIBILITY.**—Section 601 of such title is amend-
23 ed—

1 (1) *in subsection (b)(2), by inserting before the*
2 *semicolon at the end the following: “, but not for more*
3 *than 30 days”;* and

4 (2) *by adding at the end the following new sub-*
5 *section:*

6 “(e)(1) *If a transition period for an officer under sub-*
7 *section (b)(2) or (b)(4) exceeds the maximum period speci-*
8 *fied in that subsection, the officer shall revert to the officer’s*
9 *permanent grade, effective on the day after the date on*
10 *which that period is exceeded.*

11 “(2) *In each case in which the transition period for*
12 *an officer under subsection (b)(2) exceeds 30 days, the Sec-*
13 *retary of Defense shall promptly submit to the Committee*
14 *on Armed Services of the Senate and the Committee on*
15 *Armed Services of the House of Representatives a report on*
16 *the matter. The report shall include the following:*

17 “(A) *The officer’s name.*

18 “(B) *The date on which the transition period*
19 *began and the date on which the 30-day limit was ex-*
20 *ceeded.*

21 “(C) *The former position of the officer and the*
22 *position to which the officer has been ordered trans-*
23 *ferred.*

24 “(D) *The reason for extended transition to the*
25 *position to which ordered transferred.*

1 “(E) *The date on which the officer reverted to the*
2 *officer’s permanent grade pursuant to paragraph (1).*
3 ”.

4 (c) *PROHIBITION OF FROCKING TO GRADES ABOVE*
5 *MAJOR GENERAL AND REAR ADMIRAL.—Section 777(a) of*
6 *such title is amended by inserting “in a grade below the*
7 *grade of major general or, in the case of the Navy, rear*
8 *admiral,” after “An officer” in the first sentence.*

9 **SEC. 505. CONSOLIDATION OF GRADE LIMITATIONS ON OF-**
10 **FICER ASSIGNMENT AND INSIGNIA PRACTICE**
11 **KNOWN AS FROCKING.**

12 Section 777(d) of title 10, United States Code, is
13 amended—

14 (1) *in paragraph (1)—*

15 (A) *by striking “brigadier generals and*
16 *Navy rear admirals (lower half)” and inserting*
17 *“colonels, Navy captains, brigadier generals, and*
18 *rear admirals (lower half)”;*

19 (B) *by striking “the grade of” and all that*
20 *follows through “30” and inserting “the next*
21 *higher grade may not exceed 85”;*

22 (2) *by striking paragraph (2); and*

23 (3) *by redesignating paragraph (3) as para-*
24 *graph (2).*

1 **SEC. 506. AUTHORITY FOR DESIGNATION OF A GENERAL/
 2 **FLAG OFFICER POSITION ON THE JOINT
 3 **STAFF TO BE HELD BY RESERVE COMPONENT
 4 **GENERAL OR FLAG OFFICER ON ACTIVE
 5 **DUTY.**********

6 *Section 526(b)(2)(A) of title 10, United States Code,
 7 is amended by inserting “, and a general and flag officer
 8 position on the Joint Staff,” after “combatant commands”.*

9 **SEC. 507. AUTHORITY TO RETAIN PERMANENT PROFES-
 10 **SORS AT THE NAVAL ACADEMY BEYOND 30
 11 **YEARS OF ACTIVE COMMISSIONED SERVICE.******

12 *(a) WAIVER OF MANDATORY RETIREMENT FOR YEARS
 13 OF SERVICE.—*

14 *(1) LIEUTENANT COLONELS AND COM-
 15 MANDERS.—Section 633 of title 10, United States
 16 Code, is amended—*

17 *(A) by striking “Except an” and all that
 18 follows through “except as provided” and insert-
 19 ing “(a) 28 YEARS OF ACTIVE COMMISSIONED
 20 SERVICE.—Except as provided in subsection (b)
 21 and as provided”;*

22 *(B) by adding at the end the following:*

23 *“(b) EXCEPTIONS.—Subsection (a) does not apply to
 24 the following:*

1 “(1) *An officer of the Navy or Marine Corps who*
2 *is an officer designated for limited duty to whom sec-*
3 *tion 5596(e) or 6383 of this title applies.*

4 “(2) *An officer of the Navy or Marine Corps who*
5 *is a permanent professor at the United States Naval*
6 *Academy.”.*

7 (2) *COLONELS AND NAVY CAPTAINS.—Section*
8 *634 of title 10, United States Code, is amended—*

9 (A) *by striking “Except an” and all that*
10 *follows through “except as provided” and insert-*
11 *ing “(a) 30 YEARS OF ACTIVE COMMISSIONED*
12 *SERVICE.—Except as provided in subsection (b)*
13 *and as provided”;*

14 (B) *by adding at the end the following:*

15 “(b) *EXCEPTIONS.—Subsection (a) does not apply to*
16 *the following:*

17 “(1) *An officer of the Navy who is designated for*
18 *limited duty to whom section 6383(a)(4) of this title*
19 *applies.*

20 “(2) *An officer of the Navy or Marine Corps who*
21 *is a permanent professor at the United States Naval*
22 *Academy.”.*

23 (b) *AUTHORITY FOR RETENTION OF PERMANENT PRO-*
24 *FESSORS BEYOND 30 YEARS.—*

1 (1) *AUTHORITY.*—Chapter 573 of such title is
2 amended by inserting after section 6371 the following
3 new section:

4 “§ 6372. ***Permanent professors of the United States***
5 ***Naval Academy: retirement for years of***
6 ***service; authority for deferral***

7 “(a) *RETIREMENT FOR YEARS OF SERVICE.*—(1) *Ex-*
8 cept as provided in subsection (b), an officer of the Navy
9 or Marine Corps serving as a permanent professor at the
10 Naval Academy in the grade of commander or lieutenant
11 colonel who is not on a list of officers recommended for pro-
12 motion to the grade of captain or colonel, as the case may
13 be, shall, if not earlier retired, be retired on the first day
14 of the month after the month in which the officer completes
15 28 years of active commissioned service.

16 “(2) *Except as provided in subsection (b), an officer*
17 of the Navy or Marine Corps serving as a permanent pro-
18 fessor at the Naval Academy in the grade of captain or colo-
19 nel who is not on a list of officers recommended for pro-
20 motion to the grade of rear admiral (lower half) or briga-
21 dier general, as the case may be, shall, if not earlier retired,
22 be retired on the first day of the month after the month
23 in which the officer completes 30 years of active commis-
24 sioned service.

1 “(b) *CONTINUATION ON ACTIVE DUTY.*—(1) *An officer*
 2 *subject to retirement under subsection (a) may have his re-*
 3 *tirement deferred and be continued on active duty by the*
 4 *Secretary of the Navy.*

5 “(2) *Subject to section 1252 of this title, the Secretary*
 6 *of the Navy shall determine the period of any continuation*
 7 *on active duty under this section.*

8 “(c) *ELIGIBILITY FOR PROMOTION.*—*A permanent*
 9 *professor at the Naval Academy in the grade of commander*
 10 *or lieutenant colonel who is continued on active duty as*
 11 *a permanent professor under subsection (b) remains eligible*
 12 *for consideration for promotion to the grade of captain or*
 13 *colonel, as the case may be.*

14 “(d) *RETIRED GRADE AND RETIRED PAY.*—*Each offi-*
 15 *cer retired under this section—*

16 “(1) *unless otherwise entitled to a higher grade,*
 17 *shall be retired in the grade determined under section*
 18 *1370 of this title; and*

19 “(2) *is entitled to retired pay computed under*
 20 *section 6333 of this title.”.*

21 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 22 *tions at the beginning of such chapter is amended by*
 23 *inserting after the item relating to section 6371 the*
 24 *following new item:*

“6372. *Permanent professors of the United States Naval Academy; retirement for*
years of service; authority for deferral.”.

1 (c) *MANDATORY RETIREMENT AT AGE 64.*—

2 (1) *REORGANIZATION AND STANDARDIZATION.*—

3 Chapter 63 of such title is amended by inserting after

4 section 1251 the following new section:

5 “§ 1252. **Age 64: permanent professors at academies**

6 “(a) *MANDATORY RETIREMENT FOR AGE.*—Unless re-
7 tired or separated earlier, each regular commissioned officer
8 of the Army, Navy, Air Force, or Marine Corps covered by
9 subsection (b) shall be retired on the first day of the month
10 following the month in which the officer becomes 64 years
11 of age.

12 “(b) *COVERED OFFICERS.*—This section applies to the
13 following officers:

14 “(1) An officer who is a permanent professor or
15 the director of admissions of the United States Mili-
16 tary Academy.

17 “(2) An officer who is a permanent professor at
18 the United States Naval Academy.

19 “(3) An officer who is a permanent professor or
20 the registrar of the United States Air Force Acad-
21 emy.”.

22 (2) *CLERICAL AMENDMENT.*—The table of sec-
23 tions at the beginning of such chapter is amended by
24 inserting after the item relating to section 1251 the
25 following new item:

“1254. *Age 64: permanent professors at academies.*”.

1 (3) *CONFORMING AMENDMENT.*—Section 1251(a)
2 of such title is amended by striking the second sen-
3 tence.

4 (d) *CONFORMING AMENDMENTS RELATING TO COM-*
5 *PUTATION OF RETIRED PAY.*—

6 (1) *AGE 64 RETIREMENT.*—Chapter 71 of such
7 title is amended—

8 (A) in the table in section 1401(a), by in-
9 serting at the bottom of the column under the
10 heading “For sections”, in the entry for Formula
11 Number 5, the following: “1252”; and

12 (B) in the table in section 1406(b)(1), by
13 inserting at the bottom of the first column the
14 following: “1252”;

15 (2) *YEARS-OF-SERVICE RETIREMENT.*—Section
16 6333(a) of such title is amended—

17 (A) in the matter preceding the table, by in-
18 serting “6372 or” after “section”; and

19 (B) in the table, by inserting “6372” imme-
20 diately below “6325(b)” in the column under the
21 heading “For sections”, in the entry for Formula
22 B.

1 **SEC. 508. AUTHORITY FOR APPOINTMENT OF COAST GUARD**
2 **FLAG OFFICER AS CHIEF OF STAFF TO THE**
3 **PRESIDENT.**

4 (a) *AUTHORITY.*—Chapter 3 of title 14, United States
5 Code, is amended by adding at the end the following new
6 section:

7 **“§ 54. Chief of Staff to President: appointment**

8 *“The President, by and with the advice and consent*
9 *of the Senate, may appoint a flag officer of the Coast Guard*
10 *as the Chief of Staff to the President.”.*

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

“54. Chief of Staff to President: appointment.”.

14 **SEC. 509. CLARIFICATION OF TIME FOR RECEIPT OF STATU-**
15 **TORY SELECTION BOARD COMMUNICATIONS.**

16 (a) *OFFICERS ON ACTIVE-DUTY LIST.*—Section 614(b)
17 of title 10, United States Code, is amended in the first sen-
18 tence by inserting “11:59 p.m. on the day before” after “to
19 arrive not later than”.

20 (b) *OFFICERS ON RESERVE ACTIVE-STATUS LIST.*—
21 Section 14106 of such title is amended in the second sen-
22 tence by inserting “11:59 p.m. on the day before” after “so
23 as to arrive not later than”.

1 **SEC. 510. STANDARDIZATION OF GRADE OF SENIOR DEN-**
2 **TAL OFFICER OF THE AIR FORCE WITH THAT**
3 **OF SENIOR DENTAL OFFICER OF THE ARMY.**

4 (a) *AIR FORCE ASSISTANT SURGEON GENERAL FOR*
5 *DENTAL SERVICES.*—Section 8081 of title 10, United States
6 Code, is amended by striking “brigadier general” in the sec-
7 ond sentence and inserting “major general”.

8 (b) *EFFECTIVE DATE.*—The amendment made by sub-
9 section (a) shall take effect on the date of the occurrence
10 of the next vacancy in the position of Assistant Surgeon
11 General for Dental Services in the Air Force that occurs
12 after the date of the enactment of this Act or, if earlier,
13 on the date of the appointment to the grade of major general
14 of the officer who is the incumbent in that position on the
15 date of the enactment of the Act.

16 ***Subtitle B—Reserve Component***
17 ***Management***

18 **SEC. 511. USE OF RESERVE MONTGOMERY GI BILL BENE-**
19 **FITS AND BENEFITS FOR MOBILIZED MEM-**
20 **BERS OF THE SELECTED RESERVE AND NA-**
21 **TIONAL GUARD FOR PAYMENTS FOR LICENS-**
22 **ING OR CERTIFICATION TESTS.**

23 (a) *CHAPTER 1606.*—Section 16131 of title 10, United
24 States Code, is amended by adding at the end the following
25 new subsection:

1 “(j)(1) Subject to paragraph (3), the amount of edu-
2 cational assistance payable under this chapter for a licens-
3 ing or certification test described in section 3452(b) of title
4 38 is the lesser of \$2,000 or the fee charged for the test.

5 “(2) The number of months of entitlement charged in
6 the case of any individual for such licensing or certification
7 test is equal to the number (including any fraction) deter-
8 mined by dividing the total amount of educational assist-
9 ance paid such individual for such test by the full-time
10 monthly institutional rate of educational assistance which,
11 but for paragraph (1), such individual would otherwise be
12 paid under subsection (b).

13 “(3) In no event shall payment of educational assist-
14 ance under this subsection for such a test exceed the amount
15 of the individual’s available entitlement under this chap-
16 ter.”.

17 (b) CHAPTER 1607.—Section 16162 of such title is
18 amended by adding at the end the following new subsection:

19 “(e) The provisions of section 16131(j) of this title shall
20 apply to the provision of educational assistance under this
21 chapter, except that, in applying such section under this
22 chapter, the reference to subsection (b) in paragraph (2) of
23 such section is deemed to be a reference to subsection (e)
24 of this section.”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to tests administered on or after October*
3 *1, 2005.*

4 **SEC. 512. MODIFICATIONS TO NEW RESERVE EDUCATIONAL**
5 **BENEFIT FOR CERTAIN ACTIVE SERVICE IN**
6 **SUPPORT OF CONTINGENCY OPERATIONS.**

7 (a) *ELIGIBILITY CRITERIA.*—*Subsection (a) of section*
8 *16163 of title 10, United States Code, is amended—*

9 (1) *in the matter preceding paragraph (1), by*
10 *striking “On or after September 11, 2001, a member”*
11 *and inserting “A member”;*

12 (2) *in paragraph (1), by striking “served on ac-*
13 *tive duty in support of a contingency operation” and*
14 *inserting “was called or ordered to active duty on or*
15 *after September 11, 2001, in support of a contingency*
16 *operation and served on active duty in support of*
17 *that contingency operation”;* and

18 (3) *in paragraph (2), by inserting “on or after*
19 *September 11, 2001,” after “Secretary of Defense”.*

20 (b) *ADMINISTRATION OF SPECIFIED BENEFITS ELEC-*
21 *TION.*—*Subsection (e) of such section is amended by strik-*
22 *ing “Secretary concerned” and inserting “Secretary of Vet-*
23 *erans Affairs”.*

24 (c) *EXCEPTION TO IMMEDIATE TERMINATION OF AS-*
25 *SISTANCE.*—*Section 16165 of such title is amended—*

1 (1) by striking “*Educational assistance*” and in-
2 serting “(a) *TERMINATION.—Except as provided in*
3 *subsection (b), educational assistance*”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(b) *EXCEPTION FOR SELECTED RESERVE MEMBERS*
7 *CONTINUING IN READY RESERVE.—Under regulations pre-*
8 *scribed by the Secretary of Defense, educational assistance*
9 *may be provided under this chapter to a member of the Se-*
10 *lected Reserve when the member incurs a break in service*
11 *in the Selected Reserve of not more than 90 days, if the*
12 *member continues to serve in the Ready Reserve.”.*

13 **SEC. 513. MILITARY TECHNICIANS (DUAL STATUS) MANDA-**
14 **TORY SEPARATION.**

15 (a) *DEFERRAL OF SEPARATION.—Section 10216 of*
16 *title 10, United States Code, is amended by adding at the*
17 *end the following new subsection:*

18 “(f) *DEFERRAL OF MANDATORY SEPARATION.—The*
19 *Secretary of the Army shall implement personnel policies*
20 *so as to allow a military technician (dual status) who con-*
21 *tinues to meet the requirements of this section for dual sta-*
22 *tus to continue to serve beyond a mandatory removal date*
23 *for officers, and any applicable maximum years of service*
24 *limitation, until the military technician (dual status)*

1 reaches age 60 and attains eligibility for an unreduced an-
 2 nuity (as defined in section 10218(c) of this title).”.

3 (b) *EFFECTIVE DATE.*—The Secretary of the Army
 4 shall implement subsection (f) of section 10216 of title 10,
 5 United States Code, as added by subsection (a), not later
 6 than 90 days after the date of the enactment of this Act.

7 **SEC. 514. MILITARY RETIREMENT CREDIT FOR CERTAIN**
 8 **SERVICE BY NATIONAL GUARD MEMBERS**
 9 **PERFORMED WHILE IN A STATE DUTY STATUS**
 10 **IMMEDIATELY AFTER THE TERRORIST AT-**
 11 **TACKS OF SEPTEMBER 11, 2001.**

12 (a) *RETIREMENT CREDIT.*—Service of a member of the
 13 Ready Reserve of the Army National Guard or Air National
 14 Guard described in subsection (b) shall be deemed to be serv-
 15 ice creditable under section 12732(a)(2)(A)(i) of title 10,
 16 United States Code.

17 (b) *COVERED SERVICE.*—Service referred to in sub-
 18 section (a) is full-time State active duty service that a mem-
 19 ber of the National Guard performed on or after September
 20 11, 2001, and before October 1, 2002, in any of the counties
 21 specified in subsection (c) to support a Federal declaration
 22 of emergency following the terrorist attacks on the United
 23 States of September 11, 2001.

24 (c) *COVERED COUNTIES.*—The counties referred to in
 25 subsection (b) are the following:

1 (1) *In the State of New York: Bronx, Kings, New*
2 *York (boroughs of Brooklyn and Manhattan), Queens,*
3 *Richmond, Delaware, Dutchess, Nassau, Orange, Put-*
4 *nam, Rockland, Suffolk, Sullivan, Ulster, and West-*
5 *chester*

6 (2) *In the State of Virginia: Arlington.*

7 (d) *APPLICABILITY.—Subsection (a) shall take effect as*
8 *of September 11, 2001.*

9 **SEC. 515. USE OF NATIONAL GUARD TO PROVIDE MILITARY**
10 **SUPPORT TO CIVILIAN LAW ENFORCEMENT**
11 **AGENCIES FOR DOMESTIC COUNTER-TER-**
12 **RORISM ACTIVITIES.**

13 (a) *IN GENERAL.—Title 32, United States Code, is*
14 *amended by adding the following new section:*

15 **“§ 116. Use of National Guard to provide military sup-**
16 **port to civilian law enforcement agencies**
17 **for domestic counter-terrorism activities**

18 “(a) *PROVISION OF SUPPORT.—The Governor of a*
19 *State may order the National Guard of such State to per-*
20 *form full-time National Guard duty under section 502(f)*
21 *of this title for the purpose of providing, on a reimbursable*
22 *basis, military support to a civilian law enforcement agen-*
23 *cy for domestic counter-terrorism activities. Members of the*
24 *National Guard performing full-time National Guard duty*
25 *in the Active Guard and Reserve Program may support or*

1 *execute military support to civilian law enforcement agen-*
2 *cies for domestic counter-terrorism activities performed by*
3 *the National Guard under this section.*

4 “(b) *REIMBURSEMENT.*—*Notwithstanding any other*
5 *provision of law, the Chief of the National Guard Bureau,*
6 *or the designee of the Chief in the State concerned, shall*
7 *accept monetary reimbursements for the costs incurred by*
8 *the National Guard to provide support under subsection*
9 *(a). Such monetary reimbursements will be deposited into*
10 *the appropriations used to fund activities under this title*
11 *and may be used in the fiscal year in which received. The*
12 *Secretary of Defense may waive the reimbursement require-*
13 *ment under this section.*

14 “(c) *CONDITION OF PROVISION OF SUPPORT.*—*Mili-*
15 *tary support to civilian law enforcement agencies for do-*
16 *mestic counter-terrorism activities may not be provided*
17 *under subsection (a) if the provision of such support will*
18 *affect adversely the military preparedness of the United*
19 *States. To ensure that the use of units and personnel of the*
20 *National Guard under such subsection does not degrade*
21 *training and readiness, the following requirements shall*
22 *apply in determining the activities that units and per-*
23 *sonnel of the National Guard of a State may perform:*

24 “(1) *The performance of the activities may not*
25 *affect adversely the quality of training or otherwise*

1 *interfere with the ability of a member or unit of the*
2 *National Guard to perform the military functions of*
3 *the member or unit.*

4 “(2) *The performance of the activities will not*
5 *degrade the military skills of the members of the Na-*
6 *tional Guard performing those activities.*

7 “(d) *STATUTORY CONSTRUCTION.— Nothing in this*
8 *section shall be construed as a limitation on the authority*
9 *of any unit or member of the National Guard of a State,*
10 *when not in Federal service, to perform functions author-*
11 *ized to be performed by the National Guard by the laws*
12 *of the State concerned. Nothing in this section shall be con-*
13 *strued as a limitation on the authority of any unit or mem-*
14 *ber of the National Guard of a State, when not in Federal*
15 *service, to provide military assistance or support to civil*
16 *authority in the normal course of military training or oper-*
17 *ations on a non-reimbursable basis.*

18 “(e) *DEFINITIONS.—In this section:*

19 “(1) *The term ‘State’ means each of the several*
20 *States, the District of Columbia, the Commonwealth*
21 *of Puerto Rico, or a territory or possession of the*
22 *United States.*

23 “(2) *The term ‘domestic counter-terrorism’*
24 *means measures taken to prevent, deter, and respond*
25 *to terrorism within a State.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 1 of such title is amended by add-*
 3 *ing at the end the following new item:*

*“116. Use of National Guard to provide military support to civilian law enforce-
 ment agencies for domestic counter-terrorism activities.”.*

4 (c) *CONFORMING AMENDMENT TO TITLE 10.*—*Section*
 5 *115(i) of title 10, United States Code, is amended by insert-*
 6 *ing “or providing military support to civilian law enforce-*
 7 *ment agencies for domestic counter-terrorism activities*
 8 *under section 116 of such title” after “title 32”.*

9 **Subtitle C—Education and** 10 **Training**

11 **SEC. 521. REPEAL OF LIMITATION ON AMOUNT OF FINAN-** 12 **CIAL ASSISTANCE UNDER ROTC SCHOLAR-** 13 **SHIP PROGRAMS.**

14 (a) *GENERAL ROTC PROGRAM.*—*Section 2107(c) of*
 15 *title 10, United States Code, is amended—*

16 (1) *by striking paragraph (4); and*

17 (2) *in paragraph (5)(B), by striking “, (3), or*
 18 *(4)” and inserting “or (3)”.*

19 (b) *ARMY RESERVE AND ARMY NATIONAL GUARD PRO-*
 20 *GRAM.*—*Section 2107a(c) of such title is amended by strik-*
 21 *ing paragraph (3).*

22 (c) *EFFECTIVE DATE.*—*Paragraph (4) of section*
 23 *2107(c) of title 10, United States Code, and paragraph (3)*
 24 *of section 2107a(c) of such title, as in effect on the day be-*

1 *fore the date of the enactment of this Act, shall continue*
 2 *to apply in the case of any individual selected before the*
 3 *date of the enactment of this Act for appointment as a cadet*
 4 *or midshipman under section 2107 or 2107a of such title.*

5 **SEC. 522. INCREASED ENROLLMENT FOR ELIGIBLE DE-**
 6 **FENSE INDUSTRY EMPLOYEES IN THE DE-**
 7 **FENSE PRODUCT DEVELOPMENT PROGRAM**
 8 **AT NAVAL POSTGRADUATE SCHOOL.**

9 *Section 7049(a) of title 10, United States Code, is*
 10 *amended—*

11 *(1) by inserting “and systems engineering” after*
 12 *“curriculum related to defense product development”;*
 13 *and*

14 *(2) by striking “10” and inserting “25”.*

15 **SEC. 523. PAYMENT OF EXPENSES TO OBTAIN PROFES-**
 16 **SIONAL CREDENTIALS.**

17 *(a) IN GENERAL.—Chapter 101 of title 10, United*
 18 *States Code, is amended by adding at the end the following*
 19 *new section:*

20 **“§2015. Payment of expenses to obtain professional**
 21 **credentials**

22 *“(a) AUTHORITY.—The Secretary of Defense and the*
 23 *Secretary of Homeland Security, with respect to the Coast*
 24 *Guard when it is not operating as a service in the Navy,*
 25 *may pay for—*

1 *other school within the University, may confer the master*
2 *of science degrees specified in subsection (b).*

3 “(b) *AUTHORIZED DEGREES.*—*The following degrees*
4 *may be awarded under subsection (a):*

5 “(1) *MASTER OF SCIENCE IN NATIONAL SECUR-*
6 *ITY STRATEGY.*—*The degree of master of science in*
7 *national security strategy, to graduates of the Univer-*
8 *sity who fulfill the requirements of the program of the*
9 *National War College.*

10 “(2) *MASTER OF SCIENCE IN NATIONAL RE-*
11 *SOURCE STRATEGY.*—*The degree of master of science*
12 *in national resource strategy, to graduates of the Uni-*
13 *versity who fulfill the requirements of the program of*
14 *the Industrial College of the Armed Forces.*

15 “(3) *MASTER OF SCIENCE IN JOINT CAMPAIGN*
16 *PLANNING AND STRATEGY.*—*The degree of master of*
17 *science in joint campaign planning and strategy, to*
18 *graduates of the University who fulfill the require-*
19 *ments of the program of the Joint Advanced*
20 *Warfighting School at the Joint Forces Staff College.*

21 “(c) *REGULATIONS.*—*The authority provided by this*
22 *section shall be exercised under regulations prescribed by*
23 *the Secretary of Defense.”*

1 (b) *CLERICAL AMENDMENT.*—*The item relating to sec-*
2 *tion 2163 in the table of sections at the beginning of chapter*
3 *108 of such title is amended to read as follows:*

 “2163. *National Defense University: master of science degrees.*”.

4 (c) *EFFECTIVE DATE.*—*Paragraph (3) of section*
5 *2163(b) of title 10, United States Code, as amended by sub-*
6 *section (a), shall take effect for degrees awarded after May*
7 *2005.*

8 **SEC. 525. ONE-YEAR EXTENSION OF AUTHORITY TO USE AP-**
9 **PROPRIATED FUNDS TO PROVIDE RECOGNI-**
10 **TION ITEMS FOR RECRUITMENT AND RETEN-**
11 **TION OF CERTAIN RESERVE COMPONENT**
12 **PERSONNEL.**

13 *Section 18506(d) of title 10, United States Code, and*
14 *section 717(e) of title 32, United States Code, are each*
15 *amended by striking “December 31, 2005” and inserting*
16 *“December 31, 2006”.*

17 **SEC. 526. REPORT ON RATIONALE AND PLANS OF THE NAVY**
18 **TO PROVIDE ENLISTED MEMBERS AN OPPOR-**
19 **TUNITY TO OBTAIN GRADUATE DEGREES.**

20 (a) *REPORT.*—*The Secretary of the Navy shall submit*
21 *to the Committee on Armed Services of the Senate and the*
22 *Committee on Armed Services of the House of Representa-*
23 *tives a report on the plans, if any, of the Secretary, and*
24 *the rationale for those plans, for a program to provide en-*
25 *listed members of the Navy with opportunities to pursue*

1 graduate degree programs either through Navy schools or
2 paid for by the Navy in return for an additional service
3 obligation. The report shall include the following:

4 (1) The underlying philosophy and objectives
5 supporting a decision to provide opportunities for
6 graduate degrees to enlisted members of the Navy.

7 (2) An overall description of how the award of
8 a graduate degree to an enlisted member would fit in
9 an integrated, progressive, coordinated, and system-
10 atic way into the goals and requirements of the Navy
11 for enlisted career development and for professional
12 education, together with a discussion of a wider re-
13 quirement, if any, for programs for the award of asso-
14 ciate and baccalaureate degrees to enlisted members,
15 particularly in the career fields under consideration
16 for the pilot program referred to in subsection (b).

17 (3) A discussion of the scope and details of the
18 plan to ensure that Navy enlisted members have the
19 requisite academic baccalaureate degrees as a pre-
20 requisite for undertaking graduate-level work.

21 (4) Identification of the specific enlisted career
22 fields for which the Secretary has determined that a
23 graduate degree should be a requirement, as well as
24 the rationale for that determination.

1 (5) *A description of the concept of the Secretary*
2 *of the Navy for the process and mechanism of pro-*
3 *viding graduate degrees to enlisted members, includ-*
4 *ing, as a minimum, the Secretary's plan for whether*
5 *the degree programs would be provided through civil-*
6 *ian or military degree-granting institutions and*
7 *whether through in-resident or distance learning or*
8 *some combination thereof.*

9 (6) *A description of the plan to ensure proper*
10 *and effective utilization of enlisted members following*
11 *the award of a graduate degree.*

12 (b) *REPORT ON PILOT PROGRAM.—In addition to the*
13 *report under subsection (a), the Secretary of the Navy may*
14 *submit a plan for a pilot program to make available oppor-*
15 *tunities to pursue graduate degree programs to a limited*
16 *number of Navy enlisted members in a specific, limited set*
17 *of critical career fields. Such a plan shall include, as a min-*
18 *imum, the following:*

19 (1) *The specific objectives of the pilot program.*

20 (2) *An identification of the specific enlisted ca-*
21 *reer fields from which candidates for the program*
22 *would be drawn, the numbers and prerequisite quali-*
23 *fications of initial candidates, and the process for se-*
24 *lecting the enlisted members who would initially par-*
25 *ticipate.*

1 (3) *The process and mechanism for providing the*
2 *degrees, described in the same manner as specified*
3 *under subsection (a)(5), and a general description of*
4 *course content.*

5 (4) *An analysis of the cost effectiveness of using*
6 *Navy, other service, or civilian degree granting insti-*
7 *tutions in the pilot.*

8 (5) *The plan for post-graduation utilization of*
9 *the enlisted members who obtain graduate degrees*
10 *under the program.*

11 (6) *The criteria and plan for assessing whether*
12 *the objectives of the pilot program are met.*

13 **SEC. 527. INCREASE IN ANNUAL LIMIT ON NUMBER OF**
14 **ROTC SCHOLARSHIPS UNDER ARMY RESERVE**
15 **AND NATIONAL GUARD PROGRAM.**

16 *Section 2107a(h) of title 10, United States Code, is*
17 *amended by striking “208” and inserting “416”.*

18 **SEC. 528. CAPSTONE OVERSEAS FIELD STUDIES TRIPS TO**
19 **PEOPLE’S REPUBLIC OF CHINA AND REPUB-**
20 **LIC OF CHINA ON TAIWAN.**

21 *Section 2153 of title 10, United States Code, is amend-*
22 *ed by adding at the end the following new subsection:*

23 “(c) *OVERSEAS FIELD STUDIES TO CHINA AND TAI-*
24 *WAN.—The Secretary of Defense shall direct the National*
25 *Defense University to ensure that visits to China and Tai-*

1 *wan are an integral part of the field study programs con-*
2 *ducted by the university as part of the military education*
3 *course carried out pursuant to subsection (a) and that such*
4 *field study programs include annually at least one class*
5 *field study trip to the People's Republic of China and at*
6 *least one class field study trip to the Republic of China on*
7 *Taiwan.”.*

8 **SEC. 529. SENSE OF CONGRESS CONCERNING ESTABLISH-**
9 **MENT OF NATIONAL COLLEGE OF HOMELAND**
10 **SECURITY.**

11 *It is the sense of Congress that the Secretary of Defense,*
12 *in consultation with the Secretary of Homeland Security,*
13 *should establish within the National Defense University an*
14 *educational institution, to be known as the National College*
15 *of Homeland Security, to have the mission of providing*
16 *strategic-level homeland security and homeland defense edu-*
17 *cation and related research to civilian and military leaders*
18 *from all agencies of government in order to contribute to*
19 *the development of a common understanding of core home-*
20 *land security principles and of effective interagency and*
21 *multijurisdictional homeland security strategies, policies,*
22 *doctrines, and processes.*

1 ***Subtitle D—General Service***
2 ***Requirements***

3 ***SEC. 531. UNIFORM ENLISTMENT STANDARDS FOR THE***
4 ***ARMED FORCES.***

5 (a) *UNIFORM STANDARDS.*—Section 504 of title 10,
6 *United States Code, is amended—*

7 (1) *by inserting “(a)” at the beginning of the*
8 *text; and*

9 (2) *by adding at the end the following new sub-*
10 *section:*

11 “(b)(1) *Except as provided under paragraph (2), a*
12 *person may not be enlisted in any armed force unless that*
13 *person is one of the following:*

14 “(A) *A national of the United States, as defined*
15 *in section 101(a)(22) of the Immigration and Nation-*
16 *ality Act (8 U.S.C. 1101(a)(22)).*

17 “(B) *An alien who is lawfully admitted for per-*
18 *manent residence, as defined in section 101(a)(20) of*
19 *the Immigration and Nationality Act (8 U.S.C.*
20 *1101(a)(20)).*

21 “(C) *A person described in section 341 of one of*
22 *the following:*

23 “(i) *The Compact of Free Association be-*
24 *tween the Federated States of Micronesia and the*

1 *United States (section 201(a) of Public Law*
2 *108–188 (117 Stat. 2784; 48 U.S.C. 1921 note)).*

3 “(i) *The Compact of Free Association be-*
4 *tween the Republic of the Marshall Islands and*
5 *the United States (section 201(b) of Public Law*
6 *108–188 (117 Stat. 2823; 48 U.S.C. 1921 note)).*

7 “(iii) *The Compact of Free Association be-*
8 *tween Palau and the United States (section 201*
9 *of Public Law 99–658 (100 Stat. 3678; 48*
10 *U.S.C. 1931 note)).*

11 “(2) *The Secretary concerned may authorize the enlist-*
12 *ment of persons not described in paragraph (1) when the*
13 *Secretary determines that such enlistment is vital to the*
14 *national interest. ”.*

15 (b) *CONFORMING REPEAL OF SERVICE-SPECIFIC PRO-*
16 *VISIONS.—*

17 (1) *REPEAL.—Sections 3253 and 8253 of such*
18 *title are repealed.*

19 (2) *CLERICAL AMENDMENTS.—The table of sec-*
20 *tions at the beginning of chapter 333 is amended by*
21 *striking the item relating to section 3253. The table*
22 *of sections at the beginning of chapter 833 is amended*
23 *by striking the item relating to section 8253.*

1 **SEC. 532. INCREASE IN MAXIMUM TERM OF ORIGINAL EN-**
2 **LISTMENT IN REGULAR COMPONENT.**

3 *Section 505(c) of title 10, United States Code, is*
4 *amended by striking “six years” and inserting “eight*
5 *years”.*

6 **SEC. 533. MEMBERS COMPLETING STATUTORY INITIAL MILI-**
7 **TARY SERVICE OBLIGATION.**

8 *(a) NOTIFICATION TO INITIAL ENTRANTS.—Section*
9 *651(a) of title 10, United States Code, is amended by add-*
10 *ing at the end the following new subsection:*

11 *“(c) Each person covered by subsection (a), upon com-*
12 *mencing that person’s initial period of service as a member*
13 *of the armed forces, shall be provided the date on which*
14 *the initial military service obligation of that person under*
15 *this section ends.”.*

16 *(b) NOTIFICATION TO INDIVIDUAL READY RESERVE*
17 *MEMBERS.—Section 10144 of such title is amended by add-*
18 *ing at the end the following new subsection:*

19 *“(c) In the case of a member of the armed forces who*
20 *is serving in the Individual Ready Reserve to complete the*
21 *initial military service obligation of that member under sec-*
22 *tion 651 of this title, the Secretary concerned shall—*

23 *“(1) notify the member when the period of that*
24 *service obligation is completed; and*

1 “(2) before the date when that period is com-
2 pleted, provide to that member an opportunity, if the
3 member is qualified, to—

4 “(A) continue voluntarily in the Ready Re-
5 serve; or

6 “(B) transfer voluntarily to an active com-
7 ponent.”.

8 (c) *PROHIBITION OF CERTAIN INVOLUNTARY PER-*
9 *SONNEL ACTIONS.*—

10 (1) *IN GENERAL.*—Chapter 1215 of such title is
11 amended by adding at the end the following new sec-
12 tion:

13 “**§ 12553. Members of Individual Ready Reserve com-**
14 **pleting initial military service obligation:**
15 **prohibition of certain involuntary per-**
16 **sonnel actions**

17 “(a) *PROHIBITION.*—In the case of a member of the
18 armed forces who is serving in the Individual Ready Re-
19 serve to complete the initial military service obligation of
20 that member under section 651 of this title, the Secretary
21 concerned may not, after the end of the period of that service
22 obligation, issue the member an order for an action speci-
23 fied in subsection (b) unless the member, before the end of
24 that period, has entered into a service agreement that com-

1 mits the member to military service beyond the end of that
2 period.

3 “(b) *COVERED ACTIONS*.—Subsection (a) applies to an
4 involuntary mobilization in accordance with section
5 12301(a), 12301(b), 12302, or 12304 of this title, or a recall
6 to active duty, that commences after the date of the end
7 of the period of the military service obligation or a transfer
8 to the Selected Reserve. ”.

9 (2) *CLERICAL AMENDMENT*.—The table of sec-
10 tions at the beginning of such chapter is amended by
11 adding at the end the following new item:

“12553. *Members of Individual Ready Reserve completing initial military service obligation: prohibition of certain involuntary personnel actions.*”.

12 (3) *EFFECTIVE DATE*.—Section 12533 of title 10,
13 United States Code, as added by paragraph (1), shall
14 apply with respect to orders issued by the Secretary
15 concerned after the date of the enactment of this Act.

16 **SEC. 534. EXTENSION OF QUALIFYING SERVICE FOR INITIAL**
17 **MILITARY SERVICE UNDER NATIONAL CALL**
18 **TO SERVICE PROGRAM.**

19 Section 510(d) of title 10, United States Code, is
20 amended by inserting before the period at the end the fol-
21 lowing: “and shall include military occupational specialties
22 for enlistments for officer training and subsequent service
23 as an officer, in cases in which the reason for the enlistment

1 *and entry into an agreement under subsection (b) is to enter*
2 *an officer training program”.*

3 ***Subtitle E—Matters Relating to***
4 ***Casualties***

5 ***SEC. 541. REQUIREMENT FOR MEMBERS OF THE ARMED***
6 ***FORCES TO DESIGNATE A PERSON TO BE AU-***
7 ***THORIZED TO DIRECT THE DISPOSITION OF***
8 ***THE MEMBER’S REMAINS.***

9 *(a) DESIGNATION REQUIRED.—Section 655 of title 10,*
10 *United States Code, is amended—*

11 *(1) by redesignating subsection (b) as subsection*
12 *(c); and*

13 *(2) by inserting after subsection (a) the following*
14 *new subsection (b):*

15 *“(b) The Secretary concerned shall, upon the enlist-*
16 *ment or appointment of a person in the armed forces, re-*
17 *quire that the person specify in writing the person author-*
18 *ized to direct the disposition of the person’s remains under*
19 *section 1482 of this title. The Secretary shall periodically,*
20 *and whenever the member is deployed as part of a contin-*
21 *gency operation or in other circumstances specified by the*
22 *Secretary, require that such designation be reconfirmed, or*
23 *modified, by the member.”.*

1 (b) *CHANGE IN DESIGNATION.*—Subsection (c) of such
2 section, as redesignated by subsection (a)(1), is amended by
3 inserting “or (b)” after “subsection (a)”.

4 (c) *PERSONS AUTHORIZED TO DIRECT DISPOSITION*
5 *OF REMAINS.*—Section 1482(c) of such title is amended—

6 (1) by striking the matter preceding paragraph
7 (1) and inserting the following:

8 “(c) The person designated under section 655(b) of this
9 title shall be considered for all purposes to be the person
10 designated under this subsection to direct disposition of the
11 remains of a decedent covered by this chapter. If the person
12 so designated is not available, or if there was no such des-
13 ignation under that section, one of the following persons,
14 in the order specified, shall be the person designated to di-
15 rect the disposition of remains:”; and

16 (2) in paragraph (4), by striking “clauses (1)–
17 (3)” and inserting “paragraph (1), (2), or (3)”.

18 (d) *EFFECTIVE DATE.*—Subsection (b) of section 655
19 of title 10, United States Code, as added by subsection
20 (a)(2), shall take effect at the end of the 30-day period be-
21 ginning on the date of the enactment of this Act and shall
22 be applied to persons enlisted or appointed in the Armed
23 Forces after the end of such period. In the case of persons
24 who are members of the Armed Forces as of the end of such
25 30-day period, such subsection—

1 (1) shall be applied to any member who is de-
2 ployed to a contingency operation after the end of
3 such period; and

4 (2) in the case of any member not sooner covered
5 under paragraph (1), shall be applied before the end
6 of the 180-day period beginning on the date of the en-
7 actment of this Act.

8 (e) *TREATMENT OF PRIOR DESIGNATIONS.*—

9 (1) A qualifying designation by a decedent cov-
10 ered by section 1481 of title 10, United States Code,
11 shall be treated for purposes of section 1482 of such
12 title as having been made under section 655(b) of
13 such title.

14 (2) *QUALIFYING DESIGNATIONS.*—For purposes
15 of paragraph (1), a qualifying designation is a des-
16 ignation by a person of the person to be authorized
17 to direct disposition of the remains of the person mak-
18 ing the designation that was made before the date of
19 the enactment of this Act and in accordance with reg-
20 ulations and procedures of the Department of Defense
21 in effect at the time.

22 **SEC. 542. ENHANCED PROGRAM OF CASUALTY ASSISTANCE**
23 **OFFICERS AND SERIOUSLY INJURED/ILL AS-**
24 **SISTANCE OFFICERS.**

25 (a) *REQUIRED STANDARDS AND TRAINING.*—

1 (1) *IN GENERAL.*—Subchapter I of chapter 88 of
 2 *title 10, United States Code, is amended by adding*
 3 *at the end the following new section:*

4 **“§1790. Casualty Assistance Officers; Seriously In-**
 5 **jured/Ill Assistance Officers**

6 “(a) *ASSIGNMENT OF CAOS.*—Whenever a member of
 7 *the Army, Navy, Air Force, or Marine Corps dies while on*
 8 *active duty or otherwise under circumstances for which a*
 9 *death gratuity under section 1475 or 1476 of this title is*
 10 *to be paid, the Secretary of the military department con-*
 11 *cerned shall provide for the assignment of a Casualty As-*
 12 *sistance Officer to assist the family members of the deceased*
 13 *member.*

14 “(b) *ASSIGNMENT OF SLAOS.*—Whenever a member of
 15 *the Army, Navy, Air Force, or Marine Corps is seriously*
 16 *injured or becomes seriously ill while on active duty or oth-*
 17 *erwise under circumstances for which, if the member died,*
 18 *a death gratuity under section 1475 or 1476 of this title*
 19 *would be paid, the Secretary of the military department*
 20 *concerned shall provide for the assignment of a Seriously*
 21 *Injured/Ill Assistance Officer to assist the member and the*
 22 *member’s family members.*

23 “(c) *PERSONS WHO MAY BE ASSIGNED.*—The Sec-
 24 *retary concerned may only assign as a Casualty Assistance*
 25 *Officer or Seriously Injured/Ill Assistance Officer a member*

1 *of the armed forces who is an officer or a noncommissioned*
2 *officers in pay grade E-7 or above or a person who is a*
3 *Federal civilian employee.*

4 “(d) *DUTIES AND FUNCTIONS*.—*The Secretary of De-*
5 *fense shall prescribe the duties and functions of Casualty*
6 *Assistance Officers and Seriously Injured/Ill Assistance Of-*
7 *ficers. Such functions shall include the following functions*
8 *for family members:*

9 “(1) *Information source.*

10 “(2) *Counsellor.*

11 “(3) *Advisor on obtaining needed information*
12 *and services.*

13 “(4) *Administrative assistant.*

14 “(5) *Advocate for family members with military*
15 *authorities.*

16 “(e) *DURATION AND LOCATION OF ASSISTANCE*.—*Once*
17 *a family is assigned a Casualty Assistance Officer or Seri-*
18 *ously Injured/Ill Assistance Officer, the Secretary concerned*
19 *shall ensure that such an officer is continuously assigned*
20 *to that family, regardless of family location, until the Sec-*
21 *retary determines that the family is no longer in need of*
22 *assistance from such an officer.*

23 “(f) *TRAINING AND OVERSIGHT*.—(1) *The Secretary of*
24 *Defense shall establish standards for performance of the du-*
25 *ties of Casualty Assistance Officers and Seriously Injured/*

1 *Ill Assistance Officers, and shall monitor the training pro-*
2 *grams of the military departments for persons assigned to*
3 *duty as such officers, in order to ensure that Casualty As-*
4 *sistance Officers and Seriously Injured/Ill Assistance Offi-*
5 *cers are properly trained.*

6 “(2) *The Secretary of each military department*
7 *shall—*

8 “(A) *ensure that Casualty Assistance Officers*
9 *and Seriously Injured/Ill Assistance Officers are*
10 *properly trained; and*

11 “(B) *monitor the performance of persons as-*
12 *signed to duty as Casualty Assistance Officers and*
13 *Seriously Injured/Ill Assistance Officers.*

14 “(g) *CRITERIA FOR DETERMINATION OF SERIOUS IN-*
15 *JURY OR ILLNESS.—The Secretary of Defense shall specify*
16 *criteria for determination for purposes of this section of*
17 *whether a member is seriously injured or seriously ill. ”.*

18 “(2) *CLERICAL AMENDMENT.—The table of sec-*
19 *tions at the beginning of such chapter is amended by*
20 *adding at the end the following new item:*

“1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers.”.

21 “(b) *IMPLEMENTATION.—The Secretary of Defense shall*
22 *prescribe regulations for the implementation of section 1790*
23 *of title 10, United States Code, as added by subsection (a),*
24 *not later than 180 days after the date of the enactment of*
25 *this Act.*

1 **SEC. 543. STANDARDS AND GUIDELINES FOR DEPARTMENT**
2 **OF DEFENSE PROGRAMS TO ASSIST WOUND-**
3 **ED AND INJURED MEMBERS.**

4 *The Secretary of Defense shall examine the programs*
5 *of the Army, Navy, Air Force, and Marine Corps that pro-*
6 *vide assistance to members of the Armed Forces who incur*
7 *severe wounds or injuries in the line of duty, including the*
8 *Army Disabled Soldier Support Program and the Marine*
9 *for Life Injured Support Program, and (based on such ex-*
10 *amination) shall develop standards and guidelines as nec-*
11 *essary to coordinate and standardize those programs with*
12 *the activities of the Severely Injured Joint Support Oper-*
13 *ations Center of the Department of Defense, established as*
14 *of February 1, 2005. The Secretary shall publish regula-*
15 *tions to implement the standards and guidelines developed*
16 *pursuant to the preceding sentence not later than 180 days*
17 *after the date of the enactment of this Act.*

18 **SEC. 544. AUTHORITY FOR MEMBERS ON ACTIVE DUTY**
19 **WITH DISABILITIES TO PARTICIPATE IN**
20 **PARALYMPIC GAMES.**

21 *Section 717(a) of title 10, United States Code, is*
22 *amended by striking “participate in—” and all that follows*
23 *through “(2) any other” and inserting “participate in any*
24 *of the following sports competitions:*

1 “(1) *The Pan-American Games and the Olympic*
 2 *Games, and qualifying events and preparatory com-*
 3 *petition for those games.*

4 “(2) *The Paralympic Games, if eligible to par-*
 5 *ticipate in those games, and qualifying events and*
 6 *preparatory competition for those games.*

7 “(3) *Any other*”.

8 ***Subtitle F—Military Justice and***
 9 ***Legal Assistance Matters***

10 ***SEC. 551. CLARIFICATION OF AUTHORITY OF MILITARY***
 11 ***LEGAL ASSISTANCE COUNSEL TO PROVIDE***
 12 ***MILITARY LEGAL ASSISTANCE WITHOUT RE-***
 13 ***GARD TO LICENSING REQUIREMENTS.***

14 *Section 1044 of title 10, United States Code, is amend-*
 15 *ed by adding at the end the following new subsection:*

16 “(e)(1) *Notwithstanding any law regarding the licen-*
 17 *sure of attorneys, a judge advocate or civilian attorney who*
 18 *is authorized to provide military legal assistance is author-*
 19 *ized to provide that assistance in any jurisdiction, subject*
 20 *to such regulations as may be prescribed by the Secretary*
 21 *concerned.*

22 “(2) *In this subsection, the term ‘military legal assist-*
 23 *ance’ includes—*

24 “(A) *legal assistance provided under this section;*
 25 *and*

1 “(B) legal assistance contemplated by sections
2 1044a, 1044b, 1044c, and 1044d of this title.”.

3 **SEC. 552. USE OF TELECONFERENCING IN ADMINISTRATIVE**
4 **SESSIONS OF COURTS-MARTIAL.**

5 Section 839 of title 10, United States Code (article 39
6 of the Uniform Code of Military Justice), is amended—

7 (1) by redesignating subsection (b) as subsection
8 (c);

9 (2) by designating the matter following para-
10 graph (4) of subsection (a) as subsection (b); and

11 (3) in subsection (b), as so redesignated—

12 (A) by striking “These proceedings shall be
13 conducted” and inserting “Proceedings under
14 subsection (a) shall be conducted”; and

15 (B) by adding at the end the following new
16 sentence: “If authorized by regulations of the
17 Secretary concerned, and if the defense counsel is
18 physically in the presence of the accused, the
19 presence required by this subsection may other-
20 wise be established by audiovisual technology
21 (such as videoteleconferencing technology).”.

1 **SEC. 553. EXTENSION OF STATUTE OF LIMITATIONS FOR**
2 **MURDER, RAPE, AND CHILD ABUSE OFFENSES**
3 **UNDER THE UNIFORM CODE OF MILITARY**
4 **JUSTICE.**

5 (a) *NO LIMITATION FOR MURDER, RAPE, OR RAPE OF*
6 *A CHILD.*—Section 843 of title 10, United States Code (ar-
7 ticle 43 of the Uniform Code of Military Justice), is amend-
8 ed in subsection (a) by inserting after “in a time of war,”
9 the following: “with murder, rape, or rape of a child,”.

10 (b) *SPECIAL RULES FOR CHILD ABUSE OFFENSES.*—
11 *Such section is further amended in subsection (b)(2)—*

12 (1) *in subparagraph (A), by striking “before the*
13 *child attains the age of 25 years” and inserting “dur-*
14 *ing the life of the child or within five years after the*
15 *date on which the offense was committed, whichever*
16 *provides a longer period,”;*

17 (2) *In subparagraph (B)—*

18 (A) *in the matter preceding clause (i), by*
19 *striking “sexual or physical”;*

20 (B) *in clause (i), by striking “Rape or car-*
21 *nal knowledge” and inserting “Any offense”; and*

22 (C) *in clause (v), by striking “Indecent as-*
23 *sault,” and inserting “Kidnapping; indecent as-*
24 *sault;”; and*

25 (3) *by adding at the end the following new sub-*
26 *paragraph:*

1 “(C) In subparagraph (A), the term ‘child abuse
2 offense’ includes an act that involves abuse of a per-
3 son who has not attained the age of 18 years and
4 would constitute an offense under chapter 110 or 117,
5 or under section 1591, of title 18.”.

6 **SEC. 554. OFFENSE OF STALKING UNDER THE UNIFORM**
7 **CODE OF MILITARY JUSTICE.**

8 (a) *IN GENERAL.*—(1) Subchapter X of chapter 47 of
9 title 10, United States Code (the Uniform Code of Military
10 Justice), is amended by inserting after section 928 (article
11 128) the following new section:

12 **“§ 928a. Art. 128a. Stalking**

13 “Any person subject to this chapter who, on two or
14 more occasions, engages in one or more threatening acts
15 with respect to a specific person—

16 “(1) that the person knows or should know would
17 place the specific person in emotional distress or in
18 reasonable fear of death or bodily harm to the specific
19 person or to an immediate family member or inti-
20 mate partner of the specific person; and

21 “(2) that places the specific person in emotional
22 distress or in reasonable fear of death or bodily harm
23 to the specific person or to an immediate family
24 member or intimate partner of the specific person;

1 *is guilty of stalking and shall be punished as a court-mar-*
 2 *tial may direct.”.*

3 (2) *The table of sections at the beginning of such sub-*
 4 *chapter is amended by inserting after the item relating to*
 5 *section 928 the following new item:*

“928a. Art. 128a. Stalking.”.

6 (b) *APPLICABILITY.—Section 928a of title 10, United*
 7 *States Code (article 128a of the Uniform Code of Military*
 8 *Justice), as added by subsection (a), applies to offenses com-*
 9 *mitted after the date that is six months after the date of*
 10 *the enactment of this Act.*

11 **SEC. 555. RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MIS-**
 12 **CONDUCT UNDER UNIFORM CODE OF MILI-**
 13 **TARY JUSTICE.**

14 (a) *REVISION TO UCMJ.—*

15 (1) *IN GENERAL.—Section 920 of title 10,*
 16 *United States Code (article 120 of the Uniform Code*
 17 *of Military Justice), is amended to read as follows:*

18 **“§920. Art. 120. Rape, sexual assault, and other sex-**
 19 **ual misconduct**

20 *“(a) RAPE.—Any person subject to this chapter who*
 21 *causes another person of any age to engage in a sexual act*
 22 *by—*

23 *“(1) using force against that other person;*

24 *“(2) causing grievous bodily harm to any person;*

1 “(3) threatening or placing that other person in
2 fear that any person will be subjected to death, griev-
3 ous bodily harm, or kidnapping;

4 “(4) rendering another person unconscious; or

5 “(5) administering to another person by force or
6 threat of force, or without the knowledge or permis-
7 sion of that person, a drug, intoxicant, or other simi-
8 lar substance and thereby substantially impairs the
9 ability of that other person to appraise or control con-
10 duct,

11 *is guilty of rape and shall be punished as a court-martial*
12 *may direct.*

13 “(b) *RAPE OF A CHILD.*—Any person subject to this
14 *chapter who—*

15 “(1) engages in a sexual act with a child who
16 has not attained the age of twelve years; or

17 “(2) engages in a sexual act under the cir-
18 cumstances described in subsection (a) with a child
19 who has attained the age of twelve years,

20 *is guilty of rape of a child and shall be punished as a court-*
21 *martial may direct.*

22 “(c) *AGGRAVATED SEXUAL ASSAULT.*—Any person
23 *subject to this chapter who—*

24 “(1) causes another person of any age to engage
25 in a sexual act by—

1 “(A) threatening or placing that other per-
2 son in fear (other than by threatening or placing
3 that other person in fear that any person will be
4 subjected to death, grievous bodily harm, or kid-
5 napping); or

6 “(B) causing bodily harm; or

7 “(2) engages in a sexual act with another person
8 of any age if that other person is substantially inca-
9 pacitated or substantially incapable of—

10 “(A) appraising the nature of the sexual
11 act;

12 “(B) declining participation in the sexual
13 act; or

14 “(C) communicating unwillingness to en-
15 gage in the sexual act,

16 *is guilty of aggravated sexual assault and shall be punished*
17 *as a court-martial may direct.*

18 “(d) *AGGRAVATED SEXUAL ASSAULT OF A CHILD.—*
19 *Any person subject to this chapter who engages in a sexual*
20 *act with a child who has attained the age of twelve years*
21 *is guilty of aggravated sexual assault of a child and shall*
22 *be punished as a court-martial may direct.*

23 “(e) *AGGRAVATED SEXUAL CONTACT.—Any person*
24 *subject to this chapter who engages in or causes sexual con-*
25 *tact with or by another person, if to do so would violate*

1 subsection (a) (rape) had the sexual contact been a sexual
2 act, is guilty of aggravated sexual contact and shall be pun-
3 ished as a court-martial may direct.

4 “(f) *AGGRAVATED SEXUAL ABUSE OF A CHILD.*—Any
5 person subject to this chapter who engages in a lewd act
6 with a child is guilty of aggravated sexual abuse of a child
7 and shall be punished as a court-martial may direct.

8 “(g) *AGGRAVATED SEXUAL CONTACT WITH A*
9 *CHILD.*—Any person subject to this chapter who engages in
10 or causes sexual contact with or by another person, if to
11 do so would violate subsection (b) (rape of a child) had the
12 sexual contact been a sexual act, is guilty of aggravated
13 sexual contact with a child and shall be punished as a
14 court-martial may direct.

15 “(h) *ABUSIVE SEXUAL CONTACT.*—Any person subject
16 to this chapter who engages in or causes sexual contact with
17 or by another person, if to do so would violate subsection
18 (c) (aggravated sexual assault) had the sexual contact been
19 a sexual act, is guilty of abusive sexual contact and shall
20 be punished as a court-martial may direct.

21 “(i) *ABUSIVE SEXUAL CONTACT WITH A CHILD.*—Any
22 person subject to this chapter who engages in or causes sex-
23 ual contact with or by another person, if to do so would
24 violate subsection (d) (aggravated sexual assault of a child)
25 had the sexual contact been a sexual act, is guilty of abusive

1 *sexual contact with a child and shall be punished as a*
2 *court-martial may direct.*

3 “(j) *INDECENT LIBERTY WITH A CHILD.*—*Any person*
4 *subject to this chapter who engages in indecent liberty in*
5 *the physical presence of a child—*

6 “(1) *with the intent to arouse, appeal to, or grat-*
7 *ify the sexual desire of any person; or*

8 “(2) *with the intent to abuse, humiliate, or de-*
9 *grade any person,*

10 *is guilty of indecent liberty with a child and shall be pun-*
11 *ished as a court-martial may direct.*

12 “(k) *INDECENT ACT.*—*Any person subject to this chap-*
13 *ter who engages in indecent conduct is guilty of an indecent*
14 *act and shall be punished as a court-martial may direct.*

15 “(l) *FORCIBLE PANDERING.*—*Any person subject to*
16 *this chapter who compels another person to engage in an*
17 *act of prostitution with another person to be directed to said*
18 *person is guilty of forcible pandering and shall be punished*
19 *as a court-martial may direct.*

20 “(m) *WRONGFUL SEXUAL CONTACT.*—*Any person sub-*
21 *ject to this chapter who, without legal justification or lawful*
22 *authorization, engages in sexual contact with another per-*
23 *son without that other person’s permission is guilty of*
24 *wrongful sexual contact and shall be punished as a court-*
25 *martial may direct.*

1 “(n) *INDECENT EXPOSURE.*—Any person subject to
2 *this chapter who intentionally exposes, in an indecent man-*
3 *ner, in any place where the conduct involved may reason-*
4 *ably be expected to be viewed by people other than members*
5 *of the actor’s family or household, the genitalia, anus, but-*
6 *tocks, or female areola or nipple is guilty of indecent expo-*
7 *sure and shall be punished as a court-martial may direct.*

8 “(o) *AGE OF CHILD.*—

9 “(1) *TWELVE YEARS.*—In a prosecution under
10 *subsection (b) (rape of a child), (g) (aggravated sexual*
11 *contact with a child), or (j) (indecent liberty with a*
12 *child), it need not be proven that the accused knew*
13 *that the other person engaging in the sexual act, con-*
14 *tact, or liberty had not attained the age of twelve*
15 *years. It is not an affirmative defense that the ac-*
16 *cused reasonably believed that the child had attained*
17 *the age of twelve years.*

18 “(2) *SIXTEEN YEARS.*—In a prosecution under
19 *subsection (d) (aggravated sexual assault of a child),*
20 *(f) (aggravated sexual abuse of a child), (i) (abusive*
21 *sexual contact with a child), or (j) (indecent liberty*
22 *with a child), it need not be proven that the accused*
23 *knew that the other person engaging in the sexual act,*
24 *contact, or liberty had not attained the age of sixteen*
25 *years. Unlike in paragraph (1), however, it is an af-*

1 *firmative defense that the accused reasonably believed*
2 *that the child had attained the age of sixteen years.*

3 “(p) *PROOF OF THREAT.*—*In a prosecution under this*
4 *section, in proving that the accused made a threat, it need*
5 *not be proven that the accused actually intended to carry*
6 *out the threat.*

7 “(q) *MARRIAGE.*—

8 “(1) *IN GENERAL.*—*In a prosecution under*
9 *paragraph (2) of subsection (c) (aggravated sexual as-*
10 *sault), or under subsection (d) (aggravated sexual as-*
11 *sault of a child), (f) (aggravated sexual abuse of a*
12 *child), (i) (abusive sexual contact with a child), (j)*
13 *(indecent liberty with a child), (m) (wrongful sexual*
14 *contact), or (n) (indecent exposure), it is an affirma-*
15 *tive defense that the accused and the other person*
16 *when they engaged in the sexual act, sexual contact,*
17 *or sexual conduct are married to each other.*

18 “(2) *DEFINITION.*—*For purposes of this sub-*
19 *section, a marriage is a relationship, recognized by*
20 *the laws of a competent state or foreign jurisdiction,*
21 *between the accused and the other person as spouses.*
22 *A marriage exists until it is dissolved in accordance*
23 *with the laws of a competent state or foreign jurisdic-*
24 *tion.*

1 “(3) *EXCEPTION.*—*Paragraph (1) shall not*
2 *apply if the accused’s intent at the time of the sexual*
3 *conduct is to abuse, humiliate, or degrade any person,*
4 *or if the child is under the age of fifteen years.*

5 “(r) *CONSENT AND MISTAKE OF FACT AS TO CON-*
6 *SENT.*—*Lack of permission is an element of the offense in*
7 *subsection (m) (wrongful sexual contact). Consent and mis-*
8 *take of fact as to consent are not an issue, or an affirmative*
9 *defense, in a prosecution under any other subsection, except*
10 *they are an affirmative defense for the sexual conduct in*
11 *issue in a prosecution under subsection (a) (rape), (c) (ag-*
12 *gravated sexual assault), (e) (aggravated sexual contact),*
13 *and (h) (abusive sexual contact).*

14 “(s) *OTHER AFFIRMATIVE DEFENSES NOT PRE-*
15 *CLUDED.*—*The enumeration in this section of some affirma-*
16 *tive defenses shall not be construed as excluding the exist-*
17 *ence of others.*

18 “(t) *NO PREEMPTION.*—*The prosecution or punish-*
19 *ment of an accused for an offense under this section does*
20 *not preclude the prosecution or punishment of that accused*
21 *for any other offense.*

22 “(u) *DEFINITIONS.*—*In this section:*

23 “(1) *SEXUAL ACT.*—*The term ‘sexual act’*
24 *means—*

1 “(A) contact between the penis and the
2 vulva, and for purposes of this subparagraph
3 contact involving the penis occurs upon penetra-
4 tion, however slight; or

5 “(B) the penetration, however slight, of the
6 genital opening of another by a hand or finger
7 or by any object, with an intent to abuse, hu-
8 miliate, harass, or degrade any person or to
9 arouse or gratify the sexual desire of any person.

10 “(2) *SEXUAL CONTACT*.—The term ‘sexual con-
11 tact’ means the intentional touching, either directly
12 or through the clothing, of the genitalia, anus, groin,
13 breast, inner thigh, or buttocks of another person, or
14 intentionally causing another person to touch, either
15 directly or through the clothing, the genitalia, anus,
16 groin, breast, inner thigh, or buttocks of any person,
17 with an intent to abuse, humiliate, or degrade any
18 person or to arouse or gratify the sexual desire of any
19 person.

20 “(3) *GRIEVOUS BODILY HARM*.—The term ‘griev-
21 ous bodily harm’ means serious bodily injury. It in-
22 cludes fractured or dislocated bones, deep cuts, torn
23 members of the body, serious damage to internal or-
24 gans, and other severe bodily injuries. It does not in-
25 clude minor injuries such as a black eye or a bloody

1 *nose. It is the same level of injury as in section 928*
2 *(article 128) of this chapter, and a lesser degree of in-*
3 *jury than in section 2246(4) of title 18.*

4 “(4) *DANGEROUS WEAPON OR OBJECT.—The*
5 *term ‘dangerous weapon or object’ means—*

6 “(A) *any firearm, loaded or not, and wheth-*
7 *er operable or not;*

8 “(B) *any other weapon, device, instrument,*
9 *material, or substance, whether animate or inan-*
10 *imate, that in the manner it is used, or is in-*
11 *tended to be used, is known to be capable of pro-*
12 *ducing death or grievous bodily harm; or*

13 “(C) *any object fashioned or utilized in such*
14 *a manner as to lead the victim under the cir-*
15 *cumstances to reasonably believe it to be capable*
16 *of producing death or grievous bodily harm.*

17 “(5) *FORCE.—The term ‘force’ means action to*
18 *compel submission of another or to overcome or pre-*
19 *vent another’s resistance by—*

20 “(A) *the use or display of a dangerous*
21 *weapon or object;*

22 “(B) *the suggestion of possession of a dan-*
23 *gerous weapon or object that is used in a manner*
24 *to cause another to believe it is a dangerous*
25 *weapon or object; or*

1 “(C) *physical violence, strength, power, or*
2 *restraint applied to another person, sufficient*
3 *that the other person could not avoid or escape*
4 *the sexual conduct.*

5 “(6) *THREATENING OR PLACING THAT OTHER*
6 *PERSON IN FEAR.—The term ‘threatening or placing*
7 *that other person in fear’ under paragraph (3) of sub-*
8 *section (a) (rape), or under subsection (e) (aggravated*
9 *sexual contact), means a communication or action*
10 *that is of sufficient consequence to cause a reasonable*
11 *fear that non-compliance will result in the victim or*
12 *another person being subjected to death, grievous bod-*
13 *ily harm, or kidnapping.*

14 “(7) *THREATENING OR PLACING THAT OTHER*
15 *PERSON IN FEAR.—*

16 “(A) *IN GENERAL.—The term ‘threatening*
17 *or placing that other person in fear’ under para-*
18 *graph (1)(A) of subsection (c) (aggravated sexual*
19 *assault), or under subsection (h) (abusive sexual*
20 *contact), means a communication or action that*
21 *is of sufficient consequence to cause a reasonable*
22 *fear that non-compliance will result in the vic-*
23 *tim or another being subjected to a lesser degree*
24 *of harm than death, grievous bodily harm, or*
25 *kidnapping.*

1 “(B) *INCLUSIONS.*—*Such lesser degree of*
2 *harm includes—*

3 “*(i) physical injury to another person*
4 *or to another person’s property; or*

5 “*(ii) a threat—*

6 “*(I) to accuse any person of a*
7 *crime;*

8 “*(II) to expose a secret or pub-*
9 *licize an asserted fact, whether true or*
10 *false, tending to subject some person to*
11 *hatred, contempt or ridicule; or*

12 “*(III) through the use or abuse of*
13 *military position, rank, or authority,*
14 *to affect or threaten to affect, either*
15 *positively or negatively, the military*
16 *career of some person.*

17 “(8) *BODILY HARM.*—*The term ‘bodily harm’*
18 *means any offensive touching of another, however*
19 *slight.*

20 “(9) *CHILD.*—*The term ‘child’ means any person*
21 *who has not attained the age of sixteen years.*

22 “(10) *LEWD ACT.*—*The term ‘lewd act’ means—*

23 “*(A) the intentional touching, not through*
24 *the clothing, of the genitalia of another person,*
25 *with an intent to abuse, humiliate, or degrade*

1 *any person, or to arouse or gratify the sexual de-*
2 *sire of any person; or*

3 “(B) *intentionally causing another person*
4 *to touch, not through the clothing, the genitalia*
5 *of any person with an intent to abuse, humiliate*
6 *or degrade any person, or to arouse or gratify*
7 *the sexual desire of any person.*

8 “(11) *INDECENT LIBERTY.*—*The term ‘indecent*
9 *liberty’ means indecent conduct, but physical contact*
10 *is not required. It includes one who with the requisite*
11 *intent exposes one’s genitalia, anus, buttocks, or fe-*
12 *male areola or nipple to a child. An indecent liberty*
13 *may consist of communication of indecent language*
14 *as long as the communication is made in the physical*
15 *presence of the child. If words designed to excite sex-*
16 *ual desire are spoken to a child, or a child is exposed*
17 *to or involved in sexual conduct, it is an indecent lib-*
18 *erty; the child’s consent is not relevant.*

19 “(12) *INDECENT CONDUCT.*—*The term ‘indecent*
20 *conduct’ means that form of immorality relating to*
21 *sexual impurity which is grossly vulgar, obscene, and*
22 *repugnant to common propriety, and tends to excite*
23 *sexual desire or deprave morals with respect to sexual*
24 *relations. Indecent conduct includes but is not limited*
25 *to observing, or making a videotape, photograph, mo-*

1 *tion picture, print, negative, slide, or other mechani-*
2 *cally, electronically, or chemically reproduced visual*
3 *material, without another person’s consent, and con-*
4 *trary to that other person’s reasonable expectation of*
5 *privacy, of—*

6 *“(A) that other person’s genitalia, anus, or*
7 *buttocks, or (if that other person is female) that*
8 *person’s areola or nipple; or*

9 *“(B) that other person while that other per-*
10 *son is engaged in a sexual act, sodomy (under*
11 *section 925 (article 125)), or sexual contact; and*

12 *“(13) ACT OF PROSTITUTION.—The term ‘act of*
13 *prostitution’ means a sexual act, sexual contact, or*
14 *lewd act for the purpose of receiving money or other*
15 *compensation.*

16 *“(14) CONSENT.—The term ‘consent’ means*
17 *words or overt acts indicating a freely given agree-*
18 *ment to the sexual conduct at issue by a competent*
19 *person. An expression of lack of consent through*
20 *words or conduct means there is no consent. Lack of*
21 *verbal or physical resistance or submission resulting*
22 *from the accused’s use of force, threat of force, or plac-*
23 *ing another person in fear does not constitute consent.*
24 *A current or previous dating relationship by itself or*
25 *the manner of dress of the person involved with the*

1 *accused in the sexual conduct at issue shall not con-*
2 *stitute consent. A person cannot consent to sexual ac-*
3 *tivity if—*

4 *“(A) under sixteen years of age; or*

5 *“(B) substantially incapable of—*

6 *“(i) appraising the nature of the sex-*
7 *ual conduct at issue due to—*

8 *“(I) mental impairment or un-*
9 *consciousness resulting from consump-*
10 *tion of alcohol, drugs, a similar sub-*
11 *stance, or otherwise; or*

12 *“(II) mental disease or defect*
13 *which renders the person unable to un-*
14 *derstand the nature of the sexual con-*
15 *duct at issue; or*

16 *“(ii) physically declining participation*
17 *in the sexual conduct at issue; or*

18 *“(iii) physically communicating un-*
19 *willingness to engage in the sexual conduct*
20 *at issue.*

21 *“(15) MISTAKE OF FACT AS TO CONSENT.—The*
22 *term ‘mistake of fact as to consent’ means the accused*
23 *held, as a result of ignorance or mistake, an incorrect*
24 *belief that the other person engaging in the sexual*
25 *conduct consented. The ignorance or mistake must*

1 *have existed in the mind of the accused and must*
2 *have been reasonable under all the circumstances. To*
3 *be reasonable the ignorance or mistake must have*
4 *been based on information, or lack of it, which would*
5 *indicate to a reasonable person that the other person*
6 *consented. Additionally, the ignorance or mistake*
7 *cannot be based on the negligent failure to discover*
8 *the true facts. Negligence is the absence of due care.*
9 *Due care is what a reasonably careful person would*
10 *do under the same or similar circumstances. The*
11 *accused's state of intoxication, if any, at the time of*
12 *the offense is not relevant to mistake of fact. A mis-*
13 *taken belief that the other person consented must be*
14 *that which a reasonably careful, ordinary, prudent,*
15 *sober adult would have had under the circumstances*
16 *at the time of the offense.*

17 “(16) *AFFIRMATIVE DEFENSE.*—*The term ‘af-*
18 *firmative defense’ means any special defense which,*
19 *although not denying that the accused committed the*
20 *objective acts constituting the offense charged, denies,*
21 *wholly, or partially, criminal responsibility for those*
22 *acts. The accused has the burden of proving the af-*
23 *firmative defense by a preponderance of evidence.*
24 *After the defense meets this burden, the prosecution*

1 *shall have the burden of proving beyond a reasonable*
2 *doubt that the affirmative defense did not exist.”.*

3 (2) *CLERICAL AMENDMENT.—The item relating*
4 *to section 920 (article 120) in the table of sections at*
5 *the beginning of subchapter X of chapter 47 of title*
6 *10, United States Code (the Uniform Code of Military*
7 *Justice), is amended to read as follows:*

 “920. Art. 120. Rape, sexual assault, and other sexual misconduct.”.

8 (b) *INTERIM MAXIMUM PUNISHMENTS.—Until the*
9 *President otherwise provides pursuant to section 856 of title*
10 *10, United States Code (article 56 of the Uniform Code of*
11 *Military Justice), the punishment which a court-martial*
12 *may direct for an offense under section 920 of such title*
13 *(article 120 of the Uniform Code of Military Justice), as*
14 *amended by subsection (a), may not exceed the following*
15 *limits:*

16 (1) *SUBSECTIONS (A) AND (B).—For an offense*
17 *under subsection (a) (rape) or (b) (rape of a child),*
18 *death or such other punishments as a court-martial*
19 *may direct.*

20 (2) *SUBSECTION (C).—For an offense under sub-*
21 *section (c) (aggravated sexual assault), dishonorable*
22 *discharge, forfeiture of all pay and allowances, and*
23 *confinement for 30 years.*

24 (3) *SUBSECTIONS (D) AND (E).—For an offense*
25 *under subsection (d) (aggravated sexual assault of a*

1 *child) or (e) (aggravated sexual contact), dishonorable*
2 *discharge, forfeiture of all pay and allowances, and*
3 *confinement for 20 years.*

4 (4) *SUBSECTIONS (F) AND (G).—For an offense*
5 *under subsection (f) (aggravated sexual abuse of a*
6 *child) or (g) (aggravated sexual contact with a child),*
7 *dishonorable discharge, forfeiture of all pay and al-*
8 *lowances, and confinement for 15 years.*

9 (5) *SUBSECTIONS (H) THROUGH (J).—For an of-*
10 *fense under subsection (h) (abusive sexual contact), (i)*
11 *(abusive sexual contact with a child), or (j) (indecent*
12 *liberty with a child), dishonorable discharge, for-*
13 *feiture of all pay and allowances, and confinement for*
14 *7 years.*

15 (6) *SUBSECTIONS (K) AND (L).—For an offense*
16 *under subsection (k) (indecent act) or (l) (forcible*
17 *pandering), dishonorable discharge, forfeiture of all*
18 *pay and allowances, and confinement for 5 years.*

19 (7) *SUBSECTIONS (M) AND (N).—For an offense*
20 *under subsection (m) (wrongful sexual contact) or (n)*
21 *(indecent exposure), dishonorable discharge, forfeiture*
22 *of all pay and allowances, and confinement for 1*
23 *year.*

24 (c) *EFFECTIVE DATE.—The amendments made by sub-*
25 *section (a) shall take effect 1 year after the date of the enact-*

1 *ment of this Act and section 920 of title 10, United States*
 2 *Code (article 120 of the Uniform Code of Military Justice),*
 3 *as amended by subsection (a), shall apply with respect to*
 4 *offenses committed on or after that effective date.*

5 *(d) CONFORMING AMENDMENT.—Section 918 of title*
 6 *10, United States Code (article 118 of the Uniform Code*
 7 *of Military Justice), is amended in paragraph (4) by strik-*
 8 *ing “rape,” and inserting “rape, rape of a child, aggravated*
 9 *sexual assault, aggravated sexual assault of a child, aggra-*
 10 *vated sexual contact, aggravated sexual abuse of a child,*
 11 *aggravated sexual contact with a child,”.*

12 ***Subtitle G—Assistance to Local***
 13 ***Educational Agencies for De-***
 14 ***fense Dependents Education***

15 ***SEC. 561. ENROLLMENT IN OVERSEAS SCHOOLS OF DE-***
 16 ***FENSE DEPENDENTS’ EDUCATION SYSTEM OF***
 17 ***CHILDREN OF CITIZENS OR NATIONALS OF***
 18 ***THE UNITED STATES HIRED IN OVERSEAS***
 19 ***AREAS AS FULL-TIME DEPARTMENT OF DE-***
 20 ***FENSE EMPLOYEES.***

21 *Paragraph (2) of section 1414 of the Defense Depend-*
 22 *ents’ Education Act of 1978 (20 U.S.C. 932) is amended*
 23 *to read as follows:*

24 *“(2) The term ‘sponsor’ means a person who is—*

1 “(A) a member of the Armed Forces serving
2 on active duty who—

3 “(i) is authorized to transport depend-
4 ents to or from an overseas area at Govern-
5 ment expense; and

6 “(ii) is provided an allowance for liv-
7 ing quarters in that area;

8 “(B) a full-time civilian officer or employee
9 of the Department of Defense who—

10 “(i) is a citizen or national of the
11 United States;

12 “(ii) is authorized to transport depend-
13 ents to or from an overseas area at Govern-
14 ment expense; and

15 “(iii) is provided an allowance for liv-
16 ing quarters in that area; or

17 “(C) a full-time civilian officer or employee
18 of the Department of Defense who—

19 “(i) is a citizen or national of the
20 United States;

21 “(ii) resided in an overseas area at the
22 time of the person’s employment; and

23 “(iii) is employed by the Department
24 of Defense in that area.”.

1 **SEC. 562. 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) *ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*
6 *NUMBERS OF MILITARY DEPENDENT STUDENTS.—*

7 (1) *ASSISTANCE AUTHORIZED.—The Secretary of*
8 *Defense shall provide financial assistance to an eligi-*
9 *ble local educational agency described in paragraph*
10 *(2) if, without such assistance, the local educational*
11 *agency will be unable (as determined by the Secretary*
12 *of Defense in consultation with the Secretary of Edu-*
13 *cation) to provide the students in the schools of the*
14 *local educational agency with a level of education*
15 *that is equivalent to the minimum level of education*
16 *available in the schools of the other local educational*
17 *agencies in the same State.*

18 (2) *ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—*
19 *A local educational agency is eligible for assistance*
20 *under this subsection for a fiscal year if at least 20*
21 *percent (as rounded to the nearest whole percent) of*
22 *the students in average daily attendance in the*
23 *schools of the local educational agency during the pre-*
24 *ceding school year were military dependent students*
25 *counted under section 8003(a)(1) of the Elementary*

1 *and Secondary Education Act of 1965 (20 U.S.C.*
2 *7703(a)(1)).*

3 ***(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT***
4 ***CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE***
5 ***CHANGES, OR FORCE RELOCATIONS.—***

6 ***(1) ASSISTANCE AUTHORIZED.—****To assist com-*
7 *munities in making adjustments resulting from*
8 *changes in the size or location of the Armed Forces,*
9 *the Secretary of Defense shall provide financial assist-*
10 *ance to an eligible local educational agency described*
11 *in paragraph (2) if, during the period between the*
12 *end of the school year preceding the fiscal year for*
13 *which the assistance is authorized and the beginning*
14 *of the school year immediately preceding that school*
15 *year, the local educational agency had (as determined*
16 *by the Secretary of Defense in consultation with the*
17 *Secretary of Education) an overall increase or reduc-*
18 *tion of—*

19 ***(A) not less than five percent in the average***
20 ***daily attendance of military dependent students***
21 ***in the schools of the local educational agency; or***

22 ***(B) not less than 250 military dependent***
23 ***students in average daily attendance in the***
24 ***schools of the local educational agency.***

1 (2) *ELIGIBLE LOCAL EDUCATIONAL AGENCIES.*—

2 *A local educational agency is eligible for assistance*
3 *under this subsection for a fiscal year if —*

4 (A) *the local educational agency is eligible*
5 *for assistance under subsection (a) for the same*
6 *fiscal year, or would have been eligible for such*
7 *assistance if not for the reduction in military de-*
8 *pendent students in schools of the local edu-*
9 *cational agency; and*

10 (B) *the overall increase or reduction in*
11 *military dependent students in schools of the*
12 *local educational agency is the result of the clo-*
13 *sure or realignment of military installations*
14 *under the base closure process or the relocation*
15 *of members of the Armed Forces and civilian em-*
16 *ployees of the Department of Defense as part of*
17 *force structure changes or movements of units or*
18 *personnel between military installations.*

19 (3) *CALCULATION OF AMOUNT OF ASSISTANCE.*—

20 (A) *PRO RATA DISTRIBUTION.*—*The amount*
21 *of the assistance provided under this subsection*
22 *to a local educational agency that is eligible for*
23 *such assistance for a fiscal year shall be equal to*
24 *the product obtained by multiplying—*

1 (i) the per-student rate determined
2 under subparagraph (B) for that fiscal
3 year; by

4 (ii) the net of the overall increases and
5 reductions in the number of military de-
6 pendent students in schools of the local edu-
7 cational agency, as determined under para-
8 graph (1).

9 (B) *PER-STUDENT RATE*.—For purposes of
10 subparagraph (A)(i), the per-student rate for a
11 fiscal year shall be equal to the dollar amount
12 obtained by dividing—

13 (i) the total amount of funds made
14 available for that fiscal year to provide as-
15 sistance under this subsection; by

16 (ii) the sum of the overall increases
17 and reductions in the number of military
18 dependent students in schools of all eligible
19 local educational agencies for that fiscal
20 year under this subsection.

21 (c) *NOTIFICATION*.—Not later than June 30, 2006, and
22 June 30 of each fiscal year thereafter for which funds are
23 made available to carry out this section, the Secretary of
24 Defense shall notify each local educational agency that is

1 *eligible for assistance under this section for that fiscal year*
2 *of—*

3 (1) *the eligibility of the local educational agency*
4 *for the assistance, including whether the agency is eli-*
5 *gible for assistance under either subsection (a) or (b)*
6 *or both subsections; and*

7 (2) *the amount of the assistance for which the*
8 *local educational agency is eligible.*

9 (d) *DISBURSEMENT OF FUNDS.—The Secretary of De-*
10 *fense shall disburse assistance made available under this*
11 *section for a fiscal year not later than 30 days after the*
12 *date on which notification to the eligible local educational*
13 *agencies is provided pursuant to subsection (c) for that fis-*
14 *cal year.*

15 (e) *FINDING FOR FISCAL YEAR 2006.—Of the amount*
16 *authorized to be appropriated pursuant to section 301(5)*
17 *for operation and maintenance for Defense-wide activi-*
18 *ties—*

19 (1) *\$50,000,000 shall be available only for the*
20 *purpose of providing assistance to local educational*
21 *agencies under subsection (a); and*

22 (2) *\$10,000,000 shall be available only for the*
23 *purpose of providing assistance to local educational*
24 *agencies under subsection (b).*

25 (f) *DEFINITIONS.—In this section:*

1 (1) *The term “base closure process” means the*
2 *2005 base closure and realignment process authorized*
3 *by Defense Base Closure and Realignment Act of 1990*
4 *(part A of title XXIX of Public Law 101–510; 10*
5 *U.S.C. 2687 note) or any base closure and realign-*
6 *ment process conducted after the date of the enact-*
7 *ment of this Act under section 2687 of title 10,*
8 *United States Code, or any other similar law enacted*
9 *after that date.*

10 (2) *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 (3) *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.*

22 (4) *The term “State” means each of the 50*
23 *States and the District of Columbia.*

24 (g) *REPEAL OF FORMER AUTHORITY.—Section 386 of*
25 *the National Defense Authorization Act for Fiscal Year*

1 1993 (Public Law 102-484; 20 U.S.C. 7703 note) is re-
2 pealed. The repeal of such section shall not affect the dis-
3 tribution of assistance to local educational agencies under
4 section 559 of the Ronald W. Reagan National Defense Au-
5 thorization Act for Fiscal Year 2005 (Public Law 108-375;
6 118 Stat. 1917) for fiscal year 2005.

7 **SEC. 563. CONTINUATION OF IMPACT AID ASSISTANCE ON**
8 **BEHALF OF DEPENDENTS OF CERTAIN MEM-**
9 **BERS DESPITE CHANGE IN STATUS OF MEM-**
10 **BER.**

11 (a) *SPECIAL RULE.*—For purposes of computing the
12 amount of a payment for an eligible local educational agen-
13 cy under subsection (a) of section 8003 of the Elementary
14 and Secondary Education Act (20 U.S.C. 7703) for school
15 year 2005–2006, the Secretary of Education shall continue
16 to count as a child enrolled in a school of such agency under
17 such subsection any child who—

18 (1) would be counted under paragraph (1)(B) of
19 such subsection to determine the number of children
20 who were in average daily attendance in the school;
21 but

22 (2) due to the deployment of both parents or
23 legal guardians of the child, the deployment of a par-
24 ent or legal guardian having sole custody of the child,
25 or the death of a military parent or legal guardian

1 *while on active duty (so long as the child resides on*
2 *Federal property (as defined in section 8013(5) of*
3 *such Act (20 U.S.C. 7713(5))), is not eligible to be so*
4 *counted.*

5 **(b) TERMINATION.**—*The special rule provided under*
6 *subsection (a) applies only so long as the children covered*
7 *by such subsection remain in average daily attendance at*
8 *a school in the same local educational agency they attended*
9 *before their change in eligibility status.*

10 ***Subtitle H—Decorations and*** 11 ***Awards***

12 **SEC. 565. COLD WAR VICTORY MEDAL.**

13 **(a) AUTHORITY.**—*Chapter 57 of title 10, United States*
14 *Code, is amended by adding at the end the following new*
15 *section:*

16 **“§ 1134. Cold War Victory Medal**

17 **“(a) MEDAL AUTHORIZED.**—*The Secretary concerned*
18 *shall issue a service medal, to be known as the ‘Cold War*
19 *Victory Medal’, to persons eligible to receive the medal*
20 *under subsection (b). The Cold War Victory Medal shall be*
21 *of an appropriate design approved by the Secretary of De-*
22 *fense, with ribbons, lapel pins, and other appurtenances.*

23 **“(b) ELIGIBLE PERSONS.**—*The following persons are*
24 *eligible to receive the Cold War Victory Medal:*

25 **“(1) A person who—**

1 “(A) performed active duty or inactive duty
2 training as an enlisted member during the Cold
3 War;

4 “(B) completed the person’s initial term of
5 enlistment or, if discharged before completion of
6 such initial term of enlistment, was honorably
7 discharged after completion of not less than 180
8 days of service on active duty; and

9 “(C) has not received a discharge less favor-
10 able than an honorable discharge or a release
11 from active duty with a characterization of serv-
12 ice less favorable than honorable.

13 “(2) A person who—

14 “(A) performed active duty or inactive duty
15 training as a commissioned officer or warrant
16 officer during the Cold War;

17 “(B) completed the person’s initial service
18 obligation as an officer or, if discharged or sepa-
19 rated before completion of such initial service ob-
20 ligation, was honorably discharged after comple-
21 tion of not less than 180 days of service on active
22 duty; and

23 “(C) has not been released from active duty
24 with a characterization of service less favorable
25 than honorable and has not received a discharge

1 *or separation less favorable than an honorable*
2 *discharge.*

3 “(c) *ONE AWARD AUTHORIZED.*—*Not more than one*
4 *Cold War Victory Medal may be issued to any person.*

5 “(d) *ISSUANCE TO REPRESENTATIVE OF DECEASED.*—
6 *If a person described in subsection (b) dies before being*
7 *issued the Cold War Victory Medal, the medal shall be*
8 *issued to the person’s representative, as designated by the*
9 *Secretary concerned.*

10 “(e) *REPLACEMENT.*—*Under regulations prescribed by*
11 *the Secretary concerned, a Cold War Victory Medal that*
12 *is lost, destroyed, or rendered unfit for use without fault*
13 *or neglect on the part of the person to whom it was issued*
14 *may be replaced without charge.*

15 “(f) *APPLICATION FOR MEDAL.*—*The Cold War Vic-*
16 *tory Medal shall be issued upon receipt by the Secretary*
17 *concerned of an application for such medal, submitted in*
18 *accordance with such regulations as the Secretary pre-*
19 *scribes.*

20 “(g) *UNIFORM REGULATIONS.*—*The Secretary of De-*
21 *fense shall ensure that regulations prescribed by the Secre-*
22 *taries of the military departments under this section are*
23 *uniform so far as is practicable.*

1 “(h) *DEFINITION.*—*In this section, the term ‘Cold War’*
 2 *means the period beginning on September 2, 1945, and end-*
 3 *ing at the end of December 26, 1991.”.*

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

 “1134. *Cold War Victory Medal.*”.

7 **SEC. 566. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.**

8 (a) *ARMY.*—

9 (1) *IN GENERAL.*—*Chapter 357 of title 10,*
 10 *United States Code, is amended by adding at the end*
 11 *the following new section:*

12 **“§ 3757. Combat Medevac Badge**

13 “(a) *The Secretary of the Army shall issue a badge*
 14 *of appropriate design, to be known as the Combat Medevac*
 15 *Badge, to each person who while a member of the Army*
 16 *served in combat on or after June 25, 1950, as a pilot or*
 17 *crew member of a helicopter medical evacuation ambulance*
 18 *and who meets the requirements for the award of that badge.*

19 “(b) *The Secretary of the Army shall prescribe require-*
 20 *ments for eligibility for the Combat Medevac Badge.”.*

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

 “3757. *Combat Medevac Badge.*”.

24 (b) *NAVY AND MARINE CORPS.*—

1 (1) *IN GENERAL.*—Chapter 567 of title 10,
2 *United States Code, is amended by adding at the end*
3 *the following new section:*

4 **“§ 6259. Combat Medevac Badge**

5 “(a) *The Secretary of the Navy shall issue a badge of*
6 *appropriate design, to be known as the Combat Medevac*
7 *Badge, to each person who while a member of the Navy or*
8 *Marine Corps served in combat on or after June 25, 1950,*
9 *as a pilot or crew member of a helicopter medical evacu-*
10 *ation ambulance and who meets the requirements for the*
11 *award of that badge.*

12 “(b) *The Secretary of the Navy shall prescribe require-*
13 *ments for eligibility for the Combat Medevac Badge.”.*

14 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
15 *tions at the beginning of such chapter is amended by*
16 *adding at the end the following new item:*

 “6259. *Combat Medevac Badge.*”.

17 (c) *AIR FORCE.*—

18 (1) *IN GENERAL.*—Chapter 857 of title 10,
19 *United States Code, is amended by adding at the end*
20 *the following new section:*

21 **“§ 8757. Combat Medevac Badge**

22 “(a) *The Secretary of the Air Force shall issue a badge*
23 *of appropriate design, to be known as the Combat Medevac*
24 *Badge, to each person who while a member of the Air Force*
25 *served in combat on or after June 25, 1950, as a pilot or*

1 *crew member of a helicopter medical evacuation ambulance*
2 *and who meets the requirements for the award of that badge.*

3 “(b) *The Secretary of the Air Force shall prescribe re-*
4 *quirements for eligibility for the Combat Medevac Badge.*”.

5 (2) *CLERICAL AMENDMENT.—The table of sec-*
6 *tions at the beginning of such chapter is amended by*
7 *adding at the end the following new item:*

“8757. Combat Medevac Badge.”.

8 (d) *AWARD FOR SERVICE BEFORE DATE OF ENACT-*
9 *MENT.—In the case of persons who, while a member of the*
10 *Armed Forces, served in combat as a pilot or crew member*
11 *of a helicopter medical evacuation ambulance during the*
12 *period beginning on June 25, 1950, and ending on the date*
13 *of enactment of this Act, the Secretary of the military de-*
14 *partment concerned shall issue the Combat Medevac*
15 *Badge—*

16 (1) *to each such person who is known to the Sec-*
17 *retary before the date of enactment of this Act; and*

18 (2) *to each such person with respect to whom an*
19 *application for the issuance of the badge is made to*
20 *the Secretary after such date in such manner, and*
21 *within such time period, as the Secretary may re-*
22 *quire.*

1 **SEC. 567. ELIGIBILITY FOR OPERATION ENDURING FREE-**
 2 **DOM CAMPAIGN MEDAL.**

3 *For purposes of eligibility for the campaign medal for*
 4 *Operation Enduring Freedom established pursuant to Pub-*
 5 *lic Law 108–234 (10 U.S.C. 1121 note), the beginning date*
 6 *of Operation Enduring Freedom is September 11, 2001.*

7 ***Subtitle I—Other Matters***

8 **SEC. 571. EXTENSION OF WAIVER AUTHORITY OF SEC-**
 9 **RETARY OF EDUCATION WITH RESPECT TO**
 10 **STUDENT FINANCIAL ASSISTANCE DURING A**
 11 **WAR OR OTHER MILITARY OPERATION OR NA-**
 12 **TIONAL EMERGENCY.**

13 *Section 6 of the Higher Education Relief Opportuni-*
 14 *ties for Students Act of 2003 (20 U.S.C. 1070 note) is*
 15 *amended by striking “September 30, 2005” and inserting*
 16 *“September 30, 2007”.*

17 **SEC. 572. ADOPTION LEAVE FOR MEMBERS OF THE ARMED**
 18 **FORCES ADOPTING CHILDREN.**

19 *(a) AUTHORITY.—Section 701 of title 10, United*
 20 *States Code, is amended by adding at the end the following*
 21 *new subsection:*

22 *“(i)(1) Under regulations prescribed by the Secretary*
 23 *of Defense, a member of the armed forces adopting a child*
 24 *in a qualifying child adoption is allowed up to 21 days*
 25 *of leave in a calendar year to be used in connection with*
 26 *the adoption.*

1 “(2) *For the purpose of this subsection, an adoption*
2 *of a child by a member is a qualifying child adoption if*
3 *the member is eligible for reimbursement of qualified adop-*
4 *tion expenses for such adoption under section 1052 of this*
5 *title.*

6 “(3) *In the event that two members of the armed forces*
7 *who are spouses of each other adopt a child in a qualifying*
8 *child adoption, only one such member shall be allowed leave*
9 *under this subsection. Those members shall elect which of*
10 *them shall be allowed such leave.*

11 “(4) *Leave under paragraph (1) is in addition to other*
12 *leave provided under other provisions of this section.*”.

13 (b) *EFFECTIVE DATE.*—*Subsection (i) of section 701*
14 *of title 10, United States Code (as added by subsection (a)),*
15 *shall take effect on October 1, 2005.*

16 **SEC. 573. REPORT ON NEED FOR A PERSONNEL PLAN FOR**
17 **LINGUISTS IN THE ARMED FORCES.**

18 (a) *NEED ASSESSMENT.*—*The Secretary of Defense*
19 *shall review the career tracks of members of the Armed*
20 *Forces who are linguists in an effort to improve the man-*
21 *agement of linguists (in enlisted grades or officer grades,*
22 *or both) and to assist them in reaching their full linguistic*
23 *and analytical potential over a 20-year career. As part of*
24 *such review, the Secretary shall assess the need for a com-*
25 *prehensive plan to better manage the careers of military*

1 linguists (in enlisted grades or officer grades, or both) and
2 to ensure that such linguists have an opportunity to
3 progress in grade and are provided opportunities to en-
4 hance their language and cultural skills. As part of the re-
5 view, the Secretary shall consider personnel management
6 methods such as enhanced bonuses, immersion opportuni-
7 ties, specialized career fields, establishment of a dedicated
8 career path for linguists, and career monitoring to ensure
9 career progress for linguists serving in duty assignments
10 that are not linguist related.

11 (b) *REPORT*.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary of Defense shall
13 submit to the Committees on Armed Services of the Senate
14 and House of Representatives a report on the review and
15 assessment conducted under subsection (a). The report shall
16 include the findings, results, and conclusions of the Sec-
17 retary's review and assessment of the careers of officer and
18 enlisted linguists in the Armed Forces and the need for a
19 comprehensive plan to ensure effective career management
20 of linguists.

21 **SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLI-**

22 **CIES.**

23 (a) *IN GENERAL*.—

1 (1) *CODIFICATION.*—Chapter 37 of title 10,
2 *United States Code*, is amended by inserting after sec-
3 tion 651 the following new section:

4 “§ 652. **Assignment eligibility; direct ground combat**
5 **and other exclusions applicable to female**
6 **members**

7 “(a) *GENERAL RULE.*—A member of the armed forces
8 is eligible to be assigned to all positions for which qualified,
9 except that female members of the armed forces shall be ex-
10 cluded from assignment to units below brigade level the pri-
11 mary mission of which is to engage in direct ground com-
12 bat.

13 “(b) *ADDITIONAL RESTRICTIONS.*—In addition to the
14 limitation under subsection (a), female members of the
15 armed forces may be excluded from assignment to a unit,
16 or a position, as follows:

17 “(1) Where the Secretary concerned determines
18 that the costs of appropriate berthing and privacy ar-
19 rangements would be prohibitive.

20 “(2) Where the unit, or the position, is doc-
21 trinally required to physically collocate and remain
22 with a direct ground combat unit to which female
23 members may not be assigned.

1 “(3) *Where the unit is engaged in long-range re-*
2 *connaissance operations or Special Operations Forces*
3 *missions.*

4 “(4) *Where job-related physical requirements*
5 *would necessarily exclude the vast majority of female*
6 *members.*

7 “(c) *CLOSURE OF OCCUPATIONAL SPECIALTIES.—*

8 “(1) *Any military career designator related to*
9 *military operations on the ground that is covered by*
10 *paragraph (2) and that as of May 18, 2005, is closed*
11 *(in whole or in part) to the assignment of female*
12 *members shall remain closed (in the same manner) to*
13 *the assignment of female members.*

14 “(2) *Paragraph (1) applies—*

15 “(A) *for enlisted members and warrant offi-*
16 *cers, to military occupational specialties, spe-*
17 *cialty codes, enlisted designators, additional skill*
18 *identifiers, and special qualification identifiers;*
19 *and*

20 “(B) *for officers (other than warrant offi-*
21 *cers), to officer areas of concentration, occupa-*
22 *tional specialties, specialty codes, designators,*
23 *additional skill identifiers, and special qualifica-*
24 *tion identifiers.*

1 “(d) NOTICE TO CONGRESS OF PROPOSED CHANGES
2 IN UNITS, ASSIGNMENTS, ETC. TO WHICH FEMALE MEM-
3 BERS MAY BE ASSIGNED.—

4 “(1) NOTICE.—Except in a case covered by sec-
5 tion 6035 of this title, whenever the Secretary of De-
6 fense or the Secretary of a military department pro-
7 poses to make a change to military personnel policies
8 described in paragraph (2), the Secretary shall, not
9 less than 30 days before such change is implemented,
10 submit to the Committee on Armed Services of the
11 Senate and the Committee on Armed Services of the
12 House of Representatives notice, in writing, of the
13 proposed change.

14 “(2) COVERED PERSONNEL POLICY CHANGES.—
15 Paragraph (1) applies to a proposed military per-
16 sonnel policy change that would make available to fe-
17 male members of the armed forces assignment to any
18 of the following that, as of the date of the proposed
19 change, is closed to such assignment:

20 “(A) Any type of existing or new unit, posi-
21 tion, or other assignment (other than an assign-
22 ment covered by the exclusions required by sub-
23 sections (a) and (c)).

24 “(B) Any class of combat vessel.

25 “(C) Any type of combat platform.

1 “(e) *DIRECT GROUND COMBAT DEFINED.*—*In this sec-*
2 *tion, the term ‘direct ground combat’ means engaging an*
3 *enemy on the ground with individual or crew-served weap-*
4 *ons, while being exposed to hostile fire and to a high prob-*
5 *ability of direct physical contact with personnel of the hos-*
6 *tile force, and when well forward on the battlefield while*
7 *locating and closing with the enemy to defeat them by fire,*
8 *maneuver, or shock effect.”.*

9 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
10 *tions at the beginning of such chapter is amended by*
11 *inserting after the item relating to section 651 the fol-*
12 *lowing new item:*

“652. *Assignment eligibility; direct ground combat and other exclusions applicable*
to female members.”.

13 (b) *REPORT ON POSITIONS OPENED TO FEMALE MEM-*
14 *BERS SINCE JULY 1994.*—

15 (1) *REPORT.*—*Not later than March 30, 2006,*
16 *the Secretary of Defense shall submit to Congress a*
17 *detailed report of all units, positions, military occu-*
18 *pational specialties, career fields, and other assign-*
19 *ments that—*

20 (A) *were reported to Congress on July 28,*
21 *1994, as being closed to the assignment of female*
22 *members of the Armed Forces; and*

23 (B) *have since that date been opened to the*
24 *assignment of female members.*

1 (2) *MATTERS TO BE INCLUDED.*—*The report*
2 *under paragraph (1) shall include the following:*

3 (A) *A detailed description of, and justifica-*
4 *tion for, each of the changes identified under that*
5 *paragraph.*

6 (B) *For any unit or position that was re-*
7 *ported closed to the assignment of female mem-*
8 *bers as described in subparagraph (A) of para-*
9 *graph (1) that no longer exists in the service in-*
10 *ventory, identification of the successor unit per-*
11 *forming the function and whether that successor*
12 *unit is open or closed to the assignment of female*
13 *members.*

14 (c) *LIST OF UNITS, POSITIONS, ETC., CLOSED TO FE-*
15 *MALE MEMBERS.*—*At the same time the report under sub-*
16 *section (b) is submitted to Congress, the Secretary of Defense*
17 *shall submit to Congress a report providing—*

18 (1) *a list of the military career designators cov-*
19 *ered by paragraph (2) of section 652(c) of title 10,*
20 *United States Code (as added by subsection (a)(1)),*
21 *that were closed (in whole or in part) to the assign-*
22 *ment of female members of the Armed Forces as of*
23 *May 18, 2005, and that, pursuant to paragraph (1)*
24 *of that section, are required to remain closed to the*

1 *assignment of female members of the Armed Forces;*
 2 *and*

3 *(2) for each such military career designator—*

4 *(A) specification of whether that designator*
 5 *is closed to the assignment of female members in*
 6 *whole or in part; and*

7 *(B) the numbers of positions that are closed*
 8 *to the assignment of female members.*

9 *(d) CONFORMING REPEAL.—Section 542 of the Na-*
 10 *tional Defense Authorization Act for Fiscal Year 1994 (10*
 11 *U.S.C. 113 note) is repealed.*

12 **TITLE VI—COMPENSATION AND**
 13 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2006.

Sec. 602. Additional pay for permanent military professors at United States Naval Academy with over 36 years of service.

Sec. 603. Basic pay rates for reserve component members selected to attend military service academy preparatory schools.

Sec. 604. Clarification of restriction on compensation for correspondence courses.

Sec. 605. Permanent authority for supplemental subsistence allowance for low-income members with dependents.

Sec. 606. Basic allowance for housing for Reserve members.

Sec. 607. Overseas cost of living allowance.

Sec. 608. Income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension or resumption of certain bonus and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for certain health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of other bonus and special pay authorities.

Sec. 615. Expansion of eligibility of dental officers for additional special pay.

Sec. 616. Increase in maximum monthly rate authorized for hardship duty pay.

Sec. 617. Flexible payment of assignment incentive pay.

- Sec. 618. Active-duty reenlistment bonus.*
- Sec. 619. Reenlistment bonus for members of Selected Reserve.*
- Sec. 620. Combination of affiliation and accession bonuses for service in the Selected Reserve.*
- Sec. 621. Eligibility requirements for prior service enlistment bonus.*
- Sec. 622. Increase in authorized maximum amount of enlistment bonus.*
- Sec. 623. Discretion of Secretary of Defense to authorize retroactive hostile fire and imminent danger pay.*
- Sec. 624. Increase in maximum bonus amount for nuclear-qualified officers extending period of active duty.*
- Sec. 625. Increase in maximum amount of nuclear career annual incentive bonus for nuclear-qualified officers trained while serving as enlisted members.*
- Sec. 626. Uniform payment of foreign language proficiency pay to eligible reserve component members and regular component members.*
- Sec. 627. Retention bonus for members qualified in certain critical skills or satisfying other eligibility criteria.*
- Sec. 628. Availability of critical-skills accession bonus for persons enrolled in Senior Reserve Officers' Training Corps who are obtaining nursing degrees.*

Subtitle C—Travel and Transportation Allowances

- Sec. 641. Authorized absences of members for which lodging expenses at temporary duty location may be paid.*
- Sec. 642. Extended period for selection of home for travel and transportation allowances for dependents of deceased member.*
- Sec. 643. Transportation of family members incident to repatriation of members held captive.*
- Sec. 644. Increased weight allowances for shipment of household goods of senior noncommissioned officers.*

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 651. Monthly disbursement to States of State income tax withheld from retired or retainer pay.*
- Sec. 652. Revision to eligibility for nonregular service retirement after establishing eligibility for regular retirement.*
- Sec. 653. Denial of military funeral honors in certain cases.*
- Sec. 654. Child support for certain minor children of retirement-eligible members convicted of domestic violence resulting in death of child's other parent.*
- Sec. 655. Concurrent receipt of veterans disability compensation and military retired pay.*
- Sec. 656. Military Survivor Benefit Plan beneficiaries under insurable interest coverage.*

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

- Sec. 661. Increase in authorized level of supplies and services procurement from overseas exchange stores.*
- Sec. 662. Requirements for private operation of commissary store functions.*
- Sec. 663. Provision of information technology services for accommodations provided by nonappropriated fund instrumentalities for wounded members of the Armed Forces and their families.*

Sec. 664. Provision of and payment for overseas transportation services for commissary and exchange supplies.

Sec. 665. Compensatory time off for certain nonappropriated fund employees.

Subtitle F—Other Matters

Sec. 671. Inclusion of Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff among senior enlisted members of the Armed Forces.

Sec. 672. Special and incentive pays considered for saved pay upon appointment of members as officers.

Sec. 673. Repayment of unearned portion of bonuses, special pays, and educational benefits.

Sec. 674. Leave accrual for members assigned to deployable ships or mobile units or to other designated duty.

Sec. 675. Army recruiting pilot program to encourage members of the Army to refer other persons for enlistment.

Sec. 676. Special compensation for reserve component members who are also tobacco farmers adversely affected by terms of tobacco quota buyout.

1 ***Subtitle A—Pay and Allowances***

2 ***SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2006.***

3 *(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The ad-*
 4 *justment to become effective during fiscal year 2006 re-*
 5 *quired by section 1009 of title 37, United States Code, in*
 6 *the rates of monthly basic pay authorized members of the*
 7 *uniformed services shall not be made.*

8 *(b) INCREASE IN BASIC PAY.—Effective on January*
 9 *1, 2006, the rates of monthly basic pay for members of the*
 10 *uniformed services are increased by 3.1 percent.*

11 ***SEC. 602. ADDITIONAL PAY FOR PERMANENT MILITARY***
 12 ***PROFESSORS AT UNITED STATES NAVAL***
 13 ***ACADEMY WITH OVER 36 YEARS OF SERVICE.***

14 *Section 203(b) of title 37, United States Code, is*
 15 *amended by inserting after “Military Academy” the fol-*
 16 *lowing: “, the United States Naval Academy,”.*

1 **SEC. 603. BASIC PAY RATES FOR RESERVE COMPONENT**
2 **MEMBERS SELECTED TO ATTEND MILITARY**
3 **SERVICE ACADEMY PREPARATORY SCHOOLS.**

4 (a) *PAY EQUITY FOR RESERVES.*—Section 203(e)(2)
5 of title 37, United States Code, is amended—

6 (1) by striking “on active duty for a period of
7 more than 30 days shall continue to receive” and in-
8 serting “shall receive”; and

9 (2) by inserting before the period at the end the
10 following: “or at the rate provided for cadets and
11 midshipmen under subsection (c), whichever is great-
12 er”.

13 (b) *EFFECTIVE DATE.*—The amendments made by sub-
14 section (a) shall take effect on the first day of the first
15 month beginning on or after the date of the enactment of
16 this Act.

17 **SEC. 604. CLARIFICATION OF RESTRICTION ON COMPENSA-**
18 **TION FOR CORRESPONDENCE COURSES.**

19 Section 206(d)(1) of title 37, United States Code, is
20 amended by inserting after “reserve component” the fol-
21 lowing: “or by a member of the National Guard while not
22 in Federal service”.

1 **SEC. 605. PERMANENT AUTHORITY FOR SUPPLEMENTAL**
2 **SUBSISTENCE ALLOWANCE FOR LOW-INCOME**
3 **MEMBERS WITH DEPENDENTS.**

4 (a) *REPEAL OF TERMINATION PROVISION.*—Section
5 402a of title 37, United States Code, is amended by striking
6 subsection (i).

7 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
8 Subsection (f) of such section is amended—

9 (1) in the first sentence, by striking “Secretary
10 of Transportation” and inserting “Secretary of
11 Homeland Security, with respect to the Coast
12 Guard”; and

13 (2) by striking the second sentence.

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
24 be paid to the following members of a reserve compo-
25 nent shall be equal to the rate in effect for similarly

1 *situated members of a regular component of the uni-*
2 *formed services:*

3 “(A) *A member who is called or ordered to*
4 *active duty for a period of more than 30 days.*

5 “(B) *A member who is called or ordered to*
6 *active duty for a period of 30 days or less in*
7 *support of a contingency operation.”; and*

8 (3) *in paragraph (4), as so redesignated, by*
9 *striking “less than 140 days” and inserting “30 days*
10 *or less”.*

11 (b) *CONFORMING AMENDMENT REGARDING MEMBERS*
12 *WITHOUT DEPENDENTS.—Paragraph (1) of such subsection*
13 *is amended by inserting “or for a period of more than 30*
14 *days” after “in support of a contingency operation” both*
15 *places it appears.*

16 **SEC. 607. OVERSEAS COST OF LIVING ALLOWANCE.**

17 (a) *PAYMENT OF ALLOWANCE BASED ON OVERSEAS*
18 *LOCATION OF DEPENDENTS.—Section 405 of title 37,*
19 *United States Code, is amended by adding at the end the*
20 *following new subsection:*

21 “(e) *PAYMENT OF ALLOWANCE BASED ON OVERSEAS*
22 *LOCATION OF DEPENDENTS.—In the case of a member as-*
23 *signed to duty inside the continental United States whose*
24 *dependents continue to reside outside of the continental*
25 *United States, the Secretary concerned may pay the mem-*

1 *ber a per diem under this section based on the location of*
2 *the dependents and provide reimbursement under subsection*
3 *(d) for an unusual or extraordinary expense incurred by*
4 *the dependents if the Secretary determines that such pay-*
5 *ment or reimbursement is in the best interest of the member*
6 *or the member's dependents and in the best interest of the*
7 *United States.”.*

8 **(b) CLARIFICATION OF EXPENSES ELIGIBLE FOR**
9 **LUMP-SUM REIMBURSEMENT.**—*Subsection (d) of such sec-*
10 *tion, as added by section 605 of the Ronald W. Reagan Na-*
11 *tional Defense Authorization Act for Fiscal Year 2005 (Pub-*
12 *lic Law 108–375; 118 Stat. 1945), is further amended—*

13 (1) *in the subsection heading, by striking “NON-*
14 *RECURRING” and inserting “UNUSUAL OR EXTRAOR-*
15 *DINARY”;*

16 (2) *by inserting “or (e)” after “subsection (a)”*
17 *each place it appears; and*

18 (3) *in paragraph (1)—*

19 (A) *by striking “a nonrecurring” and in-*
20 *serting “an unusual or extraordinary” in the*
21 *matter preceding subparagraph (A); and*

22 (B) *in subparagraph (A), by inserting “or*
23 *the location of the member's dependents” before*
24 *the semicolon.*

1 **SEC. 608. INCOME REPLACEMENT PAYMENTS FOR RE-**
2 **SERVES EXPERIENCING EXTENDED AND FRE-**
3 **QUENT MOBILIZATION FOR ACTIVE DUTY**
4 **SERVICE.**

5 (a) *IN GENERAL.*—Chapter 19 of title 37, United
6 States Code, is amended by adding at the end the following
7 new section:

8 **“§910. Replacement of lost income: involuntarily mo-**
9 **bilized reserve component members sub-**
10 **ject to extended and frequent active duty**
11 **service**

12 “(a) *PAYMENT REQUIRED.*—The Secretary concerned
13 shall pay to an eligible member of a reserve component of
14 the armed forces an amount equal to the monthly active-
15 duty income differential of the member, as determined by
16 the Secretary. The payments shall be made on a monthly
17 basis.

18 “(b) *ELIGIBILITY.*—Subject to subsection (c), a reserve
19 component member is entitled to a payment under this sec-
20 tion for any full month of active duty of the member, while
21 on active duty under an involuntary mobilization order,
22 following the date on which the member—

23 “(1) completes 18 continuous months of service
24 on active duty under such an order;

25 “(2) completes 24 months on active duty during
26 the previous 60 months under such an order; or

1 “(3) is involuntarily mobilized for service on ac-
2 tive duty six months or less following the member’s
3 separation from the member’s previous period of ac-
4 tive duty.

5 “(c) *MINIMUM AND MAXIMUM PAYMENT AMOUNTS.*—

6 (1) A payment under this section shall be made to a member
7 for a month only if the amount of the monthly active-duty
8 income differential for the month is greater than \$50.

9 “(2) Notwithstanding the amount determined under
10 subsection (d) for a member for a month, the monthly pay-
11 ment to a member under this section may not exceed \$3,000.

12 “(d) *MONTHLY ACTIVE-DUTY INCOME DIFFEREN-*
13 *TIAL.*—For purposes of this section, the monthly active-duty
14 income differential of a member is the difference between—

15 “(1) the average monthly civilian income of the
16 member; and

17 “(2) the member’s total monthly military com-
18 pensation.

19 “(e) *DEFINITIONS.*—In this section:

20 “(1) The term ‘average monthly civilian income’,
21 with respect to a member of a reserve component,
22 means the amount, determined by the Secretary con-
23 cerned, of the earned income of the member for either
24 the 12 months preceding the member’s mobilization or

1 *the 12 months covered by the member's most recent*
2 *Federal income tax filing, divided by 12.*

3 “(2) *The term ‘total monthly military compensa-*
4 *tion’ means the amount, computed on a monthly*
5 *basis, of the sum of—*

6 “(A) *the amount of the regular military*
7 *compensation (RMC) of the member; and*

8 “(B) *any amount of special pay or incen-*
9 *tive pay and any allowance (other than an al-*
10 *lowance included in regular military compensa-*
11 *tion) that is paid to the member on a monthly*
12 *basis.”.*

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

*“910. Replacement of lost income: involuntarily mobilized reserve component
members subject to extended and frequent active duty service.”.*

16 (c) *EFFECTIVE DATE.—Section 910 of title 37, United*
17 *States Code, as added by subsection (a), shall apply for*
18 *months after December 2005.*

19 (d) *LIMITATION ON FISCAL YEAR 2006 OBLIGA-*
20 *TIONS.—During fiscal year 2006, obligations incurred*
21 *under section 910 of title 37, United States Code, to provide*
22 *income replacement payments to involuntarily mobilized*
23 *members of a reserve component who are subject to extended*

1 *and frequent active duty service may not exceed*
2 *\$60,000,000.*

3 ***Subtitle B—Bonuses and Special***
4 ***and Incentive Pays***

5 ***SEC. 611. EXTENSION OR RESUMPTION OF CERTAIN BONUS***
6 ***AND SPECIAL PAY AUTHORITIES FOR RE-***
7 ***SERVE FORCES.***

8 (a) *SELECTED RESERVE REENLISTMENT BONUS.—*
9 *Section 308b(g) of title 37, United States Code, is amended*
10 *by striking “December 31, 2005” and inserting “December*
11 *31, 2006”.*

12 (b) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
13 *TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of*
14 *such title is amended by striking “December 31, 2005” and*
15 *inserting “December 31, 2006”.*

16 (c) *READY RESERVE ENLISTMENT BONUS FOR PER-*
17 *SONS WITHOUT PRIOR SERVICE.—Section 308g(h) of such*
18 *title is amended by striking “September 30, 1992” and in-*
19 *serting “December 31, 2006”.*

20 (d) *READY RESERVE ENLISTMENT AND REENLIST-*
21 *MENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-*
22 *tion 308h(g) of such title is amended by striking “December*
23 *31, 2005” and inserting “December 31, 2006”.*

24 (e) *SELECTED RESERVE ENLISTMENT BONUS FOR*
25 *PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such*

1 *title is amended by striking “December 31, 2005” and in-*
2 *serting “December 31, 2006”.*

3 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
4 **PAY AUTHORITIES FOR CERTAIN HEALTH**
5 **CARE PROFESSIONALS.**

6 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
7 *GRAM.—Section 2130a(a)(1) of title 10, United States Code,*
8 *is amended by striking “December 31, 2005” and inserting*
9 *“December 31, 2006”.*

10 (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
11 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
12 *RESERVE.—Section 16302(d) of such title is amended by*
13 *striking “January 1, 2006” and inserting “January 1,*
14 *2007”.*

15 (c) *ACCESSION BONUS FOR REGISTERED NURSES.—*
16 *Section 302d(a)(1) of title 37, United States Code, is*
17 *amended by striking “December 31, 2005” and inserting*
18 *“December 31, 2006”.*

19 (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
20 *THETISTS.—Section 302e(a)(1) of such title is amended by*
21 *striking “December 31, 2005” and inserting “December 31,*
22 *2006”.*

23 (e) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*
24 *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 “De-
8 cember 31, 2005” and inserting “December 31, 2006”.

9 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**
10 **THORITIES FOR NUCLEAR OFFICERS.**

11 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
12 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
13 of title 37, United States Code, is amended by striking “De-
14 cember 31, 2005” and inserting “December 31, 2006”.

15 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section
16 312b(c) of such title is amended by striking “December 31,
17 2005” and inserting “December 31, 2006”.

18 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
19 Section 312c(d) of such title is amended by striking “De-
20 cember 31, 2005” and inserting “December 31, 2006”.

21 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**
22 **SPECIAL PAY AUTHORITIES.**

23 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
24 301b(a) of title 37, United States Code, is amended by strik-

1 ing “December 31, 2005” and inserting “December 31,
2 2006”.

3 (b) *ASSIGNMENT INCENTIVE PAY*.—Section 307a(f) of
4 such title is amended by striking “December 31, 2006” and
5 inserting “December 31, 2007”.

6 (c) *REENLISTMENT BONUS FOR ACTIVE MEMBERS*.—
7 Section 308(g) of such title is amended by striking “Decem-
8 ber 31, 2005” and inserting “December 31, 2006”.

9 (d) *ENLISTMENT BONUS FOR ACTIVE MEMBERS*.—
10 Section 309(e) of such title is amended by striking “Decem-
11 ber 31, 2005” and inserting “December 31, 2006”.

12 (e) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*
13 *MILITARY SKILLS*.—Section 323(i) of such title is amended
14 by striking “December 31, 2005” and inserting “December
15 31, 2006”.

16 (f) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*
17 *ICAL SKILLS*.—Section 324(g) of such title is amended by
18 striking “December 31, 2005” and inserting “December 31,
19 2006”.

20 **SEC. 615. EXPANSION OF ELIGIBILITY OF DENTAL OFFI-**
21 **CERS FOR ADDITIONAL SPECIAL PAY.**

22 (a) *REPEAL OF INTERNSHIP AND RESIDENCY EXCEP-*
23 *TION*.—Section 302b(a)(4) of title 37, United States Code,
24 is amended by striking the first sentence and inserting the
25 following new sentence: “An officer who is entitled to vari-

1 *able special pay under paragraph (2) or (3) is also entitled*
2 *to additional special pay for any 12-month period during*
3 *which an agreement executed under subsection (b) is in ef-*
4 *fect with respect to the officer.”.*

5 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
6 *section (a) shall take effect on October 1, 2005.*

7 **SEC. 616. INCREASE IN MAXIMUM MONTHLY RATE AUTHOR-**
8 **IZED FOR HARDSHIP DUTY PAY.**

9 (a) *INCREASE.*—*Section 305(a) of title 37, United*
10 *States Code, is amended by striking “\$300” and inserting*
11 *“\$750”.*

12 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
13 *section (a) shall take effect on October 1, 2005.*

14 **SEC. 617. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE**
15 **PAY.**

16 (a) *AUTHORITY TO PROVIDE LUMP SUM OR INSTALL-*
17 *MENT PAYMENTS.*—*Section 307a of title 37, United States*
18 *Code, is amended—*

19 (1) *in subsection (a), by striking “monthly”;*

20 (2) *in subsection (b)—*

21 (A) *by inserting “(1)” before the first sen-*
22 *tence;*

23 (B) *in the second sentence, by striking*
24 *“and, subject to subsection (c), the monthly rate*
25 *of the incentive pay.” and inserting “, the total*

1 *or monthly amount to be paid under the agree-*
2 *ment, and whether the incentive pay will be pro-*
3 *vided on a monthly basis, in a lump sum, or in*
4 *installments other than monthly.”; and*

5 *(C) by adding at the end the following new*
6 *paragraph:*

7 *“(2) The Secretary concerned and a member may agree*
8 *to extend an existing agreement under this section to cover*
9 *an additional period of service in a designated assign-*
10 *ment.”; and*

11 *(3) in subsection (c), by adding at the end the*
12 *following new sentences: “The maximum amount of a*
13 *lump sum payment under an agreement under this*
14 *section may not exceed the product of the maximum*
15 *monthly rate and the number of months covered by*
16 *the agreement. Installment payments shall be cal-*
17 *culated using the same formula for the months covered*
18 *by the installment.”.*

19 *(b) REPAYMENT OF INCENTIVE PAY.—Such section is*
20 *further amended—*

21 *(1) by redesignating subsection (f), as amended*
22 *by section 614(b), as subsection (g); and*

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

1 “(f) *REPAYMENT.*—A member who enters into an
2 agreement under this section and receives incentive pay
3 under the agreement in a lump sum or installments, but
4 who fails to complete the period of service covered by the
5 payment, whether voluntarily or because of misconduct,
6 shall be subject to the repayment provisions of section
7 303a(e) of this title.”.

8 **SEC. 618. ACTIVE-DUTY REENLISTMENT BONUS.**

9 (a) *ELIGIBILITY OF SENIOR ENLISTED MEMBERS.*—
10 Subsection (a) of section 308 of title 37, United States Code,
11 is amended—

12 (1) in paragraph (1)(A), by striking “16 years
13 of active duty” and inserting “20 years of active
14 duty”; and

15 (2) in paragraph (3), by striking “18 years” and
16 inserting “24 years”.

17 (b) *INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF*
18 *BONUS.*—Paragraph (2)(B) of such subsection is amended
19 by striking “\$60,000” and inserting “\$90,000”.

20 (c) *REPEAL OF REFERENCE TO OBSOLETE SPECIAL*
21 *PAY.*—Paragraph (1) of such subsection is amended—

22 (1) by inserting “and” at the end of subpara-
23 graph (B);

24 (2) by striking subparagraph (C); and

1 (3) *by redesignating subparagraph (D) as sub-*
2 *paragraph (C).*

3 (d) *AUTHORITY TO WAIVE ELIGIBILITY REQUIRE-*
4 *MENTS.—Such subsection is further amended by striking*
5 *paragraph (5) and inserting the following new paragraph:*

6 “(5) *In time of war or national emergency, the Sec-*
7 *retary concerned may waive all or a part of the eligibility*
8 *requirements specified in paragraph (1) for the payment*
9 *of a bonus under this section.*”.

10 (e) *REPEAL OF OBSOLETE SPECIAL PAY.—*

11 (1) *REPEAL.—Section 312a of title 37, United*
12 *States Code, is repealed.*

13 (2) *CLERICAL AMENDMENT.—The table of sec-*
14 *tions at the beginning of chapter 5 of such title is*
15 *amended by striking the item relating to section 312a.*

16 (f) *EFFECTIVE DATE.—The amendments made by this*
17 *section shall take effect on October 1, 2005.*

18 **SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF SE-**
19 **LECTED RESERVE.**

20 (a) *ELIGIBILITY OF SENIOR ENLISTED MEMBERS.—*
21 *Subsection (a)(1) of section 308b of title 37, United States*
22 *Code, is amended by striking “16 years of total military*
23 *service” and inserting “20 years of total military service”.*

1 (b) *COMPUTATION OF BONUS AMOUNT.*—Subsection
 2 (b) of such section is amended by adding at the end the
 3 following new paragraph:

4 “(3) Any portion of a term of reenlistment or extension
 5 of enlistment of a member that, when added to the total
 6 years of service of the member at the time of discharge or
 7 release, exceeds 24 years may not be used in computing the
 8 total bonus amount under paragraph (1).”.

9 (c) *AUTHORITY TO WAIVE ELIGIBILITY REQUIRE-*
 10 *MENTS.*—Subsection (c)(2) of such section is amended by
 11 striking “In the case” and all that follows through “the Sec-
 12 retary” and inserting “In time of war or national emer-
 13 gency, the Secretary”.

14 **SEC. 620. COMBINATION OF AFFILIATION AND ACCESSION**
 15 **BONUSES FOR SERVICE IN THE SELECTED**
 16 **RESERVE.**

17 (a) *BONUSES AUTHORIZED.*—Section 308c of title 37,
 18 United States Code, is amended to read as follows:

19 **“§308c. Special pay: bonus for affiliation or enlist-**
 20 **ment in the Select Reserve**

21 “(a) *AFFILIATION BONUS AUTHORIZED.*—(1) The Sec-
 22 retary concerned may pay an affiliation bonus to an en-
 23 listed member of an armed force who—

24 “(A) has completed fewer than 20 total years of
 25 military service; and

1 “(B) executes a written agreement with the Sec-
2 retary to serve in the Selected Reserve, after being dis-
3 charged or released from active duty, for a period of
4 not less than three years in a skill, unit, or pay grade
5 designated under paragraph (2).

6 “(2) The Secretary concerned shall designate the crit-
7 ical skills, units, and pay grades for which an affiliation
8 bonus is available under this subsection.

9 “(b) *ACCESSION BONUS AUTHORIZED.*—The Secretary
10 concerned may pay an accession bonus to a person who—

11 “(1) has not previously served in the armed
12 forces; and

13 “(2) executes a written agreement to serve as an
14 enlisted member in the Selected Reserve for a period
15 of not less than three years.

16 “(c) *LIMITATION ON AMOUNT OF BONUS.*—The
17 amount of a bonus under subsection (a) or (b) may not
18 exceed \$15,000.

19 “(d) *PAYMENT METHOD.*—Upon acceptance of a writ-
20 ten agreement by the Secretary concerned under subsection
21 (a) or (b), the total amount of the bonus payable under the
22 agreement becomes fixed. The agreement shall specify wheth-
23 er the bonus will be paid by the Secretary in a lump sum
24 or in installments.

1 “(e) *PAYMENT TO MOBILIZED MEMBERS.*—A member
2 of the Selected Reserve entitled to a bonus under this section
3 who is called or ordered to active duty shall be paid, during
4 that period of active duty, any amount of the bonus that
5 becomes payable to the member during that period of active
6 duty.

7 “(f) *REPAYMENT.*—A person who enters into an agree-
8 ment under subsection (a) or (b) and receives all or part
9 of the bonus under the agreement, but who does not com-
10 mence to serve in the Selected Reserve or does not satisfac-
11 torily participate in the Selected Reserve for the total period
12 of service specified in the agreement, shall be subject to the
13 repayment provisions of section 303a(e) of this title.

14 “(g) *REGULATIONS.*—This section shall be adminis-
15 tered under regulations prescribed by the Secretary of De-
16 fense for the armed forces under the jurisdiction of the Sec-
17 retary of Defense and by the Secretary of Homeland Secu-
18 rity for the Coast Guard when it is not operating as a serv-
19 ice in the Navy.

20 “(h) *TERMINATION OF BONUS AUTHORITY.*—No bonus
21 may be paid under this section with respect to any agree-
22 ment under subsection (a) or (b) entered into after Decem-
23 ber 31, 2006.”.

24 “(b) *REPEAL OF SEPARATE RESERVE AFFILIATION*
25 *BONUS.*—Section 308e of such title is repealed.

1 (c) *CLERICAL AMENDMENTS.*—*The table of sections at*
2 *the beginning of chapter 5 of such title is amended—*

3 (1) *by striking the item relating to section 308c*
4 *and inserting the following new item:*

 “308c. *Special pay: bonus for affiliation or enlistment the Select Reserve.*”

5 (2) *by striking the item relating to section 308e.*

6 (d) *LIMITATION ON FISCAL YEAR 2006 OBLIGA-*
7 *TIONS.*—*During fiscal year 2006, obligations incurred*
8 *under section 308c of title 37, United States Code, to pro-*
9 *vide bonuses for affiliation or enlistment in the Select Re-*
10 *serve using the expanded authority provided by the amend-*
11 *ment made by subsection (a) may not exceed \$30,000,000.*
12 *The bonus authority available under such section shall not*
13 *be considered to be an expanded authority to the extent that*
14 *the authority was available under section 308e of such title,*
15 *before the repeal of such section by subsection (b).*

16 **SEC. 621. ELIGIBILITY REQUIREMENTS FOR PRIOR SERVICE**
17 **ENLISTMENT BONUS.**

18 Section 308i(a)(2) of title 37, United States Code, is
19 amended by striking subparagraph (A) and inserting the
20 following new subparagraph:

21 “(A) *The person has not more than 16 years of*
22 *total military service and received an honorable dis-*
23 *charge at the conclusion of all prior periods of serv-*
24 *ice.*”.

1 **SEC. 622. INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF**
2 **ENLISTMENT BONUS.**

3 (a) *INCREASE.*—Section 309(a) of title 37, United
4 States Code, is amended by striking “\$20,000” and insert-
5 ing “\$30,000”.

6 (b) *LIMITATION ON FISCAL YEAR 2006 OBLIGA-*
7 *TIONS.*—During fiscal year 2006, obligations incurred
8 under section 309 of title 37, United States Code, to provide
9 enlistment bonuses in the increased amounts authorized by
10 the amendment made by subsection (a) may not exceed
11 \$30,000,000.

12 **SEC. 623. DISCRETION OF SECRETARY OF DEFENSE TO AU-**
13 **THORIZE RETROACTIVE HOSTILE FIRE AND**
14 **IMMINENT DANGER PAY.**

15 Section 310(c) of title 37, United States Code, is
16 amended—

17 (1) by redesignating paragraphs (1) and (2) as
18 paragraphs (2) and (3), respectively; and

19 (2) by inserting before paragraph (2), as so re-
20 designated, the following new paragraph (1):

21 “(1) In the case of an area described in subparagraph
22 (B) or (D) of subsection (a)(2), the Secretary of Defense
23 shall be responsible for designating the period during which
24 duty in the area will qualify members for special pay under
25 this section. The effective date designated for the commence-
26 ment of such a period may be a date occurring before, on,

1 *or after the actual date on which the Secretary makes the*
2 *designation. If the commencement date for such a period*
3 *is a date occurring before the date on which the Secretary*
4 *makes the designation, the payment of special pay under*
5 *this section for the period between the commencement date*
6 *and the date on which the Secretary made the designation*
7 *shall be subject to the availability of appropriated funds*
8 *for that purpose.”.*

9 **SEC. 624. INCREASE IN MAXIMUM BONUS AMOUNT FOR NU-**
10 **CLEAR-QUALIFIED OFFICERS EXTENDING PE-**
11 **RIOD OF ACTIVE DUTY.**

12 *Section 312(a) of title 37, United States Code, is*
13 *amended by striking “\$25,000” and inserting “\$30,000”.*

14 **SEC. 625. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR CA-**
15 **REER ANNUAL INCENTIVE BONUS FOR NU-**
16 **CLEAR-QUALIFIED OFFICERS TRAINED WHILE**
17 **SERVING AS ENLISTED MEMBERS.**

18 *Section 312c(b)(1) of title 37, United States Code, is*
19 *amended by striking “\$10,000” and inserting “14,000”.*

1 **SEC. 626. UNIFORM PAYMENT OF FOREIGN LANGUAGE PRO-**
2 **FICIENCY PAY TO ELIGIBLE RESERVE COMPO-**
3 **NENT MEMBERS AND REGULAR COMPONENT**
4 **MEMBERS.**

5 (a) *AVAILABILITY OF BONUS IN LIEU OF MONTHLY*
6 *SPECIAL PAY.*—Subsection (a) of section 316 of title 37,
7 *United States Code, is amended—*

8 (1) *by striking “monthly special pay” and in-*
9 *serting “a bonus”; and*

10 (2) *by striking “is entitled to basic pay under*
11 *section 204 of this title and who”.*

12 (b) *PAYMENT OF BONUS.*—Such section is further
13 *amended—*

14 (1) *by striking subsections (b), (d), (e), and (g);*

15 (2) *by redesignating subsections (f) and (h) as*
16 *subsections (d) and (f) respectively;*

17 (3) *by inserting after subsection (a) the following*
18 *new subsection (b):*

19 “(b) *BONUS AMOUNT; TIME FOR PAYMENT.*—A bonus
20 *under subsection (a) may not exceed \$12,000 per one-year*
21 *certification period. The Secretary concerned may pay the*
22 *bonus in a single lump sum at the beginning of the certifi-*
23 *cation period or in installments during the certification pe-*
24 *riod. The bonus is in addition to any other pay or allow-*
25 *ance payable to a member under any other provision of*
26 *law.”.*

1 (c) *CONFORMING AMENDMENTS.*—*Such section is fur-*
2 *ther amended—*

3 (1) *in subsection (c)—*

4 (A) *by striking “special pay or” both places*
5 *it appears; and*

6 (B) *by striking “or (b)”;*

7 (2) *in subsection (d), as redesignated by sub-*
8 *section (b)(2)—*

9 (A) *in paragraph (1)—*

10 (i) *by striking “monthly special pay*
11 *or” in the matter preceding subparagraph*
12 *(A); and*

13 (ii) *in subparagraph (C), by striking*
14 *“for receipt” and all that follows through*
15 *the period at the end and inserting “under*
16 *subsection (a)”;*

17 (B) *in paragraph (2), by striking “For pur-*
18 *poses” and all that follows through “the Sec-*
19 *retary concerned” and inserting “The Secretary*
20 *concerned”;*

21 (C) *in paragraph (3)—*

22 (i) *by striking “special pay or” both*
23 *places it appears; and*

24 (ii) *by striking “subsection (h)” and*
25 *inserting “subsection (f)”;* *and*

1 (D) in paragraph (4), by striking “sub-
2 section (g)” and inserting “section 303a(e) of
3 this title”; and

4 (3) by inserting after such subsection (d) the fol-
5 lowing new subsection (e):

6 “(e) *REPAYMENT.*—A member who receives a bonus
7 under this section, but who does not satisfy an eligibility
8 requirement specified in paragraph (1), (2), (3), or (4) of
9 subsection (a) for the entire certification period, shall be
10 subject to the repayment provisions of section 303a(e) of this
11 title.”.

12 (d) *CLERICAL AMENDMENTS.*—

13 (1) *SECTION HEADING.*—The heading of such sec-
14 tion is amended to read as follows:

15 “**§316. Special pay: bonus for members with foreign**
16 **language proficiency**”.

17 (2) *TABLE OF SECTIONS.*—The table of sections
18 at the beginning of chapter 5 of such title is amended
19 by striking the item relating to section 316 and in-
20 serting the following new item:

“316: *Special pay: bonus for members with foreign language proficiency.*”.

1 **SEC. 627. RETENTION BONUS FOR MEMBERS QUALIFIED IN**
2 **CERTAIN CRITICAL SKILLS OR SATISFYING**
3 **OTHER ELIGIBILITY CRITERIA.**

4 (a) *AVAILABILITY OF BONUS FOR RESERVE COMPO-*
5 *NENT MEMBERS.*—Section 323 of title 37, United States
6 Code, is amended—

7 (1) *in subsection (a)—*

8 (A) *in the matter preceding paragraph (1),*
9 *by striking “who is serving on active duty and”*
10 *and inserting “who is serving on active duty in*
11 *a regular component or in an active status in a*
12 *reserve component and who”;*

13 (B) *in paragraph (1), by inserting “or to*
14 *remain in an active status in a reserve compo-*
15 *nent for at least one year” before the semicolon;*
16 *and*

17 (C) *in paragraph (3), by inserting “or to*
18 *remain in an active status in a reserve compo-*
19 *nent for a period of at least one year” before the*
20 *period; and*

21 (2) *in subsection (e)(1), by inserting “or service*
22 *in an active status in a reserve component” after “ac-*
23 *tive duty” each place it appears.*

24 (b) *ADDITIONAL CRITERIA FOR BONUS.*—Such section
25 *is further amended—*

1 (1) *in subsection (a), by striking “designated*
2 *critical military skill” and inserting “critical mili-*
3 *tary skill designated under subsection (b) or satisfies*
4 *such other eligibility criteria established under such*
5 *subsection”;*

6 (2) *in subsection (b)—*

7 (A) *by striking “DESIGNATION OF CRITICAL*
8 *SKILLS.—” and inserting “ELIGIBILITY CRI-*
9 *TERIA.—(1)”;* and

10 (B) *by adding at the end the following new*
11 *paragraph:*

12 “(2) *The Secretary of Defense, and the Secretary of*
13 *Homeland Security with respect to the Coast Guard when*
14 *it is not operating as a service in the Navy, may establish*
15 *such other criteria as the Secretary considers appropriate*
16 *under which a retention bonus will be provided to a member*
17 *of the armed forces under subsection (a).”;* and

18 (3) *in subsection (h)(1), by striking “members*
19 *qualified in the critical military skills for which the*
20 *bonuses were offered” and inserting “members of the*
21 *armed forces who were offered a bonus under this sec-*
22 *tion”.*

23 (c) *EXTENDED ELIGIBILITY PERIOD FOR CERTAIN*
24 *MEMBERS.—Subsection (e) of such section is amended by*

1 *striking paragraph (2) and inserting the following new*
2 *paragraphs:*

3 “(2) *The limitations in paragraph (1) do not apply*
4 *with respect to an officer who, during the period of active*
5 *duty or service in an active status in a reserve component*
6 *for which the bonus is being offered, is assigned duties as*
7 *a health care professional.*

8 “(3) *The limitations in paragraph (1) do not apply*
9 *with respect to a member who, during the period of active*
10 *duty or service in an active status in a reserve component*
11 *for which the bonus is being offered—*

12 “(A) *is qualified in a skill designated as critical*
13 *under subsection (b)(1) related to special operations*
14 *forces; or*

15 “(B) *is qualified for duty in connection with the*
16 *supervision, operation, and maintenance of naval nu-*
17 *clear propulsion plants.”.*

18 (d) *REPAYMENT REQUIREMENTS.—Subsection (g) of*
19 *such section is amended to read as follows:*

20 “(g) *REPAYMENT.—A member paid a bonus under this*
21 *section who fails, during the period of service covered by*
22 *the member’s agreement, reenlistment, or voluntary exten-*
23 *sion of enlistment under subsection (a), to remain qualified*
24 *in the critical military skill or to satisfy the other eligibility*

1 *criteria for which the bonus was paid shall be subject to*
 2 *the repayment provisions of section 303a(e) of this title.”.*

3 *(e) CLERICAL AMENDMENTS.—*

4 *(1) SECTION HEADING.—The heading of section*
 5 *323 of such title is amended to read as follows:*

6 **“§323. Special pay: retention incentives for members**
 7 **qualified in a critical military skill or**
 8 **who satisfy other eligibility criteria”.**

9 *(2) TABLE OF SECTIONS.—The table of sections*
 10 *at the beginning of chapter 5 of such title is amended*
 11 *by striking the item relating to section 323 and in-*
 12 *serting the following new item:*

“323. Special pay: retention incentives for members qualified in a critical mili-
tary skill or who satisfy other eligibility criteria.”.

13 *(f) EFFECTIVE DATE.—Section 323(a) of title 37,*
 14 *United States Code, as amended by this section, shall apply*
 15 *to agreements, reenlistments, and the voluntary extension*
 16 *of enlistments referred to in subsection (a) of such section*
 17 *entered into on or after October 1, 2005.*

18 **SEC. 628. AVAILABILITY OF CRITICAL-SKILLS ACCESSION**
 19 **BONUS FOR PERSONS ENROLLED IN SENIOR**
 20 **RESERVE OFFICERS’ TRAINING CORPS WHO**
 21 **ARE OBTAINING NURSING DEGREES.**

22 *(a) AUTHORITY TO PROVIDE BONUS.—Section 324 of*
 23 *title 37, United States Code, as amended by section 614(f)*
 24 *of this Act, is further amended—*

1 (1) by redesignating subsections (f) and (g) as
2 subsections (g) and (h), respectively; and

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

5 “(f) *NURSE CANDIDATES IN SENIOR RESERVE OFFI-*
6 *CERS’ TRAINING CORPS.*—(1) *A person enrolled in the Sen-*
7 *ior Reserve Officers’ Training Corps program of the Army*
8 *for advanced training under chapter 103 of title 10, includ-*
9 *ing a person receiving financial assistance under section*
10 *2107 of such title, may receive an accession bonus under*
11 *this section if the person—*

12 “(A) *has completed the second year of an accred-*
13 *ited baccalaureate degree program in nursing; and*

14 “(B) *executes an agreement under this section to*
15 *serve on active duty as a commissioned officer in the*
16 *Army Nurse Corps.*

17 “(2) *Notwithstanding subsection (c), the amount of the*
18 *accession bonus paid to a person described in paragraph*
19 *(1) may not exceed \$5,000. ”.*

20 (b) *RETROACTIVE APPLICATION TO EXISTING AGREE-*
21 *MENTS.*—*Subsection (f) of section 324 of title 37, United*
22 *States Code, as added by subsection (a), shall apply with*
23 *respect to agreements referred to in paragraph (1)(B) of*
24 *such subsection executed on or after October 5, 2004.*

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 641. AUTHORIZED ABSENCES OF MEMBERS FOR**
4 **WHICH LODGING EXPENSES AT TEMPORARY**
5 **DUTY LOCATION MAY BE PAID.**

6 (a) *ABSENCES COVERED BY ALLOWANCE.*—Section
7 404b of title 37, United States Code, is amended—

8 (1) *in subsection (a), by striking “while the*
9 *member is in an authorized leave status” and insert-*
10 *ing “during an authorized absence of the member*
11 *from the temporary duty location”;*

12 (2) *in subsection (b)—*

13 (A) *in paragraph (1), by striking “taking*
14 *the authorized leave” and inserting “the author-*
15 *ized absence”;* and

16 (B) *in paragraph (3), by striking “imme-*
17 *diately after completing the authorized leave”*
18 *and inserting “before the end of the authorized*
19 *absence”;*

20 (3) *in subsection (c), by striking “while the*
21 *member was in an authorized leave status” and in-*
22 *serting “during the authorized absence of the mem-*
23 *ber”;* and

24 (4) *by adding at the end the following new sub-*
25 *section:*

1 “(d) *AUTHORIZED ABSENCE DEFINED.*—*In this sec-*
 2 *tion, the term ‘authorized absence’, with respect to a mem-*
 3 *ber, means that the member is in an authorized leave status*
 4 *or that the absence of the member is otherwise authorized*
 5 *by the commander of the member.”.*

6 (b) *CLERICAL AMENDMENTS.*—

7 (1) *SECTION HEADING.*—*The heading of such sec-*
 8 *tion is amended to read as follows:*

9 “**§404b. Travel and transportation allowances: pay-**
 10 **ment of lodging expenses at temporary**
 11 **duty location during authorized absence**
 12 **of member”.**

13 (2) *TABLE OF SECTIONS.*—*The table of sections*
 14 *at the beginning of chapter 7 of such title is amended*
 15 *by striking the item relating to section 404b and in-*
 16 *serting the following new item:*

“404b. *Travel and transportation allowances: payment of lodging expenses at tem-*
porary duty location during authorized absence of member.”.

17 **SEC. 642. EXTENDED PERIOD FOR SELECTION OF HOME**
 18 **FOR TRAVEL AND TRANSPORTATION ALLOW-**
 19 **ANCES FOR DEPENDENTS OF DECEASED**
 20 **MEMBER.**

21 (a) *DEATH OF MEMBER ENTITLED TO BASIC PAY.*—
 22 *Subsection (f) section 406 of title 37, United States Code,*
 23 *is amended—*

24 (1) *by inserting “(1)” after “(f)”;*

1 (2) by striking “he” and inserting “the member”;
2 and

3 (3) by adding at the end the following new para-
4 graph:

5 “(2) The Secretary concerned shall give the dependents
6 of a member described in paragraph (1) a period of not
7 less than three years, beginning on the date of the death
8 of the member, during which to select a home for the pur-
9 poses of the travel and transportation allowances authorized
10 by this section.”.

11 (b) *CERTAIN OTHER DECEASED MEMBERS.*—Sub-
12 section (g)(3) of such section is amended in the first sen-
13 tence—

14 (1) by striking “he exercises it” and inserting
15 “the member exercises the right or entitlement”;

16 (2) by striking “his baggage and household ef-
17 fects” and inserting “the baggage and household ef-
18 fects of the deceased member”; and

19 (3) by striking “his surviving dependents or, if”
20 and inserting “the surviving dependents at any time
21 before the end of the three-year period beginning on
22 the date on which the member accrued that right or
23 benefit. If”.

1 **SEC. 643. TRANSPORTATION OF FAMILY MEMBERS INCI-**
2 **DENT TO REPATRIATION OF MEMBERS HELD**
3 **CAPTIVE.**

4 (a) *ALLOWANCES AUTHORIZED.*—Chapter 7 of title 37,
5 *United States Code*, is amended by inserting after section
6 411i the following new section:

7 **“§411j. Travel and transportation allowances: trans-**
8 **portation of family members incident to**
9 **repatriation of members held captive**

10 “(a) *ALLOWANCES AUTHORIZED.*—(1) *The Secretary*
11 *concerned may provide the travel and transportation allow-*
12 *ances described in subsection (c) to not more than three*
13 *family members of a member of the uniformed services*
14 *who—*

15 “(A) *is serving on active duty;*

16 “(B) *was officially carried or determined to be*
17 *absent in a missing status (as defined in section 551*
18 *of this title); and*

19 “(C) *is repatriated to a site in or outside the*
20 *United States.*

21 “(2) *In circumstances determined to be appropriate by*
22 *the Secretary concerned, the Secretary may waive the limi-*
23 *tation on the number of family members of a member pro-*
24 *vided travel and transportation allowances under this sec-*
25 *tion.*

1 “(b) *ELIGIBLE PERSONS.*—(1) *In this section, the term*
2 *‘family member’ has the meaning given that term in section*
3 *411h(b) of this title.*

4 “(2) *The Secretary concerned may also provide the*
5 *travel and transportation allowances to an attendant who*
6 *accompanies a family member if the Secretary determines*
7 *that—*

8 “(A) *the family member is unable to travel unat-*
9 *tended because of age, physical condition, or other jus-*
10 *tifiable reason; and*

11 “(B) *no other family member who is receiving*
12 *the allowances under this section is able to serve as*
13 *an attendant for the family member.*

14 “(3) *If no family member is able to travel to the repa-*
15 *triation site, the Secretary concerned may provide the trav-*
16 *el and transportation allowances to not more than two per-*
17 *sons who are related to the member (but who do not satisfy*
18 *the definition of family member) and are selected by the*
19 *member.*

20 “(c) *ALLOWANCES DESCRIBED.*—(1) *The transpor-*
21 *tation authorized by subsection (a) is round-trip transpor-*
22 *tation between—*

23 “(A) *the home of the family member (or the home*
24 *of an attendant or other person provided transpor-*

1 *tation pursuant to paragraph (2) or (3) of subsection*
2 *(b)); and*

3 *“(B) the location of the repatriation site or other*
4 *location determined to be appropriate by the Sec-*
5 *retary concerned.*

6 *“(2) In addition to the transportation authorized by*
7 *subsection (a), the Secretary concerned may provide a per*
8 *diem allowance or reimbursement for the actual and nec-*
9 *essary expenses of the travel, or a combination thereof, but*
10 *not to exceed the rates established under section 404(d) of*
11 *this title.*

12 *“(d) PROVISION OF ALLOWANCES.—(1) The transpor-*
13 *tation authorized by subsection (a) may be provided by any*
14 *of the following means:*

15 *“(A) Transportation in-kind.*

16 *“(B) A monetary allowance in place of transpor-*
17 *tation in-kind at a rate to be prescribed by the Secre-*
18 *taries concerned.*

19 *“(C) Reimbursement for the commercial cost of*
20 *transportation.*

21 *“(2) An allowance payable under this subsection may*
22 *be paid in advance.*

23 *“(3) Reimbursement payable under this subsection*
24 *may not exceed the cost of government-procured commercial*
25 *round-trip air travel.*

1 “(e) *REGULATIONS.*—*The Secretaries concerned shall*
2 *prescribe uniform regulations to carry out this section.*”.

3 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
4 *the beginning of chapter 7 of such title is amended by in-*
5 *serting after the item relating to section 411i the following*
6 *new item:*

“411j. *Travel and transportation allowances: transportation of family members*
incident to repatriation of members held captive.”.

7 **SEC. 644. INCREASED WEIGHT ALLOWANCES FOR SHIP-**
8 **MENT OF HOUSEHOLD GOODS OF SENIOR**
9 **NONCOMMISSIONED OFFICERS.**

10 (a) *INCREASE.*—*The table in section 406(b)(1)(C) of*
11 *title 37, United States Code, is amended by striking the*
12 *items relating to pay grades E-7 through E-9 and insert-*
13 *ing the following new items:*

“E-9	13,000	15,000
E-8	12,000	14,000
E-7	11,000	13,000”.

14 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
15 *section (a) shall take effect on January 1, 2006, and apply*
16 *with respect to an order in connection with a change of*
17 *temporary or permanent station issued on or after that*
18 *date.*

1 ***Subtitle D—Retired Pay and***
2 ***Survivor Benefits***

3 ***SEC. 651. MONTHLY DISBURSEMENT TO STATES OF STATE***
4 ***INCOME TAX WITHHELD FROM RETIRED OR***
5 ***RETAINER PAY.***

6 *Section 1045(a) of title 10, United States Code, is*
7 *amended in the third sentence—*

8 (1) *by striking “quarter” the first place it ap-*
9 *pears and inserting “month”; and*

10 (2) *by striking “during the month following that*
11 *calendar quarter” and inserting “during the following*
12 *calendar month”.*

13 ***SEC. 652. REVISION TO ELIGIBILITY FOR NONREGULAR***
14 ***SERVICE RETIREMENT AFTER ESTABLISHING***
15 ***ELIGIBILITY FOR REGULAR RETIREMENT.***

16 (a) *REVISION TO ALLOW CONTINUATION IN ACTIVE*
17 *STATUS.—Subsection (a) of section 12741 of title 10,*
18 *United States Code, is amended—*

19 (1) *in the matter preceding paragraph (1), by*
20 *striking “becoming entitled to” and inserting “having*
21 *met the requirements for”; and*

22 (2) *in paragraph (3), by striking “become enti-*
23 *tled to” and inserting “met the requirements for”.*

1 (b) *CONFORMING AMENDMENT.*—Subsection (b)(1) of
 2 such section is amended by striking “entitlement to” and
 3 inserting “eligibility for”.

4 (c) *CLERICAL AMENDMENTS.*—

5 (1) *SECTION HEADING.*—The heading of such sec-
 6 tion is amended to read as follows:

7 **“§ 12741. Retirement from active reserve service per-
 8 formed after becoming eligible for regular
 9 retirement”.**

10 (2) *TABLE OF SECTIONS.*—The item relating to
 11 section 12741 in the table of sections at the beginning
 12 of chapter 1223 of such title is amended to read as
 13 follows:

“12741. Retirement from active reserve service performed after becoming eligible
 for regular retirement.”.

14 **SEC. 653. DENIAL OF MILITARY FUNERAL HONORS IN CER-
 15 TAIN CASES.**

16 (a) *ADDITIONAL CIRCUMSTANCES FOR DENIAL OF FU-
 17 NERAL HONORS.*—Subsection (a) of section 985 of title 10,
 18 United States Code, is amended—

19 (1) by inserting “(under section 1491 of this title
 20 or any other authority)” after “military honors”.

21 (2) by striking “a person” and all that follows
 22 and inserting “any of the following persons:

23 “(1) A person who has been convicted of a cap-
 24 ital offense under Federal or State law for which the

1 *person was sentenced to death or life imprisonment*
2 *without parole.*

3 “(2) *A person not covered by paragraph (1) who*
4 *is ineligible for interment in Arlington National*
5 *Cemetery or a national cemetery under the control of*
6 *the National Cemetery Administration by reason of*
7 *section 2411(b) of title 38.*

8 “(3) *A person who is a veteran (as defined in*
9 *section 1491(h) of this title) or who died while on ac-*
10 *tive duty or a member of a reserve component, when*
11 *the circumstances surrounding the person’s death or*
12 *other circumstances as specified by the Secretary of*
13 *Defense are such that to provide military honors at*
14 *the funeral or burial of the person would bring dis-*
15 *credit upon the person’s service (or former service).”.*

16 (b) *CLERICAL AMENDMENTS.—*

17 (1) *SECTION HEADING.—The heading of such sec-*
18 *tion is amended to read as follows:*

19 **“§985. *Persons convicted of capital crimes; certain***
20 ***other persons: denial of specified burial-***
21 ***related benefits”.***

22 (2) *TABLE OF SECTIONS.—The item relating to*
23 *section 985 in the table of sections at the beginning*
24 *of chapter 49 of such title is amended to read as fol-*
25 *lows:*

“985. *Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits.*”.

1 (c) *CROSS-REFERENCE AMENDMENT.*—Section
2 1491(a) of such title is amended by inserting before the pe-
3 riod at the end the following: “, except when military hon-
4 ors are prohibited under section 985(a) of this title”.

5 (d) *EFFECTIVE DATE.*—The amendments made by this
6 section shall apply with respect to funerals and burials that
7 occur on or after the date of the enactment of this Act.

8 **SEC. 654. CHILD SUPPORT FOR CERTAIN MINOR CHILDREN**
9 **OF RETIREMENT-ELIGIBLE MEMBERS CON-**
10 **VICTED OF DOMESTIC VIOLENCE RESULTING**
11 **IN DEATH OF CHILD’S OTHER PARENT.**

12 (a) *AUTHORITY FOR COURT-ORDERED PAYMENTS.*—
13 Section 1408(h) of title 10, United States Code, is amend-
14 ed—

15 (1) *in paragraph (1)*—

16 (A) *by inserting “(A)” after “(1)”*; and

17 (B) *by adding at the end of such paragraph*
18 *the following:*

19 “(B) *If, in the case of a member or former member*
20 *of the armed forces referred to in paragraph (2)(A), a court*
21 *order provides for the payment as child support of an*
22 *amount from the disposable retired pay of that member or*
23 *former member (as certified under paragraph (4)) to an*
24 *eligible dependent child of the member or former member,*

1 *the Secretary concerned, beginning upon effective service of*
2 *such court order, shall pay that amount in accordance with*
3 *this subsection to such dependent child.”;*

4 (2) *in paragraph (2)—*

5 (A) *in the matter preceding subparagraph*
6 *(A), by inserting “, or a dependent child,” after*
7 *“former spouse”;*

8 (B) *in subparagraph (B)—*

9 (i) *by inserting “in the case of eligi-*
10 *bility of a spouse or former spouse under*
11 *paragraph (1)(A),” after “(B)”;* and

12 (ii) *by striking the period at the end*
13 *and inserting “; and”;* and

14 (C) *by adding at the end the following new*
15 *subparagraph:*

16 “(C) *in the case of eligibility of a dependent*
17 *child under paragraph (1)(B), the other parent of the*
18 *child died as a result of the misconduct that resulted*
19 *in the termination of retired pay.”;*

20 (3) *in paragraph (4), by inserting “, or an eligi-*
21 *ble dependent child,” after “former spouse”;*

22 (4) *in paragraph (5), by inserting “, or the de-*
23 *pendent child,” after “former spouse”;* and

24 (5) *in paragraph (6), by inserting “, or to a de-*
25 *pendent child,” after “former spouse”.*

1 (2) *by adding at the end the following new sub-*
2 *paragraph:*

3 “(G) *ELECTION OF NEW BENEFICIARY UPON*
4 *DEATH OF PREVIOUS BENEFICIARY.—*

5 “(i) *AUTHORITY FOR ELECTION.—If*
6 *the reason for discontinuation in the Plan*
7 *is the death of the beneficiary, the partici-*
8 *part in the Plan may elect a new bene-*
9 *ficiary. Any such beneficiary must be a nat-*
10 *ural person with an insurable interest in*
11 *the participant. Such an election may be*
12 *made only during the 180-day period begin-*
13 *ning on the date of the death of the previous*
14 *beneficiary.*

15 “(ii) *PROCEDURES.—Such an election*
16 *shall be in writing, signed by the partici-*
17 *part, and made in such form and manner*
18 *as the Secretary concerned may prescribe.*
19 *Such an election shall be effective the first*
20 *day of the first month following the month*
21 *in which the election is received by the Sec-*
22 *retary.*

23 “(iii) *VITIATION OF ELECTION BY PAR-*
24 *TICIPANT WHO DIES WITHIN TWO YEARS OF*
25 *ELECTION.—If a person providing an annu-*

1 *ity under a election under clause (i) dies be-*
2 *fore the end of the two-year period begin-*
3 *ning on the effective date of the election—*

4 *“(I) the election is vitiated; and*

5 *“(II) the amount by which the*
6 *person’s retired pay was reduced under*
7 *section 1452 of this title that is attrib-*
8 *utable to the election shall be paid in*
9 *a lump sum to the person who would*
10 *have been the deceased person’s bene-*
11 *ficiary under the vitiated election if*
12 *the deceased person had died after the*
13 *end of such two-year period.”.*

14 *(b) CHANGE IN PREMIUM FOR COVERAGE OF NEW*
15 *BENEFICIARY.—Section 1452(c) of such title is amended by*
16 *adding at the end the following new paragraph:*

17 *“(5) RULE FOR DESIGNATION OF NEW INSUR-*
18 *ABLE INTEREST BENEFICIARY FOLLOWING DEATH OF*
19 *ORIGINAL BENEFICIARY.—The Secretary of Defense*
20 *shall prescribe in regulations premiums which a par-*
21 *ticipant making an election under section*
22 *1448(b)(1)(G) of this title shall be required to pay for*
23 *participating in the Plan pursuant to that election.*
24 *The total amount of the premiums to be paid by a*

1 *participant under the regulations shall be equal to the*
2 *sum of the following:*

3 *“(A) The total additional amount by which*
4 *the retired pay of the participant would have*
5 *been reduced before the effective date of the elec-*
6 *tion if the original beneficiary (i) had not died*
7 *and had been covered under the Plan through the*
8 *date of the election, and (ii) had been the same*
9 *number of years younger than the participant (if*
10 *any) as the new beneficiary designated under the*
11 *election.*

12 *“(B) Interest on the amounts by which the*
13 *retired pay of the participant would have been*
14 *so reduced, computed from the dates on which*
15 *the retired pay would have been so reduced at*
16 *such rate or rates and according to such method-*
17 *ology as the Secretary of Defense determines rea-*
18 *sonable.*

19 *“(C) Any additional amount that the Sec-*
20 *retary determines necessary to protect the actu-*
21 *arial soundness of the Department of Defense*
22 *Military Retirement Fund against any increased*
23 *risk for the fund that is associated with the elec-*
24 *tion.”.*

25 *(c) TRANSITION.—*

1 (1) *TRANSITION PERIOD.*—*In the case of a par-*
2 *ticipant in the Survivor Benefit Plan who made a*
3 *covered insurable-interest election (as defined in para-*
4 *graph (2)) and whose designated beneficiary under*
5 *that election dies before the date of the enactment of*
6 *this Act or during the 18-month period beginning on*
7 *such date, the time period applicable for purposes of*
8 *the limitation in the third sentence of subparagraph*
9 *(G)(i) of section 1448(b)(1) of title 10, United States*
10 *Code, as added by subsection (a), shall be the two-*
11 *year period beginning on the date of the enactment of*
12 *this Act (rather than the 180-day period specified in*
13 *that sentence).*

14 (2) *COVERED INSURABLE-INTEREST ELEC-*
15 *TIONS.*—*For purposes of paragraph (1), a covered in-*
16 *surable-interest election is an election under section*
17 *1448(b)(1) of title 10, United States Code, made be-*
18 *fore the date of the enactment of this Act, or during*
19 *the 18-month period beginning on such date, by a*
20 *participant in the Survivor Benefit Plan to provide*
21 *an annuity under that plan to a natural person with*
22 *an insurable interest in that person.*

23 (3) *SURVIVOR BENEFIT PLAN.*—*For purposes of*
24 *this subsection, the term “Survivor Benefit Plan”*

1 *means the program under subchapter II of chapter 73*
2 *of title 10, United States Code.*

3 ***Subtitle E—Commissary and Non-***
4 ***appropriated Fund Instrumen-***
5 ***tality Benefits***

6 ***SEC. 661. INCREASE IN AUTHORIZED LEVEL OF SUPPLIES***
7 ***AND SERVICES PROCUREMENT FROM OVER-***
8 ***SEAS EXCHANGE STORES.***

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

11 ***SEC. 662. REQUIREMENTS FOR PRIVATE OPERATION OF***
12 ***COMMISSARY STORE FUNCTIONS.***

13 *Section 2485(a)(2) of title 10, United States Code, is*
14 *amended by adding at the end the following new sentence:*
15 *“Until December 31, 2010, the Defense Commissary Agency*
16 *is not required to conduct any cost-comparison study under*
17 *the policies and procedures of Office of Management and*
18 *Budget Circular A–76 relating to the possible contracting*
19 *out of commissary store functions.”.*

1 **SEC. 663. PROVISION OF INFORMATION TECHNOLOGY**
2 **SERVICES FOR ACCOMMODATIONS PROVIDED**
3 **BY NONAPPROPRIATED FUND INSTRUMENTALITIES FOR WOUNDED MEMBERS OF THE**
4 **ARMED FORCES AND THEIR FAMILIES.**
5

6 (a) *AUTHORITY TO PROVIDE SERVICES.*—Section 2494
7 of title 10, United States Code, is amended—

8 (1) by inserting “(a) *UTILITY SERVICES.*—” be-
9 fore “Appropriations”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) *INFORMATION TECHNOLOGY SERVICES.*—Appro-
13 priations for the Department of Defense may be used to pro-
14 vide information technology services, including equipment
15 and access to the internet, for—

16 “(1) *Fisher Houses and Fisher Suites associated*
17 *with health care facilities of a military department;*
18 *and*

19 “(2) *other accommodations made available by a*
20 *nonappropriated fund instrumentality of the Depart-*
21 *ment of Defense to members of the Armed Forces re-*
22 *covering from a wound or injury or to dependents of*
23 *such members.”.*

24 (b) *CLERICAL AMENDMENTS.*—

25 (1) *SECTION HEADING.*—The heading of such sec-
26 tion is amended to read as follows:

1 **“§ 2494. Nonappropriated fund instrumentalities: fur-**
 2 **nishing certain services for morale, wel-**
 3 **fare, and recreation purposes”.**

4 (2) *TABLE OF SECTIONS.*—*The table of sections*
 5 *at the beginning of subchapter III of chapter 147 of*
 6 *such title is amended by striking the item relating to*
 7 *section 2494 and inserting the following new item:*

“2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes.”.

8 **SEC. 664. PROVISION OF AND PAYMENT FOR OVERSEAS**
 9 **TRANSPORTATION SERVICES FOR COM-**
 10 **MISSARY AND EXCHANGE SUPPLIES.**

11 *Section 2643 of title 10, United States Code, is amend-*
 12 *ed—*

13 (1) *by inserting “(a) TRANSPORTATION OP-*
 14 *TIONS.—” before “The Secretary”;*

15 (2) *in the first sentence, by striking “by sea*
 16 *without relying on the Military Sealift Command”*
 17 *and inserting “to destinations outside the continental*
 18 *United States without relying on the Air Mobility*
 19 *Command, the Military Sealift Command”;*

20 (3) *in the second sentence, by striking “transportation contracts”*
 21 *and inserting “contracts for sea-*
 22 *borne transportation”;* and

23 (4) *by adding at the end the following new sub-*
 24 *section:*

1 “(b) *PAYMENT OF TRANSPORTATION COSTS.*—Section
2 2483(b)(5) of this title, regarding the use of appropriated
3 funds to cover the expenses of operating commissary stores,
4 shall apply to the transportation of commissary supplies.
5 Appropriated funds for the Department of Defense shall also
6 be used to cover the expenses of transporting exchange sup-
7 plies to destinations outside the continental United States.”.

8 **SEC. 665. COMPENSATORY TIME OFF FOR CERTAIN NON-**
9 **APPROPRIATED FUND EMPLOYEES.**

10 Section 5543 of title 5, United States Code, is amended
11 by adding at the end the following new subsection:

12 “(d)(1) The appropriate Secretary may, on request of
13 an employee of a nonappropriated fund instrumentality of
14 the Department of Defense or the Coast Guard described in
15 section 2105(c), grant such employee compensatory time off
16 from duty instead of overtime pay for overtime work.

17 “(2) For purposes of this subsection, the term ‘appro-
18 priate Secretary’ means—

19 “(A) with respect to an employee of a non-
20 appropriated fund instrumentality of the Department
21 of Defense, the Secretary of Defense; and

22 “(B) with respect to an employee of a non-
23 appropriated fund instrumentality of the Coast
24 Guard, the Secretary of the Executive department in
25 which it is operating.”.

Subtitle F—Other Matters

1 **Subtitle F—Other Matters**
2 **SEC. 671. INCLUSION OF SENIOR ENLISTED ADVISOR FOR**
3 **THE CHAIRMAN OF THE JOINT CHIEFS OF**
4 **STAFF AMONG SENIOR ENLISTED MEMBERS**
5 **OF THE ARMED FORCES.**

6 (a) *BASIC PAY RATE.*—

7 (1) *EQUAL TREATMENT.*—*The rate of basic pay*
8 *for an enlisted member in the grade E-9 while serv-*
9 *ing as Senior Enlisted Advisor for the Chairman of*
10 *the Joint Chiefs of Staff shall be the same as the rate*
11 *of basic pay for an enlisted member in that grade*
12 *while serving as Sergeant Major of the Army, Master*
13 *Chief Petty Officer of the Navy, Chief Master Ser-*
14 *geant of the Air Force, Sergeant Major of the Marine*
15 *Corps, or Master Chief Petty Officer of the Coast*
16 *Guard, regardless of cumulative years of service com-*
17 *puted under section 205 of title 37, United States*
18 *Code.*

19 (2) *EFFECTIVE DATE.*—*Paragraph (1) shall*
20 *apply beginning on the date on which an enlisted*
21 *member of the Armed Forces is first appointed to*
22 *serve as Senior Enlisted Advisor for the Chairman of*
23 *the Joint Chiefs of Staff.*

24 (b) *PAY DURING TERMINAL LEAVE OR WHILE HOS-*
25 *PITALIZED.*—*Section 210(c) of title 37, United States Code,*

1 *is amended by adding at the end the following new para-*
2 *graph:*

3 “(6) *The Senior Enlisted Advisor for the Chair-*
4 *man of the Joint Chiefs of Staff.*”.

5 (c) *PERSONAL MONEY ALLOWANCE.*—Section 414(c) of
6 *such title is amended—*

7 (1) *by striking “or” after “Sergeant Major of the*
8 *Marine Corps,”; and*

9 (2) *by inserting before the period at the end the*
10 *following: “, or the Senior Enlisted Advisor for the*
11 *Chairman of the Joint Chiefs of Staff.”.*

12 (d) *RETIRED PAY BASE.*—Section 1406(i)(3)(B) of
13 *title 10, United States Code, is amended by adding at the*
14 *end the following new clause:*

15 “(vi) *Senior Enlisted Advisor for the*
16 *Chairman of the Joint Chiefs of Staff.*”.

17 **SEC. 672. SPECIAL AND INCENTIVE PAYS CONSIDERED FOR**
18 **SAVED PAY UPON APPOINTMENT OF MEM-**
19 **BERS AS OFFICERS.**

20 (a) *INCLUSION AND EXCLUSION OF CERTAIN PAY*
21 *TYPES.*—Subsection (d) of section 907 of title 37, United
22 *States Code, is amended to read as follows:*

23 “(d)(1) *In determining the amount of the pay and al-*
24 *lowances of a grade formerly held by an officer, the fol-*
25 *lowing special and incentive pays may be considered only*

1 *so long as the officer continues to perform the duty that*
2 *creates the entitlement to, or eligibility for, that pay and*
3 *would otherwise be eligible to receive that pay in the former*
4 *grade:*

5 “(A) *Incentive pay for hazardous duty under*
6 *section 301 of this title.*

7 “(B) *Submarine duty incentive pay under sec-*
8 *tion 301c of this title.*

9 “(C) *Special pay for diving duty under section*
10 *304 of this title.*

11 “(D) *Hardship duty pay under section 305 of*
12 *this title.*

13 “(E) *Career sea pay under section 305a of this*
14 *title.*

15 “(F) *Special pay for service as a member of a*
16 *Weapons of Mass Destruction Civil Support Team*
17 *under section 305b of this title.*

18 “(G) *Assignment incentive pay under section*
19 *307a of this title.*

20 “(H) *Special pay for duty subject to hostile fire*
21 *or imminent danger under section 310 of this title.*

22 “(I) *Special pay or bonus for an extension of*
23 *duty at a designated overseas location under section*
24 *314 of this title.*

1 “(J) *Foreign language proficiency pay under*
2 *section 316 of this title.*

3 “(K) *Critical skill retention bonus under section*
4 *323 of this title.*

5 “(2) *The following special and incentive pays are de-*
6 *pendent on a member being in an enlisted status and may*
7 *not be considered in determining the amount of the pay*
8 *and allowances of a grade formerly held by an officer:*

9 “(A) *Special duty assignment pay under section*
10 *307 of this title.*

11 “(B) *Reenlistment bonus under section 308 of*
12 *this title.*

13 “(C) *Enlistment bonus under section 309 of this*
14 *title.*

15 “(D) *Reenlistment bonus for nuclear-trained and*
16 *qualified enlisted members under section 312a of this*
17 *title.*

18 “(E) *Career enlisted flyer incentive pay under*
19 *section 320 of this title.”.*

20 (b) *STYLISTIC AMENDMENTS.—Such section is further*
21 *amended—*

22 (1) *in subsections (a) and (b)—*

23 (A) *by striking “he” each place it appears*
24 *and inserting “the officer”; and*

1 (B) by striking “his appointment” each
2 place it appears and inserting “the appoint-
3 ment”;

4 (2) in subsection (c)(2), by striking “he” and in-
5 serting “the officer”.

6 **SEC. 673. REPAYMENT OF UNEARNED PORTION OF BO-**
7 **NUSES, SPECIAL PAYS, AND EDUCATIONAL**
8 **BENEFITS.**

9 (a) *REPAYMENT OF UNEARNED PORTION OF BONUSES*
10 *AND OTHER BENEFITS.*—

11 (1) *UNIFORM REPAYMENT PROVISION.*—Section
12 303a of title 37, United States Code, is amended by
13 adding at the end the following new subsection:

14 “(e) *REPAYMENT OF UNEARNED PORTION OF BO-*
15 *NUSES AND OTHER BENEFITS WHEN CONDITIONS OF PAY-*
16 *MENT NOT MET.*—(1) *A member of the uniformed services*
17 *who receives a bonus or similar benefit and whose receipt*
18 *of the bonus or similar benefit is subject to the condition*
19 *that the member continue to satisfy certain eligibility re-*
20 *quirements shall repay to the United States an amount*
21 *equal to the unearned portion of the bonus or similar benefit*
22 *if the member fails to satisfy the requirements, except in*
23 *certain circumstances authorized by the Secretary con-*
24 *cerned.*

1 “(2) *The Secretary concerned may establish, by regula-*
2 *tions, procedures for determining the amount of the repay-*
3 *ment required under this subsection and the circumstances*
4 *under which an exception to the required repayment may*
5 *be granted. The Secretary concerned may specify in the reg-*
6 *ulations the conditions under which an installment pay-*
7 *ment of a bonus or similar benefit to be paid to a member*
8 *of the uniformed services will not be made if the member*
9 *no longer satisfies the eligibility requirements for the bonus*
10 *or similar benefit. For the military departments, this sub-*
11 *section shall be administered under regulations prescribed*
12 *by the Secretary of Defense.*

13 “(3) *An obligation to repay the United States under*
14 *this subsection is, for all purposes, a debt owed the United*
15 *States. A discharge in bankruptcy under title 11 does not*
16 *discharge a person from such debt if the discharge order*
17 *is entered less than five years after—*

18 “(A) *the date of the termination of the agreement*
19 *or contract on which the debt is based; or*

20 “(B) *in the absence of such an agreement or con-*
21 *tract, the date of the termination of the service on*
22 *which the debt is based.*

23 “(4) *In this subsection:*

24 “(A) *The term ‘bonus or similar benefit’ means*
25 *a bonus, incentive pay, special pay, or similar pay-*

1 *ment, or an educational benefit or stipend, paid to a*
2 *member of the uniformed services under a provision*
3 *of law that refers to the repayment requirements of*
4 *this subsection.*

5 *“(B) The term ‘service’, as used in paragraph*
6 *(3)(B), refers to an obligation willingly undertaken*
7 *by a member of the uniformed services, in exchange*
8 *for a bonus or similar benefit offered by the Secretary*
9 *of Defense or the Secretary concerned—*

10 *“(i) to remain on active duty or in an ac-*
11 *tive status in a reserve component;*

12 *“(ii) to perform duty in a specified skill,*
13 *with or without a specified qualification or cre-*
14 *dential;*

15 *“(iii) to perform duty at a specified loca-*
16 *tion; or*

17 *“(iv) to perform duty for a specified period*
18 *of time.”.*

19 *(2) APPLICABILITY TO TITLE 11 CASES.—In the*
20 *case of a provision of law amended by subsection (b),*
21 *(c), or (d) of this section, paragraph (3) of subsection*
22 *(a) of section 303a of title 37, United States Code, as*
23 *added by this subsection, shall apply to any case com-*
24 *menced under title 11 after March 30, 2006.*

25 *(b) CONFORMING AMENDMENTS TO TITLE 37.—*

1 (1) *AVIATION CAREER OFFICER RETENTION*
2 *BONUS.—Subsection (g) of section 301b of title 37,*
3 *United States Code, is amended to read as follows:*

4 “*(g) REPAYMENT.—An officer who does not complete*
5 *the period of active duty specified in the agreement entered*
6 *into under subsection (a) shall be subject to the repayment*
7 *provisions of section 303a(e) of this title.*”.

8 (2) *MEDICAL OFFICER MULTIYEAR RETENTION*
9 *BONUS.—Subsection (c) of section 301d of such title*
10 *is amended to read as follows:*

11 “*(c) REPAYMENT.—An officer who does not complete*
12 *the period of active duty specified in the agreement entered*
13 *into under subsection (a) shall be subject to the repayment*
14 *provisions of section 303a(e) of this title.*”.

15 (3) *DENTAL OFFICER MULTIYEAR RETENTION*
16 *BONUS.—Subsection (d) of section 301e of such title*
17 *is amended to read as follows:*

18 “*(d) REPAYMENT.—An officer who does not complete*
19 *the period of active duty specified in the agreement entered*
20 *into under subsection (a) shall be subject to the repayment*
21 *provisions of section 303a(e) of this title.*”.

22 (4) *MEDICAL OFFICER SPECIAL PAY.—Section*
23 *302 of such title is amended—*

24 (A) *in subsection (c)(2), by striking the last*
25 *sentence and inserting the following new sen-*

1 *tence: “If such entitlement is terminated, the offi-*
2 *cer concerned shall be subject to the repayment*
3 *provisions of section 303a(e) of this title.”; and*

4 *(B) by striking subsection (f) and inserting*
5 *the following new subsection:*

6 *“(f) REPAYMENT.—An officer who does not complete*
7 *the period for which the payment was made under sub-*
8 *section (a)(4) or subsection (b)(1) shall be subject to the re-*
9 *payment provisions of section 303a(e) of this title.”.*

10 *(5) OPTOMETRIST RETENTION SPECIAL PAY.—*
11 *Paragraph (4) of section 302a(b) of such title is*
12 *amended to read as follows:*

13 *“(4) The Secretary concerned may terminate at any*
14 *time the eligibility of an officer to receive retention special*
15 *pay under paragraph (1). An officer who does not complete*
16 *the period for which the payment was made under para-*
17 *graph (1) shall be subject to the repayment provisions of*
18 *section 303a(e) of this title.”.*

19 *(6) DENTAL OFFICER SPECIAL PAY.—Section*
20 *302b of such title is amended—*

21 *(A) in subsection (b)(2), by striking the sec-*
22 *ond sentence;*

23 *(B) by striking subsection (e) and inserting*
24 *the following new subsection:*

1 “(e) *REPAYMENT.*—An officer who does not complete
2 the period of active duty for which the payment was made
3 under subsection (a)(4) shall be subject to the repayment
4 provisions of section 303a(e) of this title.”;

5 (C) by striking subsection (f); and

6 (D) by redesignating subsections (g) and (h)
7 as subsections (f) and (g), respectively.

8 (7) *ACCESSION BONUS FOR REGISTERED*
9 *NURSES.*—Subsection (d) of section 302d of such title
10 is amended to read as follows:

11 “(d) An officer who does not become and remain li-
12 censed as a registered nurse during the period for which
13 the payment is made, or who does not complete the period
14 of active duty specified in the agreement entered into under
15 subsection (a) shall be subject to the repayment provisions
16 of section 303a(e) of this title.”.

17 (8) *NURSE ANESTHETIST SPECIAL PAY.*—Section
18 302e of such title is amended—

19 (A) in subsection (c), by striking the last
20 sentence; and

21 (B) by striking subsection (e) and inserting
22 the following new subsection:

23 “(e) An officer who does not complete the period of ac-
24 tive duty specified in the agreement entered into under sub-

1 *section (a) shall be subject to the repayment provisions of*
2 *section 303a(e) of this title.”.*

3 (9) *RESERVE, RECALLED OR RETAINED HEALTH*
4 *CARE OFFICERS SPECIAL PAY.—Subsection (c) of sec-*
5 *tion 302f of such title is amended by striking “re-*
6 *fund” and inserting “repay.”.*

7 (10) *SELECTED RESERVE HEALTH CARE PRO-*
8 *FESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*
9 *TIES SPECIAL PAY.—Section 302g of such title is*
10 *amended—*

11 (A) *by striking subsections (d) and (e);*

12 (B) *by inserting after subsection (c) the fol-*
13 *lowing new subsection (d):*

14 “(d) *REPAYMENT.—An officer who does not complete*
15 *the period of service in the Selected Reserve specified in the*
16 *agreement entered into under subsection (a) shall be subject*
17 *to the repayment provisions of section 303a(e) of this title.”;*
18 *and*

19 (C) *by redesignating subsection (f) as sub-*
20 *section (e).*

21 (11) *ACCESSION BONUS FOR DENTAL OFFI-*
22 *CERS.—Subsection (d) of section 302h of such title is*
23 *amended to read as follows:*

24 “(d) *A person after signing a written agreement who*
25 *thereafter is not commissioned as an officer of the armed*

1 *forces, or does not become licensed as a dentist, or does not*
2 *complete the period of active duty specified in the agreement*
3 *entered into under subsection (a) shall be subject to the re-*
4 *payment provisions of section 303a(e) of this title.”.*

5 (12) *ACCESSION BONUS FOR PHARMACY OFFI-*
6 *CERS.—Subsection (e) of section 302j of such title is*
7 *amended to read as follows:*

8 “(e) *A person after signing a written agreement who*
9 *thereafter is not commissioned as an officer of the armed*
10 *forces, or does not become and remain certified or licensed*
11 *as a pharmacist, or does not complete the period of active*
12 *duty specified in the agreement entered into under sub-*
13 *section (a) shall be subject to the repayment provisions of*
14 *section 303a(e) of this title.”.*

15 (13) *REENLISTMENT BONUS FOR ACTIVE MEM-*
16 *BERS.—Subsection (d) of section 308 of such title is*
17 *amended to read as follows:*

18 “(d) *REPAYMENT.—A member who does not complete*
19 *the term of enlistment for which a bonus was paid to the*
20 *member under this section, or a member who is not tech-*
21 *nically qualified in the skill for which a bonus was paid*
22 *to to the member under this section, shall be subject to the*
23 *repayment provisions of section 303a(e) of this title.”.*

1 (14) *REENLISTMENT BONUS FOR SELECTED RE-*
2 *SERVE.—Subsection (d) of section 308b of such title*
3 *is amended to read as follows:*

4 “(d) *A member who does not complete the term of en-*
5 *listment in the element of the Selected Reserve for which*
6 *the bonus was paid to the member under this section shall*
7 *be subject to the repayment provisions of section 303a(e)*
8 *of this title.”.*

9 (15) *READY RESERVE ENLISTMENT BONUS.—*
10 *Section 308g of such title is amended—*

11 (A) *by striking subsection (d) and inserting*
12 *the following new subsection:*

13 “(d) *REPAYMENT.—A person who does not serve satis-*
14 *factorily in the element of the Ready Reserve in the combat*
15 *or combat support skill for the period for which the bonus*
16 *was paid under this section shall be subject to the repay-*
17 *ment provisions of section 303a(e) of this title.”;*

18 (B) *by striking subsections (e) and (f); and*

19 (C) *by redesignating subsections (g) and (h)*
20 *as subsections (e) and (f), respectively.*

21 (16) *READY RESERVE REENLISTMENT, ENLIST-*
22 *MENT, AND VOLUNTARY EXTENSION OF ENLISTMENT*
23 *BONUS.—Section 308h of such title is amended—*

24 (A) *by striking subsection (c) and inserting*
25 *the following new subsection:*

1 “(c) *REPAYMENT.*—A person who does not complete the
2 period of enlistment or extension of enlistment for which
3 the bonus was paid under this section shall be subject to
4 the repayment provisions of section 303a(e) of this title.”;

5 (B) by striking subsections (d) and (e); and

6 (C) by redesignating subsections (f) and (g)

7 as subsections (d) and (e), respectively.

8 (17) *PRIOR SERVICE ENLISTMENT BONUS.*—Sub-
9 section (d) of section 308i of such title is amended to
10 read as follows:

11 “(d) A person who receives a bonus payment under
12 this section and who, during the period for which the bonus
13 was paid, does not serve satisfactorily in the element of the
14 Selected Reserve with respect to which the bonus was paid
15 shall be subject to the repayment provisions of section
16 303a(e) of this title.”.

17 (18) *ENLISTMENT BONUS.*—Subsection (b) of sec-
18 tion 309 of such title is amended to read as follows:

19 “(b) A member who does not complete the term of en-
20 listment for which a bonus was paid to the member under
21 this section, or a member who is not technically qualified
22 in the skill for which a bonus was paid to the member under
23 this section, shall be subject to the repayment provisions of
24 section 303a(e) of this title.”.

1 (19) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OF-*
2 *FICERS EXTENDING ACTIVE DUTY.*—Subsection (b) of
3 *section 312 of such title is amended to read as follows:*

4 “*(b) REPAYMENT.*—An officer who does not complete
5 *the period of active duty in connection with the supervision,*
6 *operation, and maintenance of naval nuclear propulsion*
7 *plants that the officer agreed to serve, and for which a pay-*
8 *ment was made under subsection (a)(3) or subsection (d)(1),*
9 *shall be subject to the repayment provisions of section*
10 *303a(e) of this title.”*

11 (20) *NUCLEAR CAREER ACCESSION BONUS.*—
12 *Paragraph (2) of section 312b(a) of such title is*
13 *amended to read as follows:*

14 “*(2) An officer who does not commence or complete sat-*
15 *isfactorily the nuclear power training specified in the agree-*
16 *ment under paragraph (1) shall be subject to the repayment*
17 *provisions of section 303a(e) of this title.”*

18 (21) *ENLISTED MEMBERS EXTENDING DUTY AT*
19 *DESIGNATED LOCATIONS OVERSEAS.*—Subsection (d)
20 *of section 314 of such title is amended to read as fol-*
21 *lows:*

22 “*(d) A member who, having entered into a written*
23 *agreement to extend a tour of duty for a period under sub-*
24 *section (a), receives a bonus payment under subsection*
25 *(b)(2) for a 12-month period covered by the agreement and*

1 *ceases during that 12-month period to perform the agreed*
2 *tour of duty shall be subject to the repayment provisions*
3 *of section 303a(e) of this title.”.*

4 (22) *ENGINEERING AND SCIENTIFIC CAREER*
5 *CONTINUATION PAY.—Subsection (c) of section 315 of*
6 *such title is amended to read as follows:*

7 “(c) *An officer who, having entered into a written*
8 *agreement under subsection (b) and having received all or*
9 *part of a bonus under this section, does not complete the*
10 *period of active duty as specified in the agreement shall*
11 *be subject to the repayment provisions of section 303a(e)*
12 *of this title.”.*

13 (23) *CRITICAL ACQUISITION POSITIONS.—Sub-*
14 *section (f) of section 317 of such title is amended to*
15 *read as follows:*

16 “(c) *An officer who, having entered into a written*
17 *agreement under subsection (a) and having received all or*
18 *part of a bonus under this section, does not complete the*
19 *period of active duty as specified in the agreement shall*
20 *be subject to the repayment provisions of section 303a(e)*
21 *of this title.”.*

22 (24) *SPECIAL WARFARE OFFICERS EXTENDING*
23 *PERIOD OF ACTIVE DUTY.—Subsection (h) of section*
24 *318 of such title is amended to read as follows:*

1 “(h) An officer who, having entered into a written
2 agreement under subsection (b) and having received all or
3 part of a bonus under this section, does not complete the
4 period of active duty in special warfare service as specified
5 in the agreement shall be subject to the repayment provi-
6 sions of section 303a(e) of this title.”.

7 (25) *SURFACE WARFARE OFFICERS EXTENDING*
8 *PERIOD OF ACTIVE DUTY.*—Subsection (f) of section
9 319 of such title is amended to read as follows:

10 “(f) An officer who, having entered into a written
11 agreement under subsection (b) and having received all or
12 part of a bonus under this section, does not complete the
13 period of active duty as a department head on a surface
14 vessel specified in the agreement, shall be subject to the re-
15 payment provisions of section 303a(e) of this title.”.

16 (26) *JUDGE ADVOCATE CONTINUATION PAY.*—
17 Subsection (f) of section 321 of such title is amended
18 to read as follows:

19 “(f) An officer who has entered into a written agree-
20 ment under subsection (b) and has received all or part of
21 the amount payable under the agreement but who does not
22 complete the total period of active duty specified in the
23 agreement, shall be subject to the repayment provisions of
24 section 303a(e) of this title.”.

1 (27) *15-YEAR CAREER STATUS BONUS.*—Sub-
2 *section (f) of section 322 of such title is amended to*
3 *read as follows:*

4 “(f) *If a person paid a bonus under this section does*
5 *not complete a period of active duty beginning on the date*
6 *on which the election of the person under paragraph (1)*
7 *of subsection (a) is received and ending on the date on*
8 *which the person completes 20 years of active duty service*
9 *as described in paragraph (2) of such subsection, the person*
10 *shall be subject to the repayment provisions of section*
11 *303a(e) of this title.”.*

12 (28) *ACCESSION BONUS FOR NEW OFFICERS IN*
13 *CRITICAL SKILLS.*—Subsection (g) of section 324 of
14 *such title, as redesignated by section 628(a)(1), is*
15 *amended to read as follows:*

16 “(g) *REPAYMENT.*—An individual who, having re-
17 *ceived all or part of the bonus under an agreement referred*
18 *to in subsection (a), is not thereafter commissioned as an*
19 *officer or does not commence or does not complete the total*
20 *period of active duty service specified in the agreement shall*
21 *be subject to the repayment provisions of section 303a(e)*
22 *of this title.”.*

23 (29) *SAVINGS PLAN FOR EDUCATION EXPENSES*
24 *AND OTHER CONTINGENCIES.*—Subsection (g) of sec-
25 *tion 325 of such title is amended to read as follows:*

1 “(g) *REPAYMENT.*—If a person does not complete the
2 qualifying service for which the person is obligated under
3 a commitment for which a benefit has been paid under this
4 section, the person shall be subject to the repayment provi-
5 sions of section 303a(e) of this title.”.

6 (30) *INCENTIVE BONUS FOR CONVERSION TO*
7 *MILITARY OCCUPATIONAL SPECIALTY.*—Subsection (e)
8 of section 326 of such title is amended to read as fol-
9 lows:

10 “(e) *REPAYMENT.*—A member who does not convert to
11 and complete the period of service in the military occupa-
12 tional specialty specified in the agreement executed under
13 subsection (a) shall be subject to the repayment provisions
14 of section 303a(e) of this title.”.

15 (c) *CONFORMING AMENDMENTS TO TITLE 10.*—

16 (1) *ENLISTMENT INCENTIVES FOR PURSUIT OF*
17 *SKILLS TO FACILITATE NATIONAL SERVICE.*—Sub-
18 section (i) of section 510 of title 10, United States
19 Code, is amended to read as follows:

20 “(i) If a National Call to Service participant who has
21 entered into an agreement under subsection (b) and received
22 or benefitted from an incentive under paragraph (1) or (2)
23 of subsection (e) fails to complete the total period of service
24 specified in such agreement, the National Call to Service

1 *participant shall be subject to the repayment provisions of*
2 *section 303a(e) of title 37.”.*

3 (2) *ADVANCED EDUCATION ASSISTANCE.—Section*
4 *2005 of such title is amended—*

5 (A) *in subsection (a), by striking paragraph*
6 *(3) and inserting the following new paragraph:*

7 “(3) *that if such person does not complete the pe-*
8 *riod of active duty specified in the agreement, or does*
9 *not fulfill any term or condition prescribed pursuant*
10 *to paragraph (4), such person shall be subject to the*
11 *repayment provisions of section 303a(e) of title 37.”;*

12 (B) *by striking subsections (c), (d), (f), (g)*
13 *and (h);*

14 (C) *by redesignating subsection (e) as sub-*
15 *section (c); and*

16 (D) *by inserting after subsection (c), as so*
17 *redesignated, the following new subsection:*

18 “(d) *As a condition of the Secretary concerned pro-*
19 *viding financial assistance under section 2107 or 2107a of*
20 *this title to any person, the Secretary concerned shall re-*
21 *quire that the person enter into the agreement described in*
22 *subsection (a). In addition to the requirements of para-*
23 *graphs (1) through (4) of such subsections (a), the agree-*
24 *ment shall specify that, if the person does not complete the*
25 *education requirements specified in the agreement or does*

1 *not fulfill any term or condition prescribed pursuant to*
2 *paragraph (4) of such subsection, the person shall be subject*
3 *to the repayment provisions of section 303a(e) of title 37*
4 *without the Secretary first ordering such person to active*
5 *duty as provided for under subsection (a)(2) and sections*
6 *2107(f) and 2107a(f) of this title.”.*

7 (3) *TUITION FOR OFF-DUTY TRAINING OR EDU-*
8 *CATION.—Section 2007 of such title is amended by*
9 *adding at the end the following new subsection:*

10 “(f) *REPAYMENT.—If such person does not complete*
11 *the period of active duty specified in the agreement under*
12 *subsection (b), the person shall be subject to the repayment*
13 *provisions of section 303a(e) of title 37.”.*

14 (4) *FAILURE TO COMPLETE ADVANCED TRAINING*
15 *OR TO ACCEPT COMMISSION.—Section 2105 of such*
16 *title is amended—*

17 (A) *by striking “A member” and inserting*

18 *“(a) A member”; and*

19 (B) *by adding at the end the following new*
20 *subsection:*

21 “(b) *If such person does not complete the period of ac-*
22 *tive duty specified under subsection (a), the person shall*
23 *be subject to the repayment provisions of section 303a(e)*
24 *of title 37.”.*

1 (5) *FINANCIAL ASSISTANCE PROGRAM FOR SPE-*
2 *CIALY SELECTED MEMBERS.*—Section 2107 of such
3 *title is amended by adding at the end the following*
4 *new subsection:*

5 “(j) *REPAYMENT.*—A person who, after signing a writ-
6 *ten agreement under this section, is not commissioned as*
7 *an officer or does not complete the period of service as speci-*
8 *fied in subsection (b), (f) or (h)(2) shall be subject to the*
9 *repayment provisions of section 303a(e) of title 37.”.*

10 (6) *HEALTH PROFESSIONS SCHOLARSHIP AND*
11 *FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERV-*
12 *ICE.*—Subparagraph (C) of section 2123(e)(1) of such
13 *title is amended to read as follows:*

14 “(C) *If such person does not complete the period*
15 *of active duty obligation specified under subsection*
16 *(a), such person shall be subject to the repayment pro-*
17 *visions of section 303a(e) of title 37.”.*

18 (7) *FINANCIAL ASSISTANCE: NURSE OFFICER*
19 *CANDIDATES.*—Subsection (d) of section 2130a of such
20 *title is amended to read as follows:*

21 “(d) *REPAYMENT.*—A person who does not complete a
22 *nursing degree program in which the person is enrolled in*
23 *accordance with the agreement entered into under sub-*
24 *section (a), or having completed the nursing degree pro-*
25 *gram, does not become an officer in the Nurse Corps of the*

1 *Army or the Navy or an officer designated as a nurse officer*
2 *of the Air Force or commissioned corps of the Public Health*
3 *Service or does not complete the period of obligated active*
4 *service required under the agreement, shall be subject to the*
5 *repayment provisions of section 303a(e) of title 37.”.*

6 (8) *EDUCATION LOAN REPAYMENT PROGRAM.—*

7 *Subsection (g) of section 2173 of such title is amend-*
8 *ed—*

9 (A) *by inserting “(1)” after “(g)”;* and

10 (B) *by adding at the end the following new*
11 *paragraph:*

12 “(2) *An officer who does not complete the period of*
13 *active duty specified in the agreement entered into under*
14 *subsection (a)(3), or the alternative obligation under para-*
15 *graph (1), shall be subject to the repayment provisions of*
16 *section 303a(e) of title 37.”.*

17 (9) *SCHOLARSHIP PROGRAM FOR DEGREE PRO-*

18 *GRAM FOR DEGREE OR CERTIFICATION IN INFORMA-*

19 *TION ASSURANCE.—Section 2200a of such title is*
20 *amended—*

21 (A) *by striking subsection (e) and inserting*
22 *the following new subsection:*

23 “(e) *REPAYMENT FOR PERIOD OF UNSERVED OBLI-*
24 *GATED SERVICE.—(1) A member of an armed force who*
25 *does not complete the period of active duty specified in the*

1 *service agreement under section (b) shall be subject to the*
2 *repayment provisions of section 303a(e) of title 37.*

3 “(2)(A) *A civilian employee of the Department of De-*
4 *fense who voluntarily terminates service before the end of*
5 *the period of obligated service required under an agreement*
6 *entered into under subsection (b) shall refund to the United*
7 *States an amount determined by the Secretary of Defense*
8 *as being appropriate to obtain adequate service in exchange*
9 *for financial assistance and otherwise to achieve the goals*
10 *set forth in section 2200(a) of this title.*

11 “(B) *An obligation to reimburse the United States im-*
12 *posed under this paragraph is for all purposes a debt owed*
13 *to the United States. A discharge in bankruptcy under title*
14 *11 that is entered less than five years after the termination*
15 *of an agreement under this section does not discharge the*
16 *person signing such agreement from a debt arising under*
17 *such agreement or under this subsection.*

18 “(C) *The Secretary of Defense may waive, in whole*
19 *or in part a refund required under this paragraph if the*
20 *Secretary determines that recovery would be against equity*
21 *and good conscience or would be contrary to the best inter-*
22 *ests of the United States.”.*

23 *(B) by striking subsection (f); and*

24 *(C) by redesignating subsection (g) as sub-*
25 *section (f).*

1 (10) *ARMY CADET AGREEMENT TO SERVICE AS*
2 *OFFICER.*—Section 4348 of such title is amended by
3 adding at the end the following new subsection:

4 “(f) A cadet or former cadet who does not fulfill the
5 terms of the agreement as specified under section (a), or
6 the alternative obligation under subsection (b), shall be sub-
7 ject to the repayment provisions of section 303a(e) of title
8 37.”.

9 (11) *MIDSHIPMEN AGREEMENT FOR LENGTH OF*
10 *SERVICE.*—Section 6959 of such title is amended by
11 adding at the end the following new subsection:

12 “(f) A midshipman or former midshipman who does
13 not fulfill the terms of the agreement as specified under sec-
14 tion (a), or the alternative obligation under subsection (b),
15 shall be subject to the repayment provisions of section
16 303a(e) of title 37.”.

17 (12) *AIR FORCE CADET AGREEMENT TO SERVICE*
18 *AS OFFICER.*—Section 9348 of such title is amended
19 by adding at the end the following new subsection:

20 “(f) A cadet or former cadet who does not fulfill the
21 terms of the agreement as specified under section (a), or
22 the alternative obligation under subsection (b), shall be sub-
23 ject to the repayment provisions of section 303a(e) of title
24 37.”.

1 (13) *EDUCATIONAL ASSISTANCE FOR MEMBERS*
2 *OF SELECTED RESERVE.*—Section 16135 of such title
3 is amended to read as follows:

4 **“§16135. Failure to participate satisfactorily; pen-**
5 **alties**

6 “(a) *PENALTIES.*—At the option of the Secretary con-
7 cerned, a member of the Selected Reserve of an armed force
8 who does not participate satisfactorily in required training
9 as a member of the Selected Reserve during a term of enlist-
10 ment or other period of obligated service that created entitle-
11 ment of the member to educational assistance under this
12 chapter, and during which the member has received such
13 assistance, may—

14 “(1) be ordered to active duty for a period of two
15 years or the period of obligated service the person has
16 remaining under section 16132 of this title, whichever
17 is less; or

18 “(2) be subject to the repayment provisions
19 under section 303a(e) of title 37.

20 “(b) *EFFECT OF REPAYMENT.*—Any repayment under
21 section 303a(e) of title 37 shall not affect the period of obli-
22 gation of a member to serve as a Reserve in the Selected
23 Reserve.”.

24 (14) *HEALTH PROFESSIONS STIPEND PROGRAM*
25 *PENALTIES AND LIMITATIONS.*—Subparagraph (B) of

1 *section 16203(a)(1) of such title is amended to read*
2 *as follows:*

3 *“(B) shall be subject to the repayment provisions*
4 *of section 303a(e) of title 37.”.*

5 *(15) COLLEGE TUITION ASSISTANCE PROGRAM*
6 *FOR MARINE CORPS PLATOON LEADERS CLASS.—Sub-*
7 *section (f) of section 16401 of such title is amended—*

8 *(A) in paragraph (1), by striking “may be*
9 *required to repay the full amount of financial*
10 *assistance” and inserting “shall be subject to the*
11 *repayment provisions of section 303a(e) of title*
12 *37”; and*

13 *(B) by striking paragraph (2) and inserting*
14 *the following new paragraph:*

15 *“(2) Any requirement to repay any portion of finan-*
16 *cial assistance received under this section shall be adminis-*
17 *tered under Secretary of Defense regulations issued under*
18 *section 303a(e) of title 37. The Secretary of the Navy may*
19 *waive the obligations referenced in paragraph (1) in the*
20 *case of a person who—”.*

21 *(d) CONFORMING AMENDMENT TO TITLE 14.—Section*
22 *182 of title 14, United States Code, is amended by adding*
23 *at the end the following new subsection:*

24 *“(g) A cadet or former cadet who does not fulfill the*
25 *terms of the obligation to serve as specified under section*

1 (b), or the alternative obligation under subsection (c), shall
2 be subject to the repayment provisions of section 303a(e)
3 of title 37.”.

4 (e) CLERICAL AMENDMENTS.—

5 (1) SECTION HEADING.—The heading of section
6 303a of title 37, United States Code, is amended to
7 read as follows:

8 **“§ 303a. Special pay: general provisions”.**

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 5 of such title is
11 amended by striking the item relating to section 303a
12 and inserting the following new item:

“303a. Special pay: general provisions.”.

13 (f) CONTINUED APPLICATION OF CURRENT LAW TO
14 EXISTING BONUSES.—In the case of any bonus, incentive
15 pay, special pay, or similar payment, such as education
16 assistance or a stipend, which the United States became ob-
17 ligated to pay before April 1, 2006, under a provision of
18 law amended by subsection (b), (c), or (d) of this section,
19 such provision of law, as in effect on the day before the
20 date of the enactment of this Act, shall continue to apply
21 to the payment, or any repayment, of the bonus, incentive
22 pay, special pay, or similar payment under such provision
23 of law.

1 **SEC. 674. LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO**
2 **DEPLOYABLE SHIPS OR MOBILE UNITS OR TO**
3 **OTHER DESIGNATED DUTY.**

4 *Subparagraph (B) of section 701(f)(1) of title 10,*
5 *United States Code, is amended to read as follows:*

6 *“(B) This subsection applies to any of the following:*

7 *“(i) A member who serves on active duty for a*
8 *continuous period of at least 120 days in an area in*
9 *which the member is entitled to special pay under sec-*
10 *tion 310(a) of title 37.*

11 *“(ii) A member who is assigned to —*

12 *“(I) a deployable ship or mobile unit; or*

13 *“(II) other duty that is designated for the*
14 *purpose of this subsection.”.*

15 **SEC. 675. ARMY RECRUITING PILOT PROGRAM TO ENCOUR-**
16 **AGE MEMBERS OF THE ARMY TO REFER**
17 **OTHER PERSONS FOR ENLISTMENT.**

18 *(a) REFERRAL BONUS AUTHORIZED.—The Secretary*
19 *of the Army may pay a bonus under this section to a mem-*
20 *ber of the Army who refers, to an Army recruiter, a person*
21 *who has not previously served in an armed force and who,*
22 *after such referral, enlists in the Regular Army or the Army*
23 *Reserve. The referral may occur when a member contacts*
24 *a recruiter on behalf of an interested person or when the*
25 *interested person contacts the recruiter and informs the re-*

1 *cruiter of the member's role in initially recruiting the per-*
2 *son.*

3 (b) *AMOUNT OF BONUS; TIME FOR PAYMENT.*—*A refer-*
4 *ral bonus under this section may not exceed \$1,000 and*
5 *may not be paid to the member making the referral unless*
6 *and until the enlistee completes basic training and indi-*
7 *vidual advanced training. The bonus shall be paid in a*
8 *lump sum.*

9 (c) *RELATION TO PROHIBITION ON BOUNTIES.*—*The*
10 *referral bonus authorized by this section is not a bounty*
11 *for purposes of section 514(a) of title 10, United States*
12 *Code.*

13 (d) *CERTAIN MEMBERS INELIGIBLE.*—

14 (1) *REFERRAL OF IMMEDIATE FAMILY.*—*A mem-*
15 *ber may not receive a referral bonus under this sec-*
16 *tion for the referral of an immediate family member.*

17 (2) *MEMBERS IN RECRUITING ROLES.*—*A mem-*
18 *ber serving in a recruiting or retention assignment or*
19 *assigned to other duties regarding which eligibility*
20 *for a referral bonus could be perceived as creating a*
21 *conflict of interest may not receive a referral bonus.*

22 (e) *LIMITATION ON INITIAL USE OF AUTHORITY.*—
23 *During the first year in which referral bonuses are offered*
24 *under this section, the Secretary of the Army may not pro-*
25 *vide more than 1,000 referral bonuses.*

1 (f) *DURATION OF AUTHORITY.*—A referral bonus may
2 not be paid under this section with respect to any referral
3 made after December 31, 2007.

4 **SEC. 676. SPECIAL COMPENSATION FOR RESERVE COMPO-**
5 **NENT MEMBERS WHO ARE ALSO TOBACCO**
6 **FARMERS ADVERSELY AFFECTED BY TERMS**
7 **OF TOBACCO QUOTA BUYOUT.**

8 (a) *FINDINGS.*—Congress finds the following:

9 (1) *The dispute resolution mechanism provided*
10 *in section 624(b) of the Fair and Equitable Tobacco*
11 *Reform Act of 2004 (7 U.S.C. 518c), which was in-*
12 *tended to help tobacco producers in hardship cir-*
13 *cumstances, is not likely to provide relief to tobacco*
14 *producers who are also members of the reserve compo-*
15 *nents of the Armed Forces and were called or ordered*
16 *to active duty for extended deployment.*

17 (2) *The special compensation provided under*
18 *this section addresses a unique situation and does not*
19 *set a precedent for other persons seeking exceptions to*
20 *the eligibility requirements for payments under such*
21 *Act.*

22 (b) *AVAILABILITY OF COMPENSATION.*—Subject to sub-
23 *section (c), the Secretary of Defense shall make a payment*
24 *under this section to any member of a reserve component*
25 *whose eligibility for a payment under section 623 of the*

1 *Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C.*
2 *518b) as a producer of quota tobacco was adversely affected,*
3 *or whose payment amount under such section was deter-*
4 *mined using a variable payment rate specified in subpara-*
5 *graph (B) or (C) of subsection (d)(3) of such section, because*
6 *the member was serving on active duty under a call or order*
7 *to active duty for a period of more than 30 days during*
8 *any of the tobacco marketing years specified in subpara-*
9 *graph (A) of such subsection.*

10 *(c) RESTRICTION TO MEMBERS WHO ARE LONG-TIME*
11 *TOBACCO GROWERS.—To be eligible for a payment under*
12 *this section, a member described in subsection (b) must have*
13 *been a producer of quota tobacco (as defined in section 621*
14 *of the Fair and Equitable Tobacco Reform Act of 2004 (7*
15 *U.S.C. 518a)) during at least two of the three tobacco mar-*
16 *keting years before the 2002 marketing year.*

17 *(d) AMOUNT OF PAYMENT.—The amount of the pay-*
18 *ment required under this section for a member shall be*
19 *equal to 70 percent of the difference between—*

20 *(1) the amount the member will receive under*
21 *section 623 of the Fair and Equitable Tobacco Reform*
22 *Act of 2004; and*

23 *(2) the amount that the member would have like-*
24 *ly received under such section had the member re-*

1 mained a full-time producer of quota tobacco and not
2 been called or ordered to active duty.

3 (e) *CALCULATION OF PAYMENT AMOUNT.*—The Sec-
4 retary of Defense shall make the calculation required by
5 subsection (c) in consultation with the Secretary of Agri-
6 culture.

7 **TITLE VII—HEALTH CARE**
8 **PROVISIONS**

Subtitle A—Tricare Program Improvements

- Sec. 701. Services of mental health counselors.*
Sec. 702. Additional information required by surveys on TRICARE standard.
*Sec. 703. Enhancement of TRICARE coverage for members who commit to con-
tinued service in the selected reserve.*
Sec. 704. Study and plan relating to chiropractic health care services.
*Sec. 705. Surviving-dependent eligibility under TRICARE dental plan for sur-
viving spouses who were on active duty at time of death of mili-
tary spouse.*
Sec. 706. Exceptional eligibility for TRICARE prime remote.

Subtitle B—Other Matters

- Sec. 711. Authority to relocate patient safety center; renaming MedTeams Pro-
gram.*
*Sec. 712. Modification of health care quality information and technology enhance-
ment reporting requirement.*
*Sec. 713. Correction to eligibility of certain Reserve officers for military health
care pending active duty following commissioning.*
*Sec. 714. Prohibition on conversions of military medical positions to civilian
medical positions until submission of certification.*
*Sec. 715. Clarification of inclusion of dental care in medical readiness tracking
and health surveillance program.*
*Sec. 716. Cooperative outreach to members and former members of the naval serv-
ice exposed to environmental factors related to sarcoidosis.*
*Sec. 717. Early identification and treatment of mental health and substance
abuse disorders.*

1 ***Subtitle A—Tricare Program***
2 ***Improvements***

3 **SEC. 701. SERVICES OF MENTAL HEALTH COUNSELORS.**

4 (a) *REIMBURSEMENT OF MENTAL HEALTH COUN-*
5 *SELORS UNDER TRICARE.—*

6 (1) *REIMBURSEMENT UNDER TRICARE.—Section*
7 *1079(a)(8) of title 10, United States Code, is amend-*
8 *ed—*

9 (A) *by inserting “or licensed or certified*
10 *mental health counselors” after “certified mar-*
11 *riage and family therapists” both places it ap-*
12 *pears; and*

13 (B) *by inserting “or licensed or certified*
14 *mental health counselors” after “that the thera-*
15 *pists.”*

16 (2) *AUTHORITY TO ASSESS MEDICAL OR PSYCHO-*
17 *LOGICAL NECESSITY OF SERVICE OR SUPPLY.—Sec-*
18 *tion 1079(a)(13) of such title is amended by inserting*
19 *“, licensed or certified mental health counselor, ” after*
20 *“certified marriage and family therapist”.*

21 (b) *SERVICES OF MENTAL HEALTH COUNSELORS.—*

22 (1) *AUTHORITY TO ENTER INTO PERSONAL SERV-*
23 *ICES CONTRACTS.—Section 704(c)(2) of the National*
24 *Defense Authorization Act for Fiscal Year 1995 (Pub-*
25 *lic Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091*

1 *note) is amended by inserting “mental health coun-*
2 *selors,” after “psychologists,”.*

3 (2) *APPLICABILITY OF LICENSURE REQUIREMENT*
4 *FOR HEALTH-CARE PROFESSIONALS.—Section 1094*
5 *(e)(2) of title 10, United States Code, is amended by*
6 *inserting “mental health counselor,” after “psycholo-*
7 *gist,”.*

8 **SEC. 702. ADDITIONAL INFORMATION REQUIRED BY SUR-**
9 **VEYS ON TRICARE STANDARD.**

10 *Section 723(a) of the National Defense Authorization*
11 *Act for Fiscal Year 2004 (Public Law 108–136) is amended*
12 *by adding at the end the following new paragraph:*

13 “(4) *Surveys required by paragraph (1) shall include*
14 *questions seeking to determine from health care providers*
15 *the following:*

16 “(A) *Whether the provider is aware of the*
17 *TRICARE program.*

18 “(B) *What percentage of the provider’s current*
19 *patient population uses any form of TRICARE.*

20 “(C) *Whether the provider accepts patients for*
21 *whom payment is made under the medicare program*
22 *for health care services.*

23 “(D) *If the provider accepts patients referred to*
24 *in subparagraph (C), whether the provider would ac-*

1 *cept additional such patients who are not in the pro-*
2 *vider's current patient population.”.*

3 **SEC. 703. ENHANCEMENT OF TRICARE COVERAGE FOR MEM-**
4 **BERS WHO COMMIT TO CONTINUED SERVICE**
5 **IN THE SELECTED RESERVE.**

6 *(a) EXTENSION OF COVERAGE FOR MEMBERS RE-*
7 *CALLED TO ACTIVE DUTY.—Section 1076d of title 10,*
8 *United States Code, is amended—*

9 *(1) in subsection (b), by redesignating paragraph*
10 *(3) as paragraph (4) and by inserting after para-*
11 *graph (2) the following new paragraph (3):*

12 *“(3) In the case of a member recalled to active duty*
13 *before the period of coverage for which the member is eligible*
14 *under subsection (a) terminates, the period of coverage of*
15 *the member—*

16 *“(A) resumes after the member completes the sub-*
17 *sequent active duty service (subject to any additional*
18 *entitlement to care and benefits under section 1145(a)*
19 *of this title that is based on the same subsequent ac-*
20 *tive duty service); and*

21 *“(B) increases by any additional period of cov-*
22 *erage for which the member is eligible under sub-*
23 *section (a) based on the subsequent active duty serv-*
24 *ice.”;*

1 (2) *in subsection (b)(2), by striking “Unless ear-*
2 *lier terminated under paragraph (3)” and inserting*
3 *“Subject to paragraph (3) and unless earlier termi-*
4 *nated under paragraph (4)”*; and

5 (3) *in subsection (f), by adding at the end the*
6 *following new paragraph:*

7 “(3) *The term ‘member recalled to active duty’*
8 *means, with respect to a member who is eligible for*
9 *coverage under this section based on a period of active*
10 *duty service, a member who is called or ordered to ac-*
11 *tive duty for an additional period of active duty sub-*
12 *sequent to the period of active duty on which that eli-*
13 *gibility is based.”.*

14 (b) *EXTENSION OF COVERAGE FOR MEMBERS FACING*
15 *INVOLUNTARY RETIREMENT.—Section 1076d of such title is*
16 *amended in subsection (b)(4), as redesignated by subsection*
17 *(a)(1)—*

18 (1) *by striking “Eligibility” and inserting “(A)*
19 *Except as provided in subparagraphs (B) and (C),*
20 *eligibility”*; and

21 (2) *by adding at the end the following:*

22 “(B) *In the case of a member who is separated from*
23 *the Selected Reserve during a period of coverage for which*
24 *the member is eligible under subsection (a) and whose sepa-*
25 *ration is a qualifying involuntary separation, that period*

1 *of coverage shall not terminate on account of the separation.*
2 *For purposes of the preceding sentence, a qualifying invol-*
3 *untary separation is involuntary retirement, involuntary*
4 *transfer to the Retired Reserve, or discharge while qualified*
5 *for transfer to the Retired Reserve when required by law*
6 *or regulation to be either transferred to the Retired Reserve*
7 *or discharged.”.*

8 *(c) CONTINUED ELIGIBILITY FOR MEMBERS IN THE*
9 *INDIVIDUAL READY RESERVE.—Section 1076d of such title*
10 *is amended in subsection (b)(4), as redesignated by sub-*
11 *section (a)(1), by adding at the end the following:*

12 *“(C) Subparagraph (A) shall not apply in special cir-*
13 *cumstances prescribed by the Secretary, including contin-*
14 *ued service by a member in the Individual Ready Reserve.”.*

15 *(d) SPECIAL RULE FOR MOBILIZED MEMBERS OF IN-*
16 *DIVIDUAL READY RESERVE FINDING NO POSITION IN SE-*
17 *LECTED RESERVE.—Section 1076d of such title is amended*
18 *by adding at the end of subsection (b) (as amended by this*
19 *section) the following new paragraph:*

20 *“(5) In the case of a member of the Individual Ready*
21 *Reserve who meets the requirements for eligibility for health*
22 *benefits under TRICARE Standard under subsection (a)*
23 *except for membership in the Selected Reserve, the period*
24 *of coverage under this section may begin not later than one*
25 *year after coverage would otherwise begin under this section*

1 *had the member been a member of the Selected Reserve, if*
2 *the member finds a position in the Selected Reserve during*
3 *that one-year period.”.*

4 *(e) ELIGIBILITY OF FAMILY MEMBERS FOR 6 MONTHS*
5 *FOLLOWING DEATH OF MEMBER.—Section 1076d(c) of*
6 *such title is amended by adding at the end the following:*
7 *“If a member of a reserve component dies while in a period*
8 *of coverage under this section, the eligibility of the members*
9 *of the immediate family of such member for TRICARE*
10 *Standard coverage shall continue for six months beyond the*
11 *date of death of the member.”*

12 *(f) OTHER AMENDMENTS.—Section 1076d of such title*
13 *is amended—*

14 *(1) in subsection (a)(2), by striking “on or before*
15 *the date of the release” and inserting “not later than*
16 *120 days after release”; and*

17 *(2) by amending subsection (f)(2) to read as fol-*
18 *lows:*

19 *“(2) The term ‘TRICARE Standard’ means—*

20 *“(A) medical care to which a dependent de-*
21 *scribed in section 1076(a)(2) of this title is enti-*
22 *tled; and*

23 *“(B) health benefits contracted for under the*
24 *authority of section 1079(a) of this title and sub-*

1 *ject to the same rates and conditions as apply to*
2 *persons covered under that section.”.*

3 **SEC. 704. STUDY AND PLAN RELATING TO CHIROPRACTIC**
4 **HEALTH CARE SERVICES.**

5 *(a) STUDY REQUIRED.—*

6 *(1) GROUPS COVERED.—The Secretary of De-*
7 *fense shall conduct a study of providing chiropractic*
8 *health care services and benefits to the following*
9 *groups:*

10 *(A) All members of the uniformed services*
11 *on active duty and entitled to care under section*
12 *1074(a) of title 10, United States Code.*

13 *(B) All members described in subparagraph*
14 *(A) and their eligible dependents, and all mem-*
15 *bers of reserve components of the uniformed serv-*
16 *ices and their eligible dependents.*

17 *(C) All members or former members of the*
18 *uniformed services who are entitled to retired or*
19 *retainer pay or equivalent pay and their eligible*
20 *dependents.*

21 *(2) MATTERS EXAMINED.—For each group listed*
22 *in subparagraphs (A), (B), and (C), the study shall*
23 *examine the following with respect to chiropractic*
24 *health care services and benefits:*

1 (A) *The cost of providing such services and*
2 *benefits.*

3 (B) *The feasibility of providing such serv-*
4 *ices and benefits.*

5 (C) *An assessment of the health care benefits*
6 *of providing such services and benefits.*

7 (D) *An estimate of the potential cost sav-*
8 *ings of providing such services and benefits in*
9 *lieu of other medical services.*

10 (3) *SPACE AVAILABLE COSTS.—The study shall*
11 *also include a detailed analysis of the projected costs*
12 *of providing chiropractic health care services on a*
13 *space available basis in the military treatment facili-*
14 *ties currently providing chiropractic care under sec-*
15 *tion 702 of the Floyd D. Spence National Defense Au-*
16 *thorization Act of Fiscal Year 2001 (as enacted by*
17 *Public Law 106–398; 10 U.S.C. 1092 note).*

18 (4) *ELIGIBLE DEPENDENTS DEFINED.—In this*
19 *section, the term “eligible dependent” has the mean-*
20 *ing given that term in section 1076a(k) of title 10,*
21 *United States Code.*

22 (b) *PLAN REQUIRED.—Not later than March 31, 2006,*
23 *the Secretary of Defense shall revise the plan required under*
24 *section 702 of the Floyd D. Spence National Defense Au-*
25 *thorization Act of Fiscal Year 2001 (as enacted by Public*

1 *Law 106–398; 10 U.S.C. 1092 note), including a detailed*
2 *analysis of the projected costs, to provide chiropractic health*
3 *care services and benefits as a permanent part of the De-*
4 *fense Health Program (including the TRICARE program)*
5 *as required under that section.*

6 (c) *REPORT REQUIRED.—Not later than March 31,*
7 *2006, the Secretary of Defense shall submit a report on the*
8 *study required under subsection (a), together with the plan*
9 *required under subsection (b), to the Committees on Armed*
10 *Services of the Senate and the House of Representatives.*

11 **SEC. 705. SURVIVING-DEPENDENT ELIGIBILITY UNDER**
12 **TRICARE DENTAL PLAN FOR SURVIVING**
13 **SPOUSES WHO WERE ON ACTIVE DUTY AT**
14 **TIME OF DEATH OF MILITARY SPOUSE.**

15 *Section 1076a(k) of title 10, United States Code, is*
16 *amended to read as follows:*

17 “(k) *ELIGIBLE DEPENDENT DEFINED.—(1) In this*
18 *section, the term ‘eligible dependent’ means a dependent de-*
19 *scribed in subparagraph (A), (D), or (I) of section 1072(2)*
20 *of this title.*

21 “(2) *Such term includes any such dependent of a mem-*
22 *ber who dies while on active duty for a period of more than*
23 *30 days or a member of the Ready Reserve if, on the date*
24 *of the death of the member, the dependent—*

1 “(A) is enrolled in a dental benefits plan estab-
2 lished under subsection (a); or

3 “(B) if not enrolled in such a plan on such
4 date—

5 “(i) is not enrolled by reason of a dis-
6 continuance of a former enrollment under sub-
7 section (f); or

8 “(ii) is not qualified for such enrollment be-
9 cause—

10 “(I) the dependent is a child under the
11 minimum age for such enrollment; or

12 “(II) the dependent is a spouse who is
13 a member of the armed forces on active duty
14 for a period of more than 30 days.

15 “(3) Such term does not include a dependent by reason
16 of paragraph (2) after the end of the three-year period be-
17 ginning on the date of the member’s death.”.

18 **SEC. 706. EXCEPTIONAL ELIGIBILITY FOR TRICARE PRIME**

19 **REMOTE.**

20 Section 1079(p) of title 10, United States Code, is
21 amended—

22 (1) by redesignating paragraph (4) as para-
23 graph (5); and

24 (2) by inserting after paragraph (3) the fol-
25 lowing new paragraph:

1 “(4) *The Secretary of Defense may provide for*
2 *coverage of a dependent referred to in subsection (a)*
3 *who is not described in paragraph (3) if the Secretary*
4 *determines that exceptional circumstances warrant*
5 *such coverage.*”.

6 ***Subtitle B—Other Matters***

7 ***SEC. 711. AUTHORITY TO RELOCATE PATIENT SAFETY CEN-***
8 ***TER; RENAMING MEDTEAMS PROGRAM.***

9 *(a) REPEAL OF REQUIREMENT TO LOCATE THE DE-*
10 *PARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN*
11 *THE ARMED FORCES INSTITUTE OF PATHOLOGY .—Sub-*
12 *section (c)(3) of section 754 of the Floyd D. Spence National*
13 *Defense Authorization Act for Fiscal Year 2001 (Public*
14 *Law 106–398; 114 Stat. 1654–196) is amended by striking*
15 *“within the Armed Forces Institute of Pathology”.*

16 *(b) RENAMING MEDTEAMS PROGRAM.—Subsection (d)*
17 *of such section is amended by striking “MEDTEAMS” in the*
18 *heading and inserting “ MEDICAL TEAM TRAINING”.*

19 ***SEC. 712. MODIFICATION OF HEALTH CARE QUALITY INFOR-***
20 ***MATION AND TECHNOLOGY ENHANCEMENT***
21 ***REPORTING REQUIREMENT.***

22 *Section 723(e) of the National Defense Authorization*
23 *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*
24 *697) is amended by striking paragraphs (1) through (4)*
25 *and inserting the following:*

1 “(1) *Measures of the quality of health care fur-*
2 *nished.*

3 “(2) *Population health.*

4 “(3) *Patient safety.*

5 “(4) *Patient satisfaction.*

6 “(5) *The extent of use of evidence-based health*
7 *care practices.*

8 “(6) *The effectiveness of biosurveillance in detect-*
9 *ing an emerging epidemic.”.*

10 **SEC. 713. CORRECTION TO ELIGIBILITY OF CERTAIN RE-**
11 **SERVE OFFICERS FOR MILITARY HEALTH**
12 **CARE PENDING ACTIVE DUTY FOLLOWING**
13 **COMMISSIONING.**

14 (a) *CORRECTION.*—*Clause (iii) of section*
15 *1074(a)(2)(B) of title 10, United States Code, is amended*
16 *by inserting before the semicolon the following: “or the or-*
17 *ders have been issued but the member has not entered active*
18 *duty”.*

19 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
20 *section (a) shall take effect as of November 24, 2003, and*
21 *as if included in the enactment of paragraph (2) of section*
22 *1074(a) of title 10, United States Code, by section 708 of*
23 *the National Defense Authorization Act for Fiscal Year*
24 *2004 (Public Law 108–136; 117 Stat. 1530).*

1 **SEC. 714. PROHIBITION ON CONVERSIONS OF MILITARY**
2 **MEDICAL POSITIONS TO CIVILIAN MEDICAL**
3 **POSITIONS UNTIL SUBMISSION OF CERTIFI-**
4 **CATION.**

5 (a) *PROHIBITION ON CONVERSIONS.*—A Secretary of
6 a military department may not convert any military med-
7 ical position to a civilian medical position until the Sec-
8 retary submits to the Committees on Armed Services of the
9 Senate and the House of Representatives a certification that
10 the conversions within that department will not increase
11 cost or decrease quality of care or access to care. Such a
12 certification may not be submitted before April 1, 2006. A
13 Secretary submitting such a certification shall include with
14 the certification a report in writing setting forth the meth-
15 odology used by the Secretary in making the determinations
16 necessary for the certification, including the extent to which
17 the Secretary took into consideration the findings of the
18 Comptroller General in the report under subsection (d).

19 (b) *REQUIREMENT FOR STUDY.*—The Comptroller
20 General shall conduct a study on the effect of conversions
21 of military medical positions to civilian medical positions
22 on the defense health program.

23 (c) *MATTERS COVERED.*—The study shall include the
24 following:

1 (1) *The number of military medical positions, by*
2 *grade and specialty, planned for conversion to civil-*
3 *ian medical positions.*

4 (2) *The number of military medical positions, by*
5 *grade and specialty, converted to civilian medical po-*
6 *sitions since October 1, 2004.*

7 (3) *The ability of the military health care system*
8 *to fill the civilian medical positions required, by spe-*
9 *cialty.*

10 (4) *The degree to which access to health care is*
11 *affected in both the direct and purchased care system,*
12 *including an assessment of the effects of any increased*
13 *shifts in patient load from the direct care to the pur-*
14 *chased care system, or any delays in receipt of care*
15 *in either the direct or purchased care system because*
16 *of lack of direct care providers.*

17 (5) *The degree to which changes in military*
18 *manpower requirements affect recruiting and reten-*
19 *tion of uniformed medical personnel.*

20 (6) *The effect of the conversions of military med-*
21 *ical positions to civilian medical positions on the de-*
22 *fense health program, including costs associated with*
23 *the conversions, with a comparison of the estimated*
24 *costs versus the actual costs incurred by the number*
25 *of conversions since October 1, 2004.*

1 (7) *The effectiveness of the conversions in en-*
2 *hancing medical readiness, health care efficiency, pro-*
3 *ductivity, quality, and customer satisfaction.*

4 (d) *REPORT.—Not later than March 1, 2006, the*
5 *Comptroller General shall submit to the Committees on*
6 *Armed Services of the Senate and House of Representatives*
7 *a report containing the results of the study under this sec-*
8 *tion.*

9 (e) *DEFINITIONS.—In this section:*

10 (1) *The term “military medical position” means*
11 *a position for the performance of health care functions*
12 *within the Armed Forces held by a member of the*
13 *Armed Forces.*

14 (2) *The term “civilian medical position” means*
15 *a position for the performance of health care functions*
16 *within the Department of Defense held by an em-*
17 *ployee of the Department or of a contractor of the De-*
18 *partment.*

19 **SEC. 715. CLARIFICATION OF INCLUSION OF DENTAL CARE**
20 **IN MEDICAL READINESS TRACKING AND**
21 **HEALTH SURVEILLANCE PROGRAM.**

22 (a) *INCLUSION OF DENTAL CARE.—Subtitle D of title*
23 *VII of the Ronald W. Reagan National Defense Authoriza-*
24 *tion Act for Fiscal Year 2005 (Public Law 108–375; 10*

1 *U.S.C. 1074 note) is amended by adding at the end the fol-*
 2 *lowing new section:*

3 **“SEC. 740. INCLUSION OF DENTAL CARE.**

4 *“For purposes of the plan, this title, and the amend-*
 5 *ments made by this title, references to medical readiness,*
 6 *health status, and health care shall be considered to include*
 7 *dental readiness, dental status, and dental care.”.*

8 *(b) CLERICAL AMENDMENT.—The table of sections at*
 9 *the beginning of title VII of such Act and in section 2(b)*
 10 *of such Act are each amended by inserting after the item*
 11 *relating to section 740 the following:*

“Sec. 740. Inclusion of dental care.”.

12 **SEC. 716. COOPERATIVE OUTREACH TO MEMBERS AND**
 13 **FORMER MEMBERS OF THE NAVAL SERVICE**
 14 **EXPOSED TO ENVIRONMENTAL FACTORS RE-**
 15 **LATED TO SARCOIDOSIS.**

16 *(a) OUTREACH PROGRAM REQUIRED.—The Secretary*
 17 *of the Navy, in coordination with the Secretary of Veterans*
 18 *Affairs, shall conduct an outreach program to contact all*
 19 *members and former members of the naval service who, in*
 20 *connection with service aboard Navy ships may have been*
 21 *exposed to aerosolized particles resulting from the removal*
 22 *of nonskid coating used on those ships.*

23 *(b) PURPOSES OF OUTREACH PROGRAM.—The pur-*
 24 *poses of the outreach program are as follows:*

1 (1) *To develop additional data for use in subse-*
2 *quent studies aimed at determining a causative link*
3 *between sarcoidosis and military service.*

4 (2) *To inform members and former members*
5 *identified in subsection (a) of the findings of Navy*
6 *studies identifying an association between service*
7 *aboard certain naval ships and sarcoidosis.*

8 (3) *To assist members and former members iden-*
9 *tified in subsection (a) in getting medical evaluations*
10 *to help clarify linkages between their disease and*
11 *their service aboard Navy ships.*

12 (4) *To ensure the Department of Veterans Affairs*
13 *has data and information for the effective evaluation*
14 *of veterans who may seek care for sarcoidosis.*

15 (c) *IMPLEMENTATION.*—*The Secretary of the Navy*
16 *shall begin the outreach program not later than six months*
17 *after the date of the enactment of this act and provide to*
18 *the Committees on Armed Services of the Senate and the*
19 *House of Representatives a report on the results of the out-*
20 *reach programs not later than one year after beginning the*
21 *program.*

1 **SEC. 717. EARLY IDENTIFICATION AND TREATMENT OF**
2 **MENTAL HEALTH AND SUBSTANCE ABUSE**
3 **DISORDERS.**

4 (a) *AUTHORITY.*—*The Secretary of Defense may carry*
5 *out activities to foster the early identification and treat-*
6 *ment of mental health and substance abuse problems experi-*
7 *enced by members of the Armed Forces, with special empha-*
8 *sis on members who have served in a theater of combat oper-*
9 *ations within the preceding 12 months.*

10 (b) *ACTIVITIES.*—*The activities carried out by the Sec-*
11 *retary under subsection (a) may include the conduct of a*
12 *series of campaigns that uses internal mass media (includ-*
13 *ing radio and television) communications and other edu-*
14 *cation tools to change attitudes within the Armed Forces*
15 *regarding mental health and substance abuse treatment,*
16 *with the aim of lessening the stigma associated with mental*
17 *health and substance abuse problems and the treatment of*
18 *such problems, including the development of pertinent mes-*
19 *saging targeted to—*

20 (1) *members of the Armed Forces who may be ex-*
21 *periencing mental health or substance abuse problems*
22 *and their family members;*

23 (2) *commanders and supervisory personnel; and*

24 (3) *peers of members of the Armed Forces who*
25 *may be experiencing mental health or substance abuse*
26 *problems or be at risk of such problems.*

1 **TITLE VIII—ACQUISITION POL-**
 2 **ICY, ACQUISITION MANAGE-**
 3 **MENT, AND RELATED MAT-**
 4 **TERS**

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

- Sec. 801. Requirement for certification by Secretary of Defense before major defense acquisition program may proceed to Milestone B.*
- Sec. 802. Requirement for analysis of alternatives to major defense acquisition programs.*
- Sec. 803. Authority for Secretary of Defense to revise baseline for major defense acquisition programs.*

Subtitle B—Acquisition Policy and Management

- Sec. 811. Applicability of statutory executive compensation cap made prospective.*
- Sec. 812. Use of commercially available online services for Federal procurement of commercial items.*
- Sec. 813. Contingency contracting corps.*
- Sec. 814. Requirement for contracting operations to be included in interagency planning related to stabilization and reconstruction.*
- Sec. 815. Statement of policy and report relating to contracting with employers of persons with disabilities.*
- Sec. 816. Study on Department of Defense contracting with small business concerns owned and controlled by service-disabled veterans.*
- Sec. 817. Prohibition on procurement from beneficiaries of foreign subsidies.*

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Increased flexibility for designation of critical acquisition positions in defense acquisition workforce.*
- Sec. 822. Participation by Department of Defense in acquisition workforce training fund.*
- Sec. 823. Increase in cost accounting standard threshold.*
- Sec. 824. Amendments to domestic source requirements relating to clothing materials and components covered.*
- Sec. 825. Rapid acquisition authority to respond to defense intelligence community emergencies.*

1 ***Subtitle A—Provisions Relating to***
2 ***Major Defense Acquisition Pro-***
3 ***grams***

4 ***SEC. 801. REQUIREMENT FOR CERTIFICATION BY SEC-***
5 ***RETARY OF DEFENSE BEFORE MAJOR DE-***
6 ***FENSE ACQUISITION PROGRAM MAY PRO-***
7 ***CEED TO MILESTONE B.***

8 *(a) CERTIFICATION REQUIREMENT.—Chapter 139 of*
9 *title 10, United States Code, is amended by inserting after*
10 *section 2366 the following new section:*

11 ***“§2366a. Major defense acquisition programs: certifi-***
12 ***cation required before Milestone B or Key***
13 ***Decision Point B approval***

14 *“(a) CERTIFICATION.—A major defense acquisition*
15 *program may not receive Milestone B approval, or Key De-*
16 *cision Point B approval in the case of a space program,*
17 *until the Secretary of Defense certifies that—*

18 *“(1) the technology in the program has been*
19 *demonstrated in a relevant environment;*

20 *“(2) the program demonstrates a high likelihood*
21 *of accomplishing its intended mission;*

22 *“(3) the program is affordable when considering*
23 *the per unit cost and the total acquisition cost in the*
24 *context of the total resources available during the pe-*
25 *riod covered by the future-years defense program sub-*

1 *mitted during the fiscal year in which the certifi-*
2 *cation is made;*

3 *“(4) the program is affordable when considering*
4 *the ability of the Department of Defense to accomplish*
5 *the program’s mission using alternative systems;*

6 *“(5) the Joint Requirements Oversight Council*
7 *has accomplished its duties with respect to the pro-*
8 *gram pursuant to section 181(b) of this title, includ-*
9 *ing an analysis of the operational requirements for*
10 *the program; and*

11 *“(6) the program complies with all relevant poli-*
12 *cies, regulations, and directives of the Department of*
13 *Defense.*

14 *“(b) SUBMISSION TO CONGRESS.—The certification re-*
15 *quired under subsection (a) with respect to a major defense*
16 *acquisition program shall be submitted to the congressional*
17 *defense committees at least 30 days before approval of Mile-*
18 *stone B or Key Decision Point B.*

19 *“(c) WAIVER FOR NATIONAL SECURITY.—The Sec-*
20 *retary may waive the applicability of the certification re-*
21 *quirement under subsection (a) to a major defense acquisi-*
22 *tion program if the Secretary determines that, but for such*
23 *a waiver, the Department would be unable to meet national*
24 *security objectives. Whenever the Secretary makes such a de-*
25 *termination and authorizes such a waiver, the Secretary*

1 *shall submit notice of such waiver and of the Secretary's*
2 *determination, and the reasons for the determination, in*
3 *writing to the congressional defense committees within 30*
4 *days after authorizing the waiver.*

5 “(d) *NONDELEGATION.*—*The Secretary may not dele-*
6 *gate the certification requirement under subsection (a) or*
7 *the authority to waive such requirement under subsection*
8 *(d).*

9 “(e) *DEFINITIONS.*—*In this section:*

10 “(1) *The term ‘major defense acquisition pro-*
11 *gram’ means a Department of Defense acquisition*
12 *program that is a major defense acquisition program*
13 *for purposes of section 2430 of this title.*

14 “(2) *The term ‘Milestone B approval’ has the*
15 *meaning provided that term in section 2366(e)(7) of*
16 *this title.*

17 “(3) *The term ‘Key Decision Point B’ means the*
18 *official program initiation of a National Security*
19 *Space program of the Department of Defense, which*
20 *triggers a formal review to determine maturity of*
21 *technology and the program’s readiness to begin the*
22 *preliminary system design.”.*

23 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
24 *the beginning of such chapter is amended by inserting after*
25 *the item relating to section 2366 the following new item:*

“2366a. Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval.”.

1 **SEC. 802. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES**
2 **TO MAJOR DEFENSE ACQUISITION PRO-**
3 **GRAMS.**

4 (a) *ANALYSIS OF ALTERNATIVES REQUIREMENT.*—
5 Chapter 144 of title 10, United States Code, is amended
6 by inserting after section 2433 the following new section:
7 **“§2433a. Analysis of alternatives**

8 *“(a) REQUIREMENT IF UNIT COSTS EXCEED 15 PER-*
9 *CENT.—If the percentage increase in the program acquisi-*
10 *tion unit cost or procurement unit cost of a major defense*
11 *acquisition program (as determined by the Secretary con-*
12 *cerned under section 2433(d)(3) of this title) exceeds 15 per-*
13 *cent, then the Secretary concerned shall initiate an analysis*
14 *of alternatives for the major defense acquisition program,*
15 *in accordance with this section.*

16 *“(b) MATTERS COVERED IN ANALYSIS OF ALTER-*
17 *NATIVES.—An analysis of alternatives for a major defense*
18 *acquisition program shall include, at a minimum, the fol-*
19 *lowing:*

20 *“(1) Projected cost to complete the program if*
21 *current requirements are not modified.*

22 *“(2) Projected cost to complete the program*
23 *based on potential modifications to the requirements.*

1 “(3) *Projected cost to complete the program*
2 *based on design modifications, enhancements to the*
3 *producibility of the program, and manufacturing effi-*
4 *ciencies.*

5 “(4) *Projected cost and capabilities of the pro-*
6 *gram that could be delivered within the originally au-*
7 *thorized budget for the program, including any in-*
8 *crease or decrease in capability.*

9 “(5) *Projected cost for an alternative system or*
10 *capability.*

11 “(c) *COMPLETION AND SUBMISSION TO CONGRESS.—*
12 *With respect to any analysis of alternatives initiated under*
13 *this section, the Secretary—*

14 “(1) *shall complete the analysis not later than 1*
15 *year after the date of initiation; and*

16 “(2) *shall submit the analysis to the congres-*
17 *sional defense committees not later than 30 days after*
18 *the date of completion.”.*

19 “(b) *CLERICAL AMENDMENT.—The table of sections at*
20 *the beginning of such chapter is amended by adding at the*
21 *end the following new item:*

 “2433a. *Analysis of alternatives.*”.

1 (2) *by inserting after subsection (c) the following*
2 *new subsection:*

3 “(d) *RE-BASELINING.*—

4 “(1) *RE-BASELINE AUTHORIZED.*—*For purposes*
5 *of this chapter, a baseline for a major defense acquisi-*
6 *tion program may be re-baselined only if a percent-*
7 *age increase in program acquisition unit cost or pro-*
8 *curement unit cost of the program exceeding 25 per-*
9 *cent occurs (as determined by the Secretary under sec-*
10 *tion 2433(d)).*

11 “(2) *NOTIFICATION TO CONGRESS OF RE-BASE-*
12 *LINING.*—*The Secretary shall notify the congressional*
13 *defense committees not later than 30 days after a re-*
14 *baselining has been conducted for a major defense ac-*
15 *quisition program.”.*

16 ***Subtitle B—Acquisition Policy and***
17 ***Management***

18 ***SEC. 811. APPLICABILITY OF STATUTORY EXECUTIVE COM-***
19 ***PENSATION CAP MADE PROSPECTIVE.***

20 “(a) *PROSPECTIVE APPLICABILITY OF EXECUTIVE COM-*
21 *PENSATION CAP.*—*Section 808(e)(2) of Public Law 105–85*
22 *(41 U.S.C. 435 note; 111 Stat. 1838) is amended by striking*
23 *“before, on,” and inserting “on”.*

1 (b) *EFFECTIVE DATE.*—The amendment made by sub-
2 section (a) shall apply as if included in Public Law 105–
3 85 as enacted.

4 **SEC. 812. USE OF COMMERCIALLY AVAILABLE ONLINE**
5 **SERVICES FOR FEDERAL PROCUREMENT OF**
6 **COMMERCIAL ITEMS.**

7 (a) *AMENDMENT TO THE FEDERAL ACQUISITION REG-*
8 *ULATION.*—Not later than 180 days after the date of the
9 enactment of this Act, the Federal Acquisition Regulation
10 shall be revised to include provisions that require the head
11 of an executive agency, to the maximum extent practicable,
12 to use commercially available online procurement services
13 to purchase commercial items, including those procurement
14 services that allow the agency to conduct reverse auctions.

15 (b) *REPORT.*—Not later than one year after the revi-
16 sions to the Federal Acquisition Regulation are issued pur-
17 suant to subsection (a), the Administrator for Federal Pro-
18 curement Policy shall submit to the Committees on Govern-
19 mental Affairs and Homeland Security and on Armed
20 Services of the Senate and the Committees on Government
21 Reform and on Armed Services of the House of Representa-
22 tives a report on the use of commercially available online
23 procurement services. The report shall include—

24 (1) a list of the executive agencies that have used
25 commercially available online procurement services,

1 *and the number of times each has so used such serv-*
2 *ices;*

3 *(2) a list of the types of commercially available*
4 *online procurement services used by each executive*
5 *agency and the dollar value of the procurements con-*
6 *ducted through each type of commercially available*
7 *online procurement service; and*

8 *(3) the Administrator's recommendations for fur-*
9 *ther encouraging the use of commercially available*
10 *online procurement services, particularly those that*
11 *afford the Federal Government the opportunity to*
12 *conduct reverse auctions.*

13 *(c) DEFINITIONS.—In this section:*

14 *(1) The term “commercially available online*
15 *procurement services”, with respect to procurement by*
16 *executive agencies, includes reverse auctions and other*
17 *services accessible on the Internet that allow executive*
18 *agencies to purchase commercial items from electronic*
19 *catalogs and offerors to bid for delivery orders of such*
20 *items.*

21 *(2) The term “reverse auction”, with respect to*
22 *procurement by executive agencies, means a method of*
23 *soliciting offers on the Internet for commercial items,*
24 *not including construction-related services, in*
25 *which—*

1 (A) firms compete against each other on the
2 Internet in real time and in an open and inter-
3 active environment; and

4 (B) each firm's identity and pricing are
5 safeguarded.

6 (3) The term "Federal Acquisition Regulation"
7 means the single Government-wide procurement regu-
8 lation issued in accordance with sections 6 and 25 of
9 the Office of Federal Procurement Policy Act (41
10 U.S.C. 405 and 421).

11 (4) The terms "executive agency", "commercial
12 item", and "procurement" have the meanings pro-
13 vided those terms in section 4 of the Office of Federal
14 Procurement Policy Act (41 U.S.C. 403 et seq.).

15 **SEC. 813. CONTINGENCY CONTRACTING CORPS.**

16 (a) *REQUIREMENT TO ESTABLISH CONTINGENCY CON-*
17 *TRACTING CORPS.—*

18 (1) *REQUIREMENT.—The Secretary of Defense*
19 *shall establish a contingency contracting corps, to be*
20 *implemented, subject to the authority, direction, and*
21 *control of the Secretary, through a joint policy devel-*
22 *oped by the Chairman of the Joint Chiefs of Staff, in*
23 *accordance with this section.*

24 (2) *HEAD OF CORPS.—The policy shall provide*
25 *that the corps shall be directed by a senior commis-*

1 *sioned officer with appropriate acquisition experience*
2 *and qualifications, who shall report directly to the*
3 *commander of the combatant command in whose area*
4 *of responsibility the corps is operating when deployed.*
5 *In the case of more than one operation for which the*
6 *corps is deployed, the head of the corps may delegate*
7 *command authority, but any officer to whom the au-*
8 *thority is delegated shall report directly to the com-*
9 *mander of the combatant command concerned.*

10 (3) *OPERATION OF CORPS.—The policy shall*
11 *provide that the contingency contracting corps shall*
12 *conduct contingency contracting—*

13 (A) *during combat operations and use*
14 *rapid acquisition authority to the maximum ex-*
15 *tent appropriate;*

16 (B) *during post-conflict operations to assist*
17 *the commander of the combatant command in*
18 *meeting urgent contracting requirements; and*

19 (C) *by using both deployed and non-de-*
20 *ployed contingency contracting personnel for car-*
21 *rying out contingency contracting.*

22 (4) *TRAINING OF CORPS.—*

23 (A) *The policy developed under paragraph*
24 (1) *shall provide for training all contingency*
25 *contracting personnel in the use of law, regula-*

1 *tions, policies, and directives related to contin-*
2 *gency contracting operations, and shall ensure*
3 *that the training is maintained for such per-*
4 *sonnel even when they are not deployed in a con-*
5 *tingency operation.*

6 *(B) The policy shall require the training of*
7 *contingency contracting personnel to include in-*
8 *struction from a program to be created by the*
9 *Defense Acquisition University and inclusion of*
10 *contingency contracting personnel in relevant*
11 *wargaming and operational planning.*

12 *(C) The policy shall require contingency*
13 *contracting personnel to remain proficient in*
14 *contingency contracting operations during peace-*
15 *time and shall allow such personnel to be used*
16 *for other acquisition and contracting-related ac-*
17 *tivities when not required in support of contin-*
18 *gency contracting operations.*

19 *(D) The policy shall provide for the corps to*
20 *use integrated contracting, financial, and other*
21 *support systems.*

22 *(5) REGULATIONS.—The Secretary shall pre-*
23 *scribe regulations to carry out this section. The regu-*
24 *lations shall be developed in coordination with the*
25 *Under Secretary of Defense for Acquisition, Tech-*

1 *nology, and Logistics, the Secretaries of the military*
2 *departments, and the acquisition support agencies.*
3 *The regulations shall be uniform to the maximum ex-*
4 *tent practicable among the military departments and*
5 *shall address, at a minimum, applicable laws, regula-*
6 *tions, policies, and directives related to contingency*
7 *contracting.*

8 *(b) REPORT.—*

9 *(1) REQUIREMENT.—Not later than 270 days*
10 *after the date of the enactment of this Act, the Sec-*
11 *retary of Defense shall submit to the Committees on*
12 *Armed Services of the Senate and the House of Rep-*
13 *resentatives a report on contingency contracting.*

14 *(2) MATTERS COVERED.—The report shall in-*
15 *clude discussions of the following:*

16 *(A) Progress in the implementation of the*
17 *contingency contracting corps, in accordance*
18 *with the requirements of subsection (a).*

19 *(B) The ability of the Armed Forces to sup-*
20 *port contingency contracting.*

21 *(C) The ability of commanders of combatant*
22 *commands to request contingency contracting*
23 *support and the ability of the military depart-*
24 *ments and the acquisition support agencies to re-*
25 *spond to such requests and provide such support,*

1 *including the availability of rapid acquisition*
2 *personnel for such support.*

3 *(D) The ability of the current civilian and*
4 *military acquisition workforce to deploy to com-*
5 *bat theaters of operations and to conduct con-*
6 *tracting activities during combat and during*
7 *post-conflict, reconstruction, or other contingency*
8 *operations.*

9 *(E) The effect of different periods of deploy-*
10 *ment on continuity in the acquisition process.*

11 *(c) DEFINITIONS.—In this section:*

12 *(1) CONTINGENCY CONTRACTING PERSONNEL.—*
13 *The term “contingency contracting personnel” means*
14 *members of the Armed Forces and civilian employees*
15 *of the Department of Defense who are members of the*
16 *defense acquisition workforce and, as part of their du-*
17 *ties, are assigned to provide support to contingency*
18 *operations (whether deployed or not).*

19 *(2) CONTINGENCY CONTRACTING.—The term*
20 *“contingency contracting” means all stages of the*
21 *process of acquiring property or services by the De-*
22 *partment of Defense during a contingency operation.*

23 *(3) CONTINGENCY OPERATION.—The term “con-*
24 *tingency operation” has the meaning provided in sec-*
25 *tion 101(13) of title 10, United States Code.*

1 (4) *ACQUISITION SUPPORT AGENCIES.*—*The term*
2 *“acquisition support agencies” means Defense Agen-*
3 *cies and Department of Defense Field Activities that*
4 *carry out and provide support for acquisition-related*
5 *activities.*

6 **SEC. 814. REQUIREMENT FOR CONTRACTING OPERATIONS**
7 **TO BE INCLUDED IN INTERAGENCY PLAN-**
8 **NING RELATED TO STABILIZATION AND RE-**
9 **CONSTRUCTION.**

10 (a) *INCLUSION OF CONTRACTING OPERATIONS IN*
11 *INTERAGENCY PLANNING.*—*The Secretary of Defense shall*
12 *include contracting operations in all relevant interagency*
13 *planning operations of the Department of Defense related*
14 *to stabilization and reconstruction operations.*

15 (b) *SECRETARY OF DEFENSE REQUIREMENTS.*—*If the*
16 *President designates the Department of Defense as the exec-*
17 *utive agency with primary responsibility for contracting*
18 *operations in post-conflict, stabilization, or reconstruction*
19 *operations, the Secretary of Defense shall develop policy and*
20 *procedures for the Department of Defense to serve as such*
21 *executive agency.*

22 (c) *REPORT.*—

23 (1) *REQUIREMENT.*—*The Secretary of Defense*
24 *and the Secretary of State shall jointly prepare a re-*

1 *port on lessons learned from carrying out contracting*
2 *operations during Operation Iraqi Freedom.*

3 (2) *MATTERS COVERED.—The report shall ad-*
4 *dress the following with respect to such activities:*

5 (A) *Development of an appropriate acquisi-*
6 *tion planning strategy before obligation of funds,*
7 *including the scope of planned contracting oper-*
8 *ations, project management, logistics, and finan-*
9 *cial considerations.*

10 (B) *Flow of appropriated funds.*

11 (C) *Ability to obtain military and civilian*
12 *acquisition workforce personnel.*

13 (D) *Ability to obtain country clearances for*
14 *such personnel.*

15 (E) *Ability to reprogram funds and to co-*
16 *ordinate interagency activities.*

17 (3) *SUBMISSION.—Not later than 180 days after*
18 *the date of the enactment of this Act, the report shall*
19 *be submitted to the Committees on Armed Services*
20 *and Foreign Relations of the Senate and the Commit-*
21 *tees on Armed Services and International Relations of*
22 *the House of Representatives.*

1 **SEC. 815. STATEMENT OF POLICY AND REPORT RELATING**
2 **TO CONTRACTING WITH EMPLOYERS OF PER-**
3 **SONS WITH DISABILITIES.**

4 (a) *EXTENSIONS OF INAPPLICABILITY OF CERTAIN*
5 *ACTS.*—Section 853 of the Ronald W. Reagan National De-
6 *fense Authorization Act for Fiscal Year 2005 (Public Law*
7 *108–375; 118 Stat. 2021)* is amended in subsections (a)(2)
8 *(A) and (b)(2)(A) by striking “2005” and inserting “2006”.*

9 (b) *STATEMENT OF POLICY.*—The Secretary of Defense
10 *and the Secretary of Education shall jointly issue a state-*
11 *ment of policy related to the implementation of the Ran-*
12 *dolph-Sheppard Act (20 U.S.C. 107 et seq.) and the Javits-*
13 *Wagner-O’Day Act (41 U.S.C. 48) within the Department*
14 *of Defense and the Department of Education. The joint*
15 *statement of policy shall specifically address the application*
16 *of those Acts to both operation and management of all or*
17 *any part of a military mess hall, military troop dining*
18 *facility, or any similar dining facility operated for the pur-*
19 *pose of providing meals to members of the Armed Forces,*
20 *and shall take into account and address, to the extent prac-*
21 *ticable, the positions acceptable to persons representing pro-*
22 *grams implemented under each Act.*

23 (c) *REPORT.*—Not later than April 1, 2006, the Sec-
24 *retary of Defense and the Secretary of Education shall sub-*
25 *mit to the Committees on Armed Services of the Senate and*
26 *the House of Representatives, the Committee on Health,*

1 *Education, Labor and Pensions of the Senate, and the Com-*
2 *mittee on Education and the Workforce of the House of Rep-*
3 *resentatives a report describing the joint statement of policy*
4 *issued under subsection (b), with such findings and rec-*
5 *ommendations as the Secretaries consider appropriate.*

6 **SEC. 816. STUDY ON DEPARTMENT OF DEFENSE CON-**
7 **TRACTING WITH SMALL BUSINESS CONCERNS**
8 **OWNED AND CONTROLLED BY SERVICE-DIS-**
9 **ABLED VETERANS.**

10 *(a) STUDY REQUIRED.—The Secretary of Defense shall*
11 *conduct a study on Department of Defense procurement*
12 *contracts with small business concerns owned and controlled*
13 *by service-disabled veterans.*

14 *(b) ELEMENTS OF STUDY.—The study required by sub-*
15 *section (a) shall include the following determinations:*

16 *(1) Any steps taken by the Department of De-*
17 *fense to meet the Government-wide goal of participa-*
18 *tion by small business concerns owned and controlled*
19 *by service-disabled veterans in at least 3 percent of*
20 *the total value of all prime contract and subcontract*
21 *awards, as required under section 15(g) of the Small*
22 *Business Act (15 U.S.C. 644(g)).*

23 *(2) If the Department of Defense has failed to*
24 *meet such goal, an explanation of the reasons for such*
25 *failure.*

1 (3) *Any steps taken within the Department of*
2 *Defense to make contracting officers aware of the 3*
3 *percent goal and to ensure that procurement officers*
4 *are working actively to achieve such goal.*

5 (4) *The number of small business concerns owned*
6 *and controlled by service-disabled veterans which sub-*
7 *mitted offers on contracts with the Department of De-*
8 *fense during the preceding fiscal year.*

9 (5) *Any outreach efforts made by the Department*
10 *to enter into contracts with small business concerns*
11 *owned and controlled by service-disabled veterans.*

12 (6) *Any such outreach efforts the Department*
13 *could make but has not made.*

14 (7) *Whether, in awarding subcontracts, prime*
15 *contractors are aware of the preference for small busi-*
16 *ness concerns owned and controlled by service-disabled*
17 *veterans under section 36 of the Small Business Act*
18 *(15 U.S.C. 657f).*

19 (8) *Any plans of the Department of Defense to*
20 *increase the percentage of Federal contracts it awards*
21 *to small businesses owned and controlled by service-*
22 *disabled veterans.*

23 (c) *REPORT.*—*Not later than the date that is six*
24 *months after the date of the enactment of this Act, the Sec-*

1 *retary shall submit to Congress a report on the findings*
2 *of the study conducted under this section.*

3 (d) *SMALL BUSINESS CONCERN OWNED AND CON-*
4 *TROLLED BY SERVICE-DISABLED VETERANS.—In this sec-*
5 *tion, the term “small business concern owned and controlled*
6 *by service-disabled veterans” has the meaning given that*
7 *term in section 3(q) of the Small Business Act (15 U.S.C.*
8 *632(q)).*

9 **SEC. 817. PROHIBITION ON PROCUREMENT FROM BENE-**
10 **FICIARIES OF FOREIGN SUBSIDIES.**

11 (a) *PROHIBITION.—The Secretary of Defense may not*
12 *enter into a contract for the procurement of goods or services*
13 *from any foreign person to which the government of a for-*
14 *ign country that is a member of the World Trade Organi-*
15 *zation has provided a subsidy if—*

16 (1) *the United States has requested consultations*
17 *with that foreign country under the Agreement on*
18 *Subsidies and Countervailing Measures on the basis*
19 *that the subsidy is a prohibited subsidy under that*
20 *Agreement; and*

21 (2) *either—*

22 (A) *the issue before the World Trade Orga-*
23 *nization has not been resolved; or*

24 (B) *the World Trade Organization has*
25 *ruled that the subsidy provided by the foreign*

1 country is a prohibited subsidy under the Agree-
2 ment on Subsidies and Countervailing Measures.

3 (b) *JOINT VENTURES.*—The prohibition under sub-
4 section (a) with respect to a foreign person also applies to
5 any joint venture, cooperative organization, partnership, or
6 contracting team of which that foreign person is a member.

7 (c) *SUBCONTRACTS AND TASK ORDERS.*—The prohibi-
8 tion under subsection (a) with respect to a contract also
9 applies to any subcontracts at any tier entered into under
10 the contract and any task orders at any tier issued under
11 the contract.

12 (d) *DEFINITIONS.*—In this section:

13 (1) The term “Agreement on Subsidies and
14 Countervailing Measures” means the agreement de-
15 scribed in section 101(d)(12) of the Uruguay Round
16 Agreements Act (19 U.S.C. 3501(d)(12)).

17 (2) The term “foreign person” means—

18 (A) an individual who is not a United
19 States person or an alien lawfully admitted for
20 permanent residence into the United States; or

21 (B) a corporation, partnership, or other
22 nongovernmental entity which is not a United
23 States person.

24 (3) The term “United States person” means—

1 (A) a natural person who is a citizen of the
2 United States or who owes permanent allegiance
3 to the United States; and

4 (B) a corporation or other legal entity
5 which is organized under the laws of the United
6 States, any State or territory thereof, or the Dis-
7 trict of Columbia, if natural persons described in
8 subparagraph (A) own, directly or indirectly,
9 more than 50 percent of the outstanding capital
10 stock or other beneficial interest in such legal en-
11 tity.

12 (e) *APPLICABILITY.*—

13 (1) *PROGRAMS WITH MILESTONE B APPROVAL*
14 *NOT COVERED.*—The prohibition under subsection (a)
15 shall not apply to any contract under a major defense
16 acquisition program that has received Milestone B
17 approval as of the date of the enactment of this Act.

18 (2) *DEFINITIONS.*—In this subsection:

19 (A) The term “major defense acquisition
20 program” means a Department of Defense acqui-
21 sition program that is a major defense acquisi-
22 tion program for purposes of section 2430 of title
23 10, United States Code.

1 (B) The term “Milestone B approval” has
2 the meaning provided that term in section
3 2366(e)(7) of such title.

4 **Subtitle C—Amendments to General**
5 **Contracting Authorities, Proce-**
6 **dures, and Limitations**

7 **SEC. 821. INCREASED FLEXIBILITY FOR DESIGNATION OF**
8 **CRITICAL ACQUISITION POSITIONS IN DE-**
9 **FENSE ACQUISITION WORKFORCE.**

10 Subparagraph (A) of section 1733(b)(1) of title 10,
11 United States Code, is amended to read as follows:

12 “(A) Any acquisition position that is required to
13 be filled by a senior civilian employee in the National
14 Security Personnel System or a senior commissioned
15 officer of the Army, Navy, Air Force, or Marine
16 Corps, as determined in accordance with guidelines
17 prescribed by the Secretary.”.

18 **SEC. 822. PARTICIPATION BY DEPARTMENT OF DEFENSE IN**
19 **ACQUISITION WORKFORCE TRAINING FUND.**

20 (a) **REQUIRED CONTRIBUTIONS TO ACQUISITION**
21 **WORKFORCE TRAINING FUND BY DEPARTMENT OF DE-**
22 **FENSE.**—Section 37(h)(3) of the Office of Federal Procure-
23 ment Policy Act (41 U.S.C. 433(h)(3)) is amended—

24 (1) in subparagraph (B), by striking “(other
25 than the Department of Defense)”; and

1 (2) by redesignating subparagraphs (D), (E),
2 (F), and (G) as subparagraphs (E), (F), (G), and
3 (H), respectively, and inserting after subparagraph
4 (C) the following new subparagraph (D):

5 “(D) The Administrator of General Services
6 shall transfer to the Secretary of Defense fees col-
7 lected from the Department of Defense pursuant
8 to subparagraph (B), to be used by the Defense
9 Acquisition University for purposes of acquisi-
10 tion workforce training for the entire Federal ac-
11 quisition workforce.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) OFFICE OF FEDERAL PROCUREMENT POLICY
14 ACT.—Section 37(a) of the Office of Federal Procure-
15 ment Policy Act (41 U.S.C. 433) is amended by strik-
16 ing “This section” and inserting “Except as provided
17 in subsection (h)(3), this section”.

18 (2) PUBLIC LAW 108–136.—Section 1412 of the
19 National Defense Authorization Act for Fiscal Year
20 2004 (Public Law 108–136; 117 Stat. 1664) is
21 amended by striking subsection (c).

22 (c) DEFENSE ACQUISITION UNIVERSITY FUNDING.—
23 Amounts transferred under section 37(h)(3)(D) of the Office
24 of Federal Procurement Policy Act (as amended by sub-
25 section (a)) for use by the Defense Acquisition University

1 *shall be in addition to other amounts authorized for the*
2 *University.*

3 *(d) EFFECTIVE DATE.—The amendments made by this*
4 *section shall apply with respect to contracts entered into*
5 *after the date of the enactment of this Act.*

6 **SEC. 823. INCREASE IN COST ACCOUNTING STANDARD**
7 **THRESHOLD.**

8 *Section 26(f)(2)(A) of the Office of Federal Procure-*
9 *ment Policy Act (41 U.S.C. 422(f)(A)) is amended by strik-*
10 *ing “\$500,000” and inserting “\$550,000”.*

11 **SEC. 824. AMENDMENTS TO DOMESTIC SOURCE REQUIRE-**
12 **MENTS RELATING TO CLOTHING MATERIALS**
13 **AND COMPONENTS COVERED.**

14 *(a) NOTICE.—Section 2533a of title 10, United States*
15 *Code, is amended by adding at the end the following new*
16 *subsection:*

17 *“(k) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER*
18 *CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In*
19 *the case of any contract for the procurement of an item de-*
20 *scribed in subparagraph (B), (C), (D), or (E) of subsection*
21 *(b)(1), if the Secretary of Defense or of the military depart-*
22 *ment concerned applies an exception set forth in subsection*
23 *(c) or (e) with respect to that contract, the Secretary shall,*
24 *not later than 7 days after the award of the contract, post*
25 *a notification that the exception has been applied on the*

1 *Internet site maintained by the General Services Adminis-*
2 *tration known as FedBizOps.gov (or any successor site). ”.*

3 (b) *CLOTHING MATERIALS AND COMPONENTS COV-*
4 *ERED.*—Subsection (b) of section 2533a of title 10, United
5 States Code, is amended in paragraph (1)(B) by inserting
6 before the semicolon the following: “and the materials and
7 components thereof, other than sensors, electronics, or other
8 items added to, and not normally associated with, clothing
9 (and the materials and components thereof)”.

10 **SEC. 825. RAPID ACQUISITION AUTHORITY TO RESPOND TO**
11 **DEFENSE INTELLIGENCE COMMUNITY EMER-**
12 **GENCIES.**

13 (a) *RAPID ACQUISITION AUTHORITY.*—In the case of
14 any critical intelligence capability that, as determined in
15 writing by the Secretary of Defense, without delegation, is
16 urgently needed to address a demonstrable, imminent, and
17 urgent threat to national security that would likely result
18 in combat fatalities or grave harm to the national security
19 of the United States, the Secretary shall use the procedures
20 developed under this section in order to accomplish the
21 rapid acquisition and deployment of the needed critical in-
22 telligence capabilities.

23 (b) *DESIGNATION OF SENIOR OFFICIAL.*—Whenever
24 the Secretary makes a determination under subsection (a)
25 that the rapid acquisition of critical intelligence capability

1 *is needed, the Secretary shall designate a senior official of*
2 *the Department of Defense to ensure that the intelligence*
3 *capability is acquired and deployed as quickly as possible,*
4 *with a goal of awarding a contract for the acquisition of*
5 *the intelligence capability within 15 days after the deter-*
6 *mination is made.*

7 (c) *WAIVER AUTHORITY.*—*Upon designation of a sen-*
8 *ior official under subsection (b), the Secretary shall author-*
9 *ize that official to waive any provision of law, policy, direc-*
10 *tive, or regulation described in subsection (f) that such offi-*
11 *cial determines in writing would unnecessarily impede the*
12 *rapid acquisition and deployment of the needed intelligence*
13 *capability.*

14 (d) *FUNDING OF RAPID ACQUISITIONS.*—*The author-*
15 *ity of this section may not be used to acquire intelligence*
16 *capability in an amount aggregating more than*
17 *\$20,000,000 during any fiscal year. For acquisitions of in-*
18 *telligence capability under this subsection during the fiscal*
19 *year in which the Secretary makes the determination de-*
20 *scribed in subsection (a) with respect to such intelligence*
21 *capability, the Secretary may use any funds available to*
22 *the Department of Defense for that fiscal year.*

23 (e) *NOTICE TO CONGRESS.*—*The Secretary of Defense*
24 *shall notify the congressional defense committees within 15*
25 *days after each determination made under subsection (a).*

1 *Each such notice shall identify in either classified or un-*
2 *classified format, as appropriate—*

3 *(1) the intelligence capability to be acquired;*

4 *(2) the amount anticipated to be expended for*
5 *the acquisition; and*

6 *(3) the source of funds for the acquisition.*

7 *(f) WAIVER OF CERTAIN STATUTES AND REGULA-*
8 *TIONS.—*

9 *(1) IN GENERAL.—Upon a determination de-*
10 *scribed in subsection (a), the senior official designated*
11 *in accordance with subsection (b) with respect to that*
12 *designation is authorized to waive any provision of*
13 *law, policy, directive or regulation addressing—*

14 *(A) the establishment of the requirement for*
15 *the intelligence capability;*

16 *(B) the research, development, test, and*
17 *evaluation of the intelligence capability; or*

18 *(C) the solicitation and selection of sources,*
19 *and the award of the contract, for procurement*
20 *of the intelligence capability.*

21 *(2) LIMITATION.—Nothing in this subsection au-*
22 *thorizes the waiver of any provision of law imposing*
23 *civil or criminal penalties.*

1 **TITLE IX—DEPARTMENT OF DE-**
 2 **FENSE ORGANIZATION AND**
 3 **MANAGEMENT**

Subtitle A—Department of Defense Management

Sec. 901. Restoration of parity in pay levels among Under Secretary positions.

Sec. 902. Eligibility criteria for Director of Department of Defense Test Resource Management Center.

Sec. 903. Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies.

Sec. 904. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Subtitle B—Space Activities

Sec. 911. Space Situational Awareness Strategy.

Sec. 912. Military satellite communications.

Sec. 913. Operationally responsive space.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Transfer to Secretary of the Army of responsibility for assembled chemical weapons alternatives program.

Sec. 922. Clarification of Cooperative Agreement Authority under Chemical Demilitarization Program.

Subtitle D—Intelligence-Related Matters

Sec. 931. Department of Defense Strategy for Open-Source intelligence.

Sec. 932. Comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects.

4 ***Subtitle A—Department of Defense***
 5 ***Management***

6 **SEC. 901. RESTORATION OF PARITY IN PAY LEVELS AMONG**
 7 **UNDER SECRETARY POSITIONS.**

8 (a) POSITIONS OF UNDER SECRETARIES OF MILITARY
 9 DEPARTMENTS RAISED TO LEVEL III OF THE EXECUTIVE
 10 SCHEDULE.—Section 5314 of title 5, United States Code,
 11 is amended by inserting after “Under Secretary of Defense
 12 for Intelligence” the following:

1 “Under Secretary of the Air Force.

2 “Under Secretary of the Army.

3 “Under Secretary of the Navy.”.

4 **(b) CONFORMING AMENDMENT.**—Section 5315 of such
5 title is amended by striking the following:

6 “Under Secretary of the Air Force.

7 “Under Secretary of the Army.

8 “Under Secretary of the Navy.”.

9 **SEC. 902. Eligibility criteria for Director of Department of De-**
10 **fense Test Resource Management Center**

11 Section 196(b) of title 10, United States Code, is
12 amended to read as follows:

13 “(b) **DIRECTOR.**—At the head of the Center shall be
14 a Director, who shall be appointed by the Secretary from
15 among individuals who have substantial experience in the
16 field of test and evaluation.”.

17 **SEC .903. Consolidation and standardization of authorities re-**
18 **lating to Department of Defense Regional Centers**
19 **for Security Studies**

20 **(a) BASIC AUTHORITIES FOR REGIONAL CENTERS.**—

21 **(1) IN GENERAL.**—Section 184 of title 10,
22 United States Code, is amended to read as follows:

23 **“§ 184. Regional Centers for Security Studies**

24 “(a) **IN GENERAL.**—The Secretary of Defense shall ad-
25 minister the Department of Defense Regional Centers for

1 *Security Studies in accordance with this section as inter-*
2 *national venues for bilateral and multilateral research,*
3 *communication, and exchange of ideas involving military*
4 *and civilian participants.*

5 “(b) *REGIONAL CENTERS SPECIFIED.—(1) A Depart-*
6 *ment of Defense Regional Center for Security Studies is a*
7 *Department of Defense institution that—*

8 “(A) *is operated, and designated as such, by the*
9 *Secretary of Defense for the study of security issues*
10 *relating to a specified geographic region of the world;*
11 *and*

12 “(B) *serves as a forum for bilateral and multi-*
13 *lateral research, communication, and exchange of*
14 *ideas involving military and civilian participants.*

15 “(2) *The Department of Defense Regional Centers for*
16 *Security Studies are the following:*

17 “(A) *The George C. Marshall European Center*
18 *for Security Studies, established in 1993 and located*
19 *in Garmisch-Partenkirchen, Germany.*

20 “(B) *The Asia-Pacific Center for Security Stud-*
21 *ies, established in 1995 and located in Honolulu, Ha-*
22 *waii.*

23 “(C) *The Center for Hemispheric Defense Stud-*
24 *ies, established in 1997 and located in Washington,*
25 *D.C.*

1 “(D) *The Africa Center for Strategic Studies, es-*
2 *tablished in 1999 and located in Washington, D.C.*

3 “(E) *The Near East South Asia Center for Stra-*
4 *tegic Studies, established in 2000 and located in*
5 *Washington, D.C.*

6 “(3) *No institution or element of the Department of*
7 *Defense may be designated as a Department of Defense Re-*
8 *gional Center for Security Studies for purposes of this sec-*
9 *tion, other than the institutions specified in paragraph (2),*
10 *except as specifically provided by law after the date of the*
11 *enactment of this section.*

12 “(c) *REGULATIONS.—The administration of the Re-*
13 *gional Centers under this section shall be carried out under*
14 *regulations prescribed by the Secretary.*

15 “(d) *PARTICIPATION.—Participants in activities of the*
16 *Regional Centers may include United States military and*
17 *civilian personnel, governmental and nongovernmental per-*
18 *sonnel, and foreign military and civilian, governmental*
19 *and nongovernmental personnel.*

20 “(e) *EMPLOYMENT AND COMPENSATION OF FAC-*
21 *ULTY.—At each Regional Center, the Secretary may, subject*
22 *to appropriations—*

23 “(1) *employ a Director, a Deputy Director, and*
24 *as many civilians as professors, instructors, and lec-*
25 *turers as the Secretary considers necessary; and*

1 “(2) prescribe the compensation of such persons,
2 in accordance with Federal guidelines.

3 “(f) PAYMENT OF COSTS.—(1) Participation in activi-
4 ties of a Regional Center shall be on a reimbursable basis
5 (or by payment in advance), except in a case in which re-
6 imbursement is waived in accordance with paragraph (3).

7 “(2) For a foreign national participant, payment of
8 costs may be made by the participant’s own government,
9 by a Department or agency of the United States other than
10 the Department of Defense, or by a gift or donation on be-
11 half of one or more Regional Centers accepted under section
12 2611 of this title on behalf of the participant’s government.

13 “(3) The Secretary of Defense may waive reimburse-
14 ment of the costs of activities of the Regional Centers for
15 foreign military officers and foreign defense civilian offi-
16 cials from a developing country if the Secretary determines
17 that attendance of such personnel without reimbursement
18 is in the national security interest of the United States.
19 Costs for which reimbursement is waived pursuant to this
20 paragraph shall be paid from appropriations available to
21 the Regional Centers.

22 “(4) Funds accepted for the payment of costs shall be
23 credited to the appropriation then currently available to the
24 Department of Defense for the Regional Center that in-
25 curred the costs. Funds so credited shall be merged with the

1 *appropriation to which credited and shall be available to*
2 *that Regional Center for the same purposes and same period*
3 *as the appropriation with which merged.*

4 “(5) *Funds available for the payment of personnel ex-*
5 *penses under the Latin American cooperation authority set*
6 *forth in section 1050 of this title are also available for the*
7 *costs of the operation of the Center for Hemispheric Defense*
8 *Studies.*

9 “(g) *SUPPORT TO OTHER AGENCIES.—The Director of*
10 *a Regional Center may enter into agreements with the Sec-*
11 *retaries of the military departments, the heads of the De-*
12 *fense Agencies, and, with the concurrence of the Secretary*
13 *of Defense, the heads of other Federal departments and*
14 *agencies for the provision of services by that Regional Cen-*
15 *ter under this section. Any such participating department*
16 *and agency shall transfer to the Regional Center funds to*
17 *pay the full costs of the services received.*

18 “(h) *ANNUAL REPORT.—Not later than February 1 of*
19 *each year, the Secretary of Defense shall submit to the Com-*
20 *mittee on Armed Services of the Senate and the Committee*
21 *on Armed Services of the House of Representatives a report*
22 *on the operation of the Regional Centers for security studies*
23 *during the preceding fiscal year. The annual report shall*
24 *include, for each Regional Center, the following informa-*
25 *tion:*

1 “(1) *The status and objectives of the center.*

2 “(2) *The budget of the center, including the costs*
3 *of operating the center.*

4 “(3) *A description of the extent of the inter-*
5 *national participation in the programs of the center,*
6 *including the costs incurred by the United States for*
7 *the participation of each foreign nation.*

8 “(4) *A description of the foreign gifts and dona-*
9 *tions, if any, accepted under section 2611 of this title.*
10 *”.*

11 (2) *CLERICAL AMENDMENT.—The item relating*
12 *to such section in the table of sections at the begin-*
13 *ning of chapter 7 of such title is amended to read as*
14 *follows:*

“184. Regional Centers for Security Studies.”.

15 (b) *STANDARDIZATION OF AUTHORITY FOR ACCEPT-*
16 *ANCE OF GIFTS AND DONATIONS.—*

17 (1) *IN GENERAL.—Section 2611 of title 10,*
18 *United States Code, is amended to read as follows:*

19 **“§2611. Regional Centers for Security Studies: accept-**
20 ***ance of gifts and donations***

21 “(a) *AUTHORITY TO ACCEPT GIFTS AND DONA-*
22 *TIONS.—Subject to subsection (c), the Secretary of Defense*
23 *may accept, on behalf of one or more of the Regional Centers*
24 *for Security Studies, a gift or donation from any source*

1 *in order to defray the costs of, or enhance the operation*
2 *of, one or more of the Regional Centers.*

3 “(b) *REGIONAL CENTERS.*—*For purposes of this sec-*
4 *tion, the Regional Centers for Security Studies are the De-*
5 *partment of Defense institutions specified in section 184(b)*
6 *of this title.*

7 “(c) *LIMITATION.*—(1) *The Secretary may not accept*
8 *a gift or donation under subsection (a) if the acceptance*
9 *of the gift or donation would compromise or appear to com-*
10 *promise—*

11 “(A) *the ability of the Department of Defense, or*
12 *any employee of the Department or member of the*
13 *armed forces, to carry out the responsibility or duty*
14 *of the Department in a fair and objective manner; or*

15 “(B) *the integrity of any program of the Depart-*
16 *ment of Defense or any person involved in such a pro-*
17 *gram.*

18 “(2) *The Secretary shall prescribe written guidance*
19 *setting forth the criteria to be used in determining whether*
20 *the acceptance of a gift or donation would have a result*
21 *described in paragraph (1).*

22 “(d) *CREDITING OF FUNDS.*—*Funds accepted by the*
23 *Secretary under subsection (a) shall be credited to appro-*
24 *priations available to the Department of Defense for the Re-*
25 *gional Centers. Funds so credited shall be merged with the*

1 *appropriations to which credited and shall be available for*
 2 *the Regional Centers for the same purposes and the same*
 3 *period as the appropriations with which merged.*

4 “(e) *GIFTS AND DONATIONS DEFINED.*—*For purposes*
 5 *of this section—*

6 “(1) *a foreign gift or donation is a gift or dona-*
 7 *tion of funds, materials (including research mate-*
 8 *rials), property, or services (including lecture services*
 9 *and faculty services) from a foreign government, a*
 10 *foundation or other charitable organization in a for-*
 11 *ign country, or an individual in a foreign country;*
 12 *and*

13 “(2) *the term ‘gift’ includes a devise of real prop-*
 14 *erty or a bequest of personal property and any gift*
 15 *of an interest in real property. ”.*

16 “(2) *CLERICAL AMENDMENT.*—*The item relating*
 17 *to section 2611 in the table of sections at the begin-*
 18 *ning of chapter 155 of such title is amended to read*
 19 *as follows:*

“2611. *Regional Centers for Security Studies: acceptance of foreign gifts and do-*
nations.”.

20 “(c) *CONFORMING AMENDMENTS.*—

21 “(1) *MARSHALL CENTER GENERAL AUTHORITY.*—
 22 *Section 1306 of the National Defense Authorization*
 23 *Act for Fiscal Year 1995 (Public Law 103–337; 108*
 24 *Stat. 2892) is repealed.*

1 (2) *MARSHALL CENTER GIFT AUTHORITY*.—*Sec-*
2 *tion 1065 of the National Defense Authorization Act*
3 *for Fiscal Year 1997 (10 U.S.C. 113) is amended—*

4 (A) *by striking subsections (a) and (b);*

5 (B) *by redesignating subsection (c) as sub-*
6 *section (a); and*

7 (C) *by redesignating paragraph (3) of such*
8 *subsection as subsection (b) and inserting “CER-*
9 *TAIN NON-CITIZENS AUTHORIZED TO SERVE ON*
10 *BOARD.—” before “Notwithstanding”.*

11 (3) *EMPLOYMENT AND COMPENSATION AUTHOR-*
12 *ITY FOR CIVILIAN FACULTY*.—*Section 1595 of title 10,*
13 *United States Code, is amended—*

14 (A) *in subsection (c)—*

15 (i) *by striking paragraphs (3) and (5);*

16 *and*

17 (ii) *by redesignating paragraphs (4)*
18 *and (6) as paragraphs (3) and (4), respec-*
19 *tively; and*

20 (B) *by striking subsection (e).*

21 (4) *STATUS OF CENTER FOR HEMISPHERIC DE-*
22 *FENSE STUDIES*.—*Section 2165 of title 10, United*
23 *States Code, is amended—*

24 (A) *in subsection (b)—*

25 (i) *by striking paragraph (6); and*

1 (B) by striking subsection (e).

2 (4) *STATUS OF CENTER FOR HEMISPHERIC DE-*
3 *FENSE STUDIES.*—Section 2165 of title 10, United
4 *States Code, is amended—*

5 (A) in subsection (b)—

6 (i) by striking paragraph (6); and

7 (ii) by redesignating paragraph (7) as
8 paragraph (6); and

9 (B) by striking subsection (c).

10 **SEC. 904. REDESIGNATION OF THE DEPARTMENT OF THE**
11 **NAVY AS THE DEPARTMENT OF THE NAVY**
12 **AND MARINE CORPS.**

13 (a) *REDESIGNATION OF MILITARY DEPARTMENT.*—
14 *The military department designated as the Department of*
15 *the Navy is redesignated as the Department of the Navy*
16 *and Marine Corps.*

17 (b) *REDESIGNATION OF SECRETARY AND OTHER*
18 *STATUTORY OFFICES.*—

19 (1) *SECRETARY.*—*The position of the Secretary*
20 *of the Navy is redesignated as the Secretary of the*
21 *Navy and Marine Corps.*

22 (2) *OTHER STATUTORY OFFICES.*—*The positions*
23 *of the Under Secretary of the Navy, the four Assistant*
24 *Secretaries of the Navy, and the General Counsel of*
25 *the Department of the Navy are redesignated as the*

1 *Under Secretary of the Navy and Marine Corps, the*
2 *Assistant Secretaries of the Navy and Marine Corps,*
3 *and the General Counsel of the Department of the*
4 *Navy and Marine Corps, respectively.*

5 *(c) CONFORMING AMENDMENTS TO TITLE 10, UNITED*
6 *STATES CODE.—*

7 *(1) DEFINITION OF “MILITARY DEPARTMENT”.—*
8 *Paragraph (8) of section 101(a) of title 10, United*
9 *States Code, is amended to read as follows:*

10 *“(8) The term ‘military department’ means the*
11 *Department of the Army, the Department of the Navy*
12 *and Marine Corps, and the Department of the Air*
13 *Force.”.*

14 *(2) ORGANIZATION OF DEPARTMENT.—The text*
15 *of section 5011 of such title is amended to read as fol-*
16 *lows: “The Department of the Navy and Marine*
17 *Corps is separately organized under the Secretary of*
18 *the Navy and Marine Corps.”.*

19 *(3) POSITION OF SECRETARY.—Section*
20 *5013(a)(1) of such title is amended by striking “There*
21 *is a Secretary of the Navy” and inserting “There is*
22 *a Secretary of the Navy and Marine Corps”.*

23 *(4) CHAPTER HEADINGS.—*

24 *(A) The heading of chapter 503 of such title*
25 *is amended to read as follows:*

1 **“CHAPTER 503—DEPARTMENT OF THE**
2 **NAVY AND MARINE CORPS”.**

3 *(B) The heading of chapter 507 of such title*
4 *is amended to read as follows:*

5 **“CHAPTER 507—COMPOSITION OF THE DE-**
6 **PARTMENT OF THE NAVY AND MARINE**
7 **CORPS”.**

8 *(5) OTHER AMENDMENTS.—*

9 *(A) Title 10, United States Code, is amend-*
10 *ed by striking “Department of the Navy” and*
11 *“Secretary of the Navy” each place they appear*
12 *other than as specified in paragraphs (1), (2),*
13 *(3), and (4) (including in section headings, sub-*
14 *section captions, tables of chapters, and tables of*
15 *sections) and inserting “Department of the Navy*
16 *and Marine Corps” and “Secretary of the Navy*
17 *and Marine Corps”, respectively, in each case*
18 *with the matter inserted to be in the same type-*
19 *face and typestyle as the matter stricken.*

20 *(B)(i) Sections 5013(f), 5014(b)(2), 5016(a),*
21 *5017(2), 5032(a), and 5042(a) of such title are*
22 *amended by striking “Assistant Secretaries of the*
23 *Navy” and inserting “Assistant Secretaries of*
24 *the Navy and Marine Corps”.*

1 (ii) *The heading of section 5016 of such*
2 *title, and the item relating to such section in the*
3 *table of sections at the beginning of chapter 503*
4 *of such title, are each amended by inserting “and*
5 *Marine Corps” after “of the Navy”, with the*
6 *matter inserted in each case to be in the same*
7 *typeface and typestyle as the matter amended.*

8 (d) *TITLE 37, UNITED STATES CODE.—Title 37,*
9 *United States Code, is amended by striking “Department*
10 *of the Navy” and “Secretary of the Navy” each place they*
11 *appear and inserting “Department of the Navy and Marine*
12 *Corps” and “Secretary of the Navy and Marine Corps”,*
13 *respectively.*

14 (e) *OTHER REFERENCES.—Any reference in any law*
15 *other than in title 10 or title 37, United States Code, or*
16 *in any regulation, document, record, or other paper of the*
17 *United States, to the Department of the Navy shall be con-*
18 *sidered to be a reference to the Department of the Navy and*
19 *Marine Corps. Any such reference to an office specified in*
20 *subsection (b)(2) shall be considered to be a reference to that*
21 *office as redesignated by that subsection.*

22 (f) *EFFECTIVE DATE.—This section and the amend-*
23 *ments made by this section shall take effect on the first day*
24 *of the first month beginning more than 60 days after the*
25 *date of the enactment of this Act.*

1 **Subtitle B—Space Activities**

2 **SEC. 911. SPACE SITUATIONAL AWARENESS STRATEGY.**

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

4 (1) *the Department of Defense has the responsi-*
5 *bility, within the executive branch, for developing the*
6 *strategy and the systems of the United States for en-*
7 *sureing freedom to operate United States space assets*
8 *affecting national security; and*

9 (2) *the foundation of any credible strategy for*
10 *ensuring freedom to operate United States space as-*
11 *sets is a comprehensive system for space situational*
12 *awareness.*

13 (b) *SPACE SITUATIONAL AWARENESS STRATEGY.—*

14 (1) *REQUIREMENT.—The Secretary of Defense*
15 *shall develop a strategy, to be known as the “Space*
16 *Situational Awareness Strategy”, for ensuring free-*
17 *dom to operate United States space assets affecting*
18 *national security. The Secretary shall submit that*
19 *strategy to Congress not later than April 15, 2006.*
20 *The Secretary shall submit to Congress an updated,*
21 *current version of the Space Situational Awareness*
22 *Strategy not later than April 15 of every even-num-*
23 *bered year thereafter.*

1 (2) *TIME PERIOD.*—*The Space Situational*
2 *Awareness Strategy shall cover the 20-year period*
3 *from 2006 through 2025.*

4 (3) *MATTERS TO BE INCLUDED.*—*The Space Sit-*
5 *uational Awareness Strategy shall include the fol-*
6 *lowing (set forth for the 20-year period specified in*
7 *paragraph (2) and separately for each successive five-*
8 *year period beginning with 2006):*

9 (A) *A threat assessment describing the per-*
10 *ceived threats to United States space assets af-*
11 *fecting national security.*

12 (B) *Details for a coherent and comprehen-*
13 *sive strategy for the United States for space situ-*
14 *ational awareness, together with a description of*
15 *the systems architecture to implement that strat-*
16 *egy in light of the threat assessment under sub-*
17 *paragraph (A).*

18 (C) *A description of each of the individual*
19 *program concepts that will make up the systems*
20 *architecture described pursuant to subparagraph*
21 *(B) and, for each such program concept, a de-*
22 *scription of the specific capabilities to be*
23 *achieved and the threats to be abated.*

24 (c) *SPACE SITUATIONAL AWARENESS CAPABILITIES*
25 *ROADMAP.*—

1 (1) *REQUIREMENT.*—*The Secretary of the Air*
2 *Force shall develop a roadmap, to be known as the*
3 *“space situational awareness capabilities roadmap”,*
4 *for the development of the systems architecture de-*
5 *scribed pursuant to subsection (b)(3)(B).*

6 (2) *MATTERS TO BE INCLUDED.*—*The space sit-*
7 *uational awareness capabilities roadmap shall in-*
8 *clude—*

9 (A) *capabilities of all systems deployed as of*
10 *mid-2005 or planned for modernization or ac-*
11 *quisition from 2006 to 2015; and*

12 (B) *a description of recommended solutions*
13 *for inadequacies in the architecture to address*
14 *threats identified under subsection (b)(3)(A).*

15 **SEC. 912. MILITARY SATELLITE COMMUNICATIONS.**

16 (a) *FINDINGS.*—*Congress finds the following:*

17 (1) *Military requirements for satellite commu-*
18 *nications exceed the capability of on-orbit assets as of*
19 *mid-2005.*

20 (2) *To meet future military requirements for sat-*
21 *ellite communications, the Secretary of the Air Force*
22 *has initiated a highly complex and revolutionary pro-*
23 *gram called the Transformational Satellite Commu-*
24 *nications System (TSAT).*

1 (3) *If the program referred to in paragraph (2)*
2 *experiences setbacks that prolong the development and*
3 *deployment of the capability to be provided by that*
4 *program, the Secretary of the Air Force must be pre-*
5 *pared to implement contingency programs to achieve*
6 *interim improvements in the capabilities of satellite*
7 *communications to meet military requirements*
8 *through upgrades to current systems.*

9 (b) *DEVELOPMENT OF OPTIONS.—In order to prepare*
10 *for the contingency referred to in subsection (a)(3), the Di-*
11 *rector of the National Security Space Office of the Depart-*
12 *ment of Defense shall provide for an assessment, to be con-*
13 *ducted by an entity outside the Department of Defense, to*
14 *develop and compare options for individual acquisition,*
15 *and block acquisition, of the Advanced Extremely High Fre-*
16 *quency space vehicles numbered 4 and 5, in conjunction*
17 *with modifications to the current Wideband Gapfiller Sys-*
18 *tem program, that will accomplish the following:*

19 (1) *Minimize nonrecurring costs.*

20 (2) *Improve communications-on-the-move capa-*
21 *bilities.*

22 (3) *Increase net centrality for communications.*

23 (4) *Increase satellite throughput.*

24 (5) *Increase user connectivity.*

25 (6) *Improve airborne communications support.*

1 (c) *ANALYSIS OF ALTERNATIVES REPORT.*—Not later
2 than February 28, 2006, the Director of the National Secu-
3 rity Space Office shall submit to Congress a report pro-
4 viding an analysis of alternatives with respect to the op-
5 tions developed pursuant to subsection (b). The analysis of
6 alternatives shall be prepared taking into consideration the
7 findings and recommendations of the independent assess-
8 ment conducted under subsection (b).

9 **SEC. 913. OPERATIONALLY RESPONSIVE SPACE.**

10 (a) *JOINT OPERATIONALLY RESPONSIVE SPACE PAY-*
11 *LOAD TECHNOLOGY ORGANIZATION.*—

12 (1) *IN GENERAL.*—The Secretary of Defense shall
13 establish or designate an organization in the Depart-
14 ment of Defense to coordinate joint operationally re-
15 sponsive space payload technology.

16 (2) *MASTER PLAN.*—The organization established
17 or designated under paragraph (1) shall produce an
18 annual master plan for coordination of operationally
19 responsive space payload technology and shall coordi-
20 nate resources provided to stimulate technical develop-
21 ment of small satellite payloads. The annual master
22 plan shall describe focus areas for development of
23 operationally responsive space payload technology, in-
24 cluding—

1 (A) *miniaturization technology for satellite*
2 *payloads;*

3 (B) *increased sensor acuity;*

4 (C) *concept of operations exploration;*

5 (D) *increased processor capability; and*

6 (E) *such additional matters as the head of*
7 *that organization determines appropriate.*

8 (3) *REQUESTS FOR PROPOSALS.—The Secretary*
9 *of Defense, acting through the Director of the Office*
10 *of Force Transformation, shall award contracts, from*
11 *amounts available for that purpose for any fiscal*
12 *year, for technology projects that support the focus*
13 *areas set out in the master plan for development of*
14 *operationally responsive space payload technology.*

15 (4) *ASSESSMENT FACTORS.—In assessing any*
16 *proposal submitted for a contract under paragraph*
17 *(3), the Secretary shall consider —*

18 (A) *how the proposal correlates to the goals*
19 *articulated in the master plan under paragraph*
20 *(2) and to the National Security Space Architec-*
21 *ture; and*

22 (B) *the probability, for the project for which*
23 *the proposal is submitted, of eventual transition*
24 *either to a laboratory of one of the military de-*

1 *partments for continued development or to a*
2 *joint program office for operational deployment.*

3 (b) *REPORT ON JOINT PROGRAM OFFICE FOR*
4 *TACSAT.—Not later than February 28, 2006, the Sec-*
5 *retary of Defense shall submit to the congressional defense*
6 *committees a report providing a plan for the creation of*
7 *a joint program office for the Tactical Satellite program*
8 *and for transition of that program out of the Office of Force*
9 *Transformation and to the administration of the joint pro-*
10 *gram office. The report shall be prepared in conjunction*
11 *with the Department of Defense executive agent for space.*

12 (c) *JOINT REPORT ON CERTAIN SPACE AND MISSILE*
13 *DEFENSE ACTIVITIES.—Not later than February 28, 2006,*
14 *the Department of Defense executive agent for space and*
15 *the Director of the Missile Defense Agency shall submit to*
16 *the Committee on Armed Services of the Senate and the*
17 *Committee on Armed Services of the House of Representa-*
18 *tives a joint report on the value of each of the following:*

19 (1) *Increased use of the Rocket Systems Launch*
20 *Program for the respective missions of the Depart-*
21 *ment of the Air Force and the Missile Defense Agency.*

22 (2) *An agreement between the Director of the*
23 *Missile Defense Agency and the Secretary of the Air*
24 *Force for eventual transition of operational control of*

1 *small satellite demonstrations from the Missile De-*
2 *fense Agency to the Department of the Air Force.*

3 (3) *A partnership between the Missile Defense*
4 *Agency and the Department of the Air Force in the*
5 *development of common high-altitude and near-space*
6 *assets for the respective missions of the Missile De-*
7 *fense Agency and the Department of the Air Force.*

8 ***Subtitle C—Chemical***
9 ***Demilitarization Program***

10 ***SEC. 921. TRANSFER TO SECRETARY OF THE ARMY OF RE-***
11 ***SPONSIBILITY FOR ASSEMBLED CHEMICAL***
12 ***WEAPONS ALTERNATIVES PROGRAM.***

13 *Effective January 1, 2006, the text of section 142 of*
14 *the Strom Thurmond National Defense Authorization Act*
15 *for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521*
16 *note) is amended to read as follows:*

17 “(a) *PROGRAM MANAGEMENT.—(1) The program*
18 *manager for the Assembled Chemical Weapons Alternatives*
19 *program shall report to the Secretary of the Army.*

20 “(2) *The Secretary of the Army shall provide for that*
21 *program to be managed as part of the management organi-*
22 *zation within the Department of the Army specified in sec-*
23 *tion 1412(e) of Public Law 99–145 (50 U.S.C. 1521(e)).*

24 “(b) *CONTINUED IMPLEMENTATION OF PREVIOUSLY*
25 *SELECTED ALTERNATIVE TECHNOLOGIES.—(1) In car-*

1 *rying out the destruction of lethal chemical munitions at*
2 *Pueblo Chemical Depot, Colorado, the Secretary of the*
3 *Army shall continue to implement fully the alternative tech-*
4 *nology for such destruction at that depot selected by the*
5 *Under Secretary of Defense for Acquisition, Technology,*
6 *and Logistics on July 16, 2002.*

7 “(2) *In carrying out the destruction of lethal chemical*
8 *munitions at Blue Grass Army Depot, Kentucky, the Sec-*
9 *retary of the Army shall continue to implement fully the*
10 *alternative technology for such destruction at that depot se-*
11 *lected by the Under Secretary of Defense for Acquisition,*
12 *Technology, and Logistics on February 3, 2003.”.*

13 **SEC. 922. CLARIFICATION OF COOPERATIVE AGREEMENT**
14 **AUTHORITY UNDER CHEMICAL DEMILI-**
15 **TARIZATION PROGRAM.**

16 (a) *AGREEMENTS WITH FEDERALLY RECOGNIZED IN-*
17 *DIAN TRIBAL GOVERNMENTS.*—*Section 1412(c)(4) of the*
18 *Department of Defense Authorization Act, 1986 (50 U.S.C*
19 *1521(c)(4)) is amended—*

20 (1) *by inserting “(A)” after “(4)”;*

21 (2) *in the first sentence—*

22 (A) *by inserting “and to tribal organiza-*
23 *tions of Indian tribes” after “to State and local*
24 *governments”;* *and*

1 (B) by inserting “and organizations” after
2 “assist those governments”

3 (3) by designating the text beginning “Addition-
4 ally, the Secretary ” as subparagraph (B);

5 (4) in the first sentence of subparagraph (B), as
6 designated by paragraph (2), by inserting “, and
7 with tribal organizations of Indian tribes,” after
8 “with State and local governments”; and

9 (5) by adding at the end the following new sub-
10 paragraph:

11 “(C) In this subparagraph, the terms ‘tribal organiza-
12 tion’ and ‘Indian tribes’ have the meanings given those
13 terms in subsections (e) and (l), respectively, of section 4
14 of the Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 450b).”.

16 (b) *EFFECTIVE DATE.*—The amendments made by sub-
17 section (a) shall take effect as of December 5, 1991, and
18 shall apply with respect to cooperative agreements entered
19 into on or after that date.

20 ***Subtitle D—Intelligence-Related***
21 ***Matters***

22 ***SEC. 931. DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-***
23 ***SOURCE INTELLIGENCE.***

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

1 (1) *Open-source intelligence (OSINT) is intel-*
2 *ligence that is produced from publicly available infor-*
3 *mation collected, exploited, and disseminated in a*
4 *timely manner to an appropriate audience for the*
5 *purpose of addressing a specific intelligence require-*
6 *ment.*

7 (2) *With the Information Revolution, the*
8 *amount, significance, and accessibility of open-source*
9 *information has exploded, but the Intelligence Com-*
10 *munity has not expanded its exploitation efforts and*
11 *systems to produce open-source intelligence.*

12 (3) *The production of open-source intelligence is*
13 *a valuable intelligence discipline that must be inte-*
14 *grated in the intelligence cycle to ensure that United*
15 *States policymakers are fully and completely in-*
16 *formed.*

17 (4) *The dissemination and use of validated open-*
18 *source intelligence inherently enables information*
19 *sharing as it is produced without the use of sensitive*
20 *sources and methods. Open-source intelligence prod-*
21 *ucts can be shared with the American public and for-*
22 *oreign allies because of its unclassified nature.*

23 (5) *The National Commission on Terrorist At-*
24 *tacks Upon the United States, in its Final Report re-*
25 *leased on July 22, 2004, identified shortfalls in the*

1 *ability of the United States to employ all-source intel-*
2 *ligence, a large component of which is open-source in-*
3 *telligence.*

4 (6) *The Intelligence Reform and Terrorism Pre-*
5 *vention Act of 2004 (Public Law 108–458) advocates*
6 *for coordination of the collection, analysis, produc-*
7 *tion, and dissemination of open-source intelligence.*

8 (7) *The Commission on the Intelligence Capa-*
9 *bilities of the United States Regarding Weapons of*
10 *Mass Destruction, in its report to the President re-*
11 *leased on March 31, 2005, found “that the need for*
12 *exploiting open-source material is greater now than*
13 *ever before,” but that “the Intelligence Community’s*
14 *open source programs have not expanded commensu-*
15 *rate with either the increase in available information*
16 *or with the growing importance of open source data*
17 *to today’s problems”.*

18 (b) *STRATEGY FOR OPEN-SOURCE INTELLIGENCE.—*

19 (1) *DEVELOPMENT OF STRATEGY.—The Sec-*
20 *retary of Defense shall develop a strategy, to be known*
21 *as the “Strategy for Open-Source Intelligence”, to be*
22 *incorporated within the larger military intelligence*
23 *strategy, for the purpose of integrating open-source*
24 *intelligence into the military intelligence cycle.*

1 (2) *SUBMISSION.*—*The Secretary shall submit*
2 *the Strategy for Open-Source Intelligence to Congress*
3 *not later than January 31, 2006.*

4 (3) *MATTERS TO BE INCLUDED.*—*The Strategy*
5 *for Open-Source Intelligence shall include the fol-*
6 *lowing:*

7 (A) *An investment strategy for the develop-*
8 *ment of a robust open-source intelligence capa-*
9 *bility, with particular emphasis on exploitation*
10 *and dissemination.*

11 (B) *A description of how management of*
12 *open-source intelligence collection is currently*
13 *performed at the Department level and how it*
14 *can be improved in the future.*

15 (C) *A description of the tools, systems, cen-*
16 *ters, personnel, and procedures that will be used*
17 *to perform open-source intelligence tasking, col-*
18 *lection, exploitation, and dissemination.*

19 (D) *A description of proven tradecraft for*
20 *effective open-source intelligence exploitation, to*
21 *include consideration of operational security.*

22 (E) *A detailed description on how open-*
23 *source intelligence will be fused with all other in-*
24 *telligence sources across the Department of De-*
25 *fense.*

1 (F) *A description of open-source intelligence*
2 *training plan and guidance for Department of*
3 *Defense and service intelligence personnel.*

4 (G) *A plan to incorporate the open-source*
5 *intelligence oversight function into the Office of*
6 *the Undersecretary of Defense for Intelligence*
7 *and into service intelligence organizations.*

8 (H) *A plan to incorporate and identify an*
9 *open-source intelligence specialty into Depart-*
10 *ment and service personnel systems.*

11 (I) *A plan to use reserve component intel-*
12 *ligence personnel to augment and support the*
13 *open-source intelligence mission.*

14 (J) *A plan for the use of the Open-Source*
15 *Information System for the purpose of exploi-*
16 *tation and dissemination.*

17 **SEC. 932. COMPREHENSIVE INVENTORY OF DEPARTMENT**
18 **OF DEFENSE INTELLIGENCE AND INTEL-**
19 **LIGENCE-RELATED PROGRAMS AND**
20 **PROJECTS.**

21 (a) *REPORT.*—*Not later than 180 days after the date*
22 *of the enactment of this Act, the Secretary of Defense shall*
23 *submit to the congressional committees specified in sub-*
24 *section (b) a report providing a comprehensive inventory*
25 *of Department of Defense intelligence and intelligence-re-*

1 *lated programs and projects. The Secretary shall prepare*
 2 *the inventory in consultation with the Director of National*
 3 *Intelligence, as appropriate.*

4 (b) *COMMITTEES.—The congressional committees re-*
 5 *ferred to in subsection (a) are the following:*

6 (1) *The Committee on Armed Services and the*
 7 *Select Committee on Intelligence of the Senate.*

8 (2) *The Committee on Armed Services and the*
 9 *Permanent Select Committee on Intelligence of the*
 10 *House of Representatives.*

11 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial matters

- 1001. *Transfer authority.*
- 1002. *Authorization of supplemental appropriations for fiscal year 2005.*
- 1003. *Increase in fiscal year 2005 general transfer authority.*
- 1004. *Reports on feasibility and desirability of capital budgeting for major de-*
fense acquisition programs.

Subtitle B—Naval Vessels and Shipyards

- 1011. *Conveyance, Navy drydock, Seattle, Washington.*
- 1012. *Conveyance, Navy drydock, Jacksonville, Florida.*
- 1013. *Conveyance, Navy drydock, Port Arthur, Texas.*
- 1014. *Transfer of U.S.S. IOWA.*
- 1015. *Transfer of ex-U.S.S. Forrest Sherman.*
- 1016. *Limitation on leasing of foreign-built vessels.*

Subtitle C—Counter-Drug Activities

- 1021. *Extension of Department of Defense authority to support counter-drug ac-*
tivities.
- 1022. *Resumption of reporting requirement regarding Department of Defense ex-*
penditures to support foreign counter-drug activities.
- 1023. *Clarification of authority for joint task forces to support law enforcement*
agencies conducting counter-terrorism activities.

Subtitle D—Matters Related to Homeland Security

- 1031. *Responsibilities of Assistant Secretary of Defense for Homeland Defense re-*
lating to nuclear, chemical, and biological emergency response.
- 1032. *Testing of preparedness for emergencies involving nuclear, radiological,*
chemical, biological, and high-yield explosives weapons.

1033. *Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response teams.*
1034. *Repeal of Department of Defense emergency response assistance program.*

Subtitle E—Other Matters

1041. *Commission on the Long-Term Implementation of the New Strategic Posture of the United States.*
1042. *Reestablishment of EMP Commission.*
1043. *Modernization of authority relating to security of defense property and facilities.*
1044. *Revision of Department of Defense counterintelligence polygraph program.*
1045. *Repeal of requirement for report to Congress regarding global strike capability.*
1046. *Technical and clerical amendments.*
1047. *Deletion of obsolete definitions in titles 10 and 32, United States Code.*

1 ***Subtitle A—Financial Matters***

2 ***SEC. 1001. TRANSFER AUTHORITY.***

3 ***(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—***

4 ***(1) AUTHORITY.***—*Upon determination by the*
5 *Secretary of Defense that such action is necessary in*
6 *the national interest, the Secretary may transfer*
7 *amounts of authorizations made available to the De-*
8 *partment of Defense in this division for fiscal year*
9 *2006 between any such authorizations for that fiscal*
10 *year (or any subdivisions thereof). Amounts of au-*
11 *thorizations so transferred shall be merged with and*
12 *be available for the same purposes as the authoriza-*
13 *tion to which transferred.*

14 ***(2) LIMITATION.***—*The total amount of author-*
15 *izations that the Secretary may transfer under the*
16 *authority of this section may not exceed*
17 *\$4,000,000,000.*

1 (b) *LIMITATIONS.*—*The authority provided by this sec-*
2 *tion to transfer authorizations—*

3 (1) *may only be used to provide authority for*
4 *items that have a higher priority than the items from*
5 *which authority is transferred; and*

6 (2) *may not be used to provide authority for an*
7 *item that has been denied authorization by Congress.*

8 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*
9 *fer made from one account to another under the authority*
10 *of this section shall be deemed to increase the amount au-*
11 *thorized for the account to which the amount is transferred*
12 *by an amount equal to the amount transferred.*

13 (d) *NOTICE TO CONGRESS.*—*The Secretary shall*
14 *promptly notify Congress of each transfer made under sub-*
15 *section (a).*

16 **SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPRO-**
17 **PRIATIONS FOR FISCAL YEAR 2005.**

18 *Amounts authorized to be appropriated to the Depart-*
19 *ment of Defense and the Department of Energy for fiscal*
20 *year 2005 in the Ronald W. Reagan National Defense Au-*
21 *thorization Act for Fiscal Year 2005 (Public Law 108–375)*
22 *are hereby adjusted, with respect to any such authorized*
23 *amount, by the amount by which appropriations pursuant*
24 *to such authorization are increased by a supplemental ap-*
25 *propriation or decreased by a rescission, or both, or are in-*

1 *created by a transfer of funds, pursuant to title I and chap-*
2 *ter 2 of title IV of division A of the Emergency Supple-*
3 *mental Appropriations Act for Defense, the Global War on*
4 *Terror, and Tsunami Relief, 2005 (Public Law 109–13).*

5 **SEC. 1003. INCREASE IN FISCAL YEAR 2005 GENERAL TRANS-**
6 **FER AUTHORITY.**

7 *Section 1001(a)(2) of the Ronald W. Reagan National*
8 *Defense Authorization Act for Fiscal Year 2005 (Public*
9 *Law 108–375; 118 Stat. 2037) is amended by striking*
10 *“\$3,500,000,000” and inserting “\$6,185,000,000”.*

11 **SEC. 1004. REPORTS ON FEASIBILITY AND DESIRABILITY OF**
12 **CAPITAL BUDGETING FOR MAJOR DEFENSE**
13 **ACQUISITION PROGRAMS.**

14 *(a) CAPITAL BUDGETING DEFINED.—For the purposes*
15 *of this section, the term “capital budgeting” means a budget*
16 *process that—*

17 *(1) identifies large capital outlays that are ex-*
18 *pected to be made in future years, together with iden-*
19 *tification of the proposed means to finance those out-*
20 *lays and the expected benefits of those outlays;*

21 *(2) separately identifies revenues and outlays for*
22 *capital assets from revenues and outlays for an oper-*
23 *ating budget;*

24 *(3) allows for the issue of long-term debt to fi-*
25 *nance capital investments; and*

1 (4) provides the budget authority for acquiring a
2 capital asset over several fiscal years (rather than in
3 a single fiscal year at the beginning of such acquisi-
4 tion).

5 (b) *REPORTS REQUIRED.*—Not later than July 1,
6 2006, the Secretary of Defense and the Secretary of each
7 military department shall each submit to Congress a report
8 analyzing the feasibility and desirability of using a capital
9 budgeting system for the financing of major defense acquisi-
10 tion programs. Each such report shall address the following
11 matters:

12 (1) *The potential long-term effect on the defense*
13 *industrial base of the United States of continuing*
14 *with the current full up-front funding system for*
15 *major defense acquisition programs.*

16 (2) *Whether use of a capital budgeting system*
17 *could create a more effective decisionmaking process*
18 *for long-term investments in major defense acquisi-*
19 *tion programs.*

20 (3) *The manner in which a capital budgeting*
21 *system for major defense acquisition programs would*
22 *affect the budget planning and formulation process of*
23 *the military departments.*

1 (4) *The types of financial mechanisms that*
2 *would be needed to provide funds for such a capital*
3 *budgeting system.*

4 ***Subtitle B—Naval Vessels and***
5 ***Shipyards***

6 ***SEC. 1011. CONVEYANCE, NAVY DRYDOCK, SEATTLE, WASH-***
7 ***INGTON.***

8 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
9 *Navy is authorized to sell the yard floating drydock YFD-*
10 *70, located in Seattle, Washington, to Todd Pacific Ship-*
11 *yards Corporation, that company being the current user of*
12 *the drydock.*

13 (b) *CONDITION OF CONVEYANCE.*—*The Secretary shall*
14 *require as a condition of the conveyance under subsection*
15 *(a) that the drydock remain at the facilities of Todd Pacific*
16 *Shipyards Corporation until at least September 30, 2010.*

17 (c) *CONSIDERATION.*—*As consideration for the convey-*
18 *ance of the drydock under subsection (a), the purchaser shall*
19 *pay to the United States an amount equal to the fair mar-*
20 *ket value of the drydock, as determined by the Secretary.*

21 (d) *TRANSFERS AT NO COST TO UNITED STATES.*—
22 *The provisions of section 7306(c) of title 10, United States*
23 *Code, shall apply to the conveyance under this section.*

24 (e) *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 **SEC. 1012. CONVEYANCE, NAVY DRYDOCK, JACKSONVILLE,**
5 **FLORIDA.**

6 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
7 *Navy is authorized to sell the medium auxiliary floating*
8 *drydock SUSTAIN (AFDM-7), located in Duval County,*
9 *Florida, to Atlantic Marine Property Holding Company,*
10 *that company being the current user of the drydock.*

11 (b) *CONDITION OF CONVEYANCE.*—*The Secretary shall*
12 *require as a condition of the conveyance under subsection*
13 *(a) that the drydock remain at the facilities of Atlantic Ma-*
14 *rine Property Holding Company until at least September*
15 *30, 2010.*

16 (c) *CONSIDERATION.*—*As consideration for the convey-*
17 *ance of the drydock under subsection (a), the purchaser shall*
18 *pay to the United States an amount equal to the fair mar-*
19 *ket value of the drydock, as determined by the Secretary.*

20 (d) *TRANSFERS AT NO COST TO UNITED STATES.*—
21 *The provisions of section 7306(c) of title 10, United States*
22 *Code, shall apply to the conveyance under this section.*

23 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyance under subsection (a) as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 1013. CONVEYANCE, NAVY DRYDOCK, PORT ARTHUR,**
4 **TEXAS.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Navy is authorized to convey, without consideration, to the*
7 *port authority of the city of Port Arthur, Texas, the inactive*
8 *medium auxiliary floating drydock designated as AFDM–*
9 *2, currently administered through the National Defense Re-*
10 *serve Fleet.*

11 (b) *CONDITION OF CONVEYANCE.*—*The Secretary shall*
12 *require as a condition of the conveyance under subsection*
13 *(a) that the drydock remain at the facilities of the port au-*
14 *thority named in subsection (a).*

15 (d) *TRANSFERS AT NO COST TO UNITED STATES.*—
16 *The provisions of section 7306(c) of title 10, United States*
17 *Code, shall apply to the conveyance under this section.*

18 (c) *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.*

23 **SEC. 1014. TRANSFER OF U.S.S. IOWA.**

24 (a) *WAIVER OF REQUIREMENT FOR CONTINUED LIST-*
25 *ING ON NAVAL VESSEL REGISTER.*—*The provisions of the*

1 *following laws do not apply with respect to the U.S.S.*

2 *IOWA (BB-61):*

3 (1) *Section 1011 of the National Defense Author-*
4 *ization Act for Fiscal Year 1996 (Public Law 104-*
5 *106; 110 Stat. 421).*

6 (2) *Section 1011 of the Strom Thurmond Na-*
7 *tional Defense Authorization Act for Fiscal Year 1999*
8 *(Public Law 105-261; 112 Stat. 2118).*

9 *(b) TRANSFER.—The Secretary of the Navy shall—*

10 (1) *strike the U.S.S. IOWA (BB-61) from the*
11 *Naval Vessel Register; and*

12 (2) *subject to the submission of a donation appli-*
13 *cation for that vessel that is satisfactory to the Sec-*
14 *retary, transfer that vessel to the Port of Stockton,*
15 *California, subject to subsections (b) and (c) of section*
16 *7306 of title 10, United States Code.*

17 **SEC. 1015. TRANSFER OF EX-U.S.S. FORREST SHERMAN.**

18 (a) *TRANSFER.—The Secretary of the Navy shall*
19 *transfer the decommissioned destroyer ex-U.S.S. Forrest*
20 *Sherman (DD-931) to the USS Forrest Sherman DD-931*
21 *Foundation, Inc., a nonprofit organization under the laws*
22 *of the State of Maryland, subject to the submission of a do-*
23 *nation application for that vessel that is satisfactory to the*
24 *Secretary.*

1 **(b) APPLICABLE LAW.**—*The transfer under this section*
 2 *is subject to subsections (b) and (c) of section 7306 of title*
 3 *10, United States Code. Subsection (d) of that section is*
 4 *hereby waived with respect to such transfer.*

5 **(c) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
 6 *retary may require such additional terms and conditions*
 7 *in connection with the transfer under subsection (a) as the*
 8 *Secretary considers appropriate.*

9 **(d) EXPIRATION OF AUTHORITY.**—*The authority*
 10 *granted by subsection (a) shall expire at the end of the five-*
 11 *year period beginning on the date of the enactment of this*
 12 *Act.*

13 **SEC. 1016. LIMITATION ON LEASING OF FOREIGN-BUILT**
 14 **VESSELS.**

15 **(a) IN GENERAL.**—

16 **(1) CONTRACTS FOR LEASES FOR MORE THAN 24**
 17 **MONTHS.**—*Chapter 141 of title 10, United States*
 18 *Code, is amended by inserting after section 2401a the*
 19 *following new section:*

20 **“§ 2401b. Limitation on lease of foreign-built vessels**

21 **“(a) LIMITATION.**—*The Secretary of a military de-*
 22 *partment may not make a contract for a lease or charter*
 23 *of a vessel for a term of more than 24 months (including*
 24 *all options to renew or extend the contract) if the hull, or*

1 *a component of the hull and superstructure of the vessel,*
 2 *is constructed in a foreign shipyard.*

3 “(b) *PRESIDENTIAL WAIVER FOR NATIONAL SECURITY*
 4 *INTEREST.—(1) The President may authorize exceptions to*
 5 *the limitation in subsection (a) when the President deter-*
 6 *mines that it is in the national security interest of the*
 7 *United States to do so.*

8 “(2) *The President shall transmit notice to Congress*
 9 *of any such determination, and no contract may be made*
 10 *pursuant to the exception authorized until the end of the*
 11 *30-day period beginning on the date on which the notice*
 12 *of the determination is received by Congress.”.(2) CLERICAL*
 13 *AMENDMENT.—The table of sections at the beginning of such*
 14 *chapter is amended by inserting after the item relating to*
 15 *section 2401a the following new item:*

“2401b. Limitation on lease of foreign-built vessels.”.

16 (b) *EFFECTIVE DATE.—Section 2401b of title 10,*
 17 *United States Code, as added by subsection (a), shall apply*
 18 *with respect to contracts entered into after the date of the*
 19 *enactment of this Act.*

20 ***Subtitle C—Counter-Drug Activities***

21 ***SEC. 1021. EXTENSION OF DEPARTMENT OF DEFENSE AU-*** 22 ***THORITY TO SUPPORT COUNTER-DRUG AC-*** 23 ***TIVITIES.***

24 *Section 1004(a) of the National Defense Authorization*
 25 *Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.*

1 374 note), as amended by section 1021 of the National De-
2 fense Authorization Act for Fiscal Year 2002 (Public Law
3 107–107; 115 Stat. 1212), is amended by striking “2006”
4 and inserting “2011”.

5 **SEC. 1022. RESUMPTION OF REPORTING REQUIREMENT RE-**
6 **GARDING DEPARTMENT OF DEFENSE EX-**
7 **PENDITURES TO SUPPORT FOREIGN**
8 **COUNTER-DRUG ACTIVITIES.**

9 (a) *ADDITIONAL REPORT REQUIRED.*—Section 1022 of
10 the Floyd D. Spence National Defense Authorization Act
11 for Fiscal Year 2001 (as enacted into law by Public Law
12 106–398; 114 Stat. 1654A–255), as amended by section
13 1022 of the National Defense Authorization Act for Fiscal
14 Year 2002 (Public Law 107–107; 115 Stat. 1215), is further
15 amended by striking “January 1, 2001, and April 15,
16 2002,” and inserting “April 15, 2006,”.

17 (b) *ADDITIONAL INFORMATION REQUIRED.*—Such sec-
18 tion is further amended—

19 (1) by redesignating paragraph (3) as para-
20 graph (4); and

21 (2) by inserting after paragraph (2) the fol-
22 lowing new paragraph (3):

23 “(3) A description of each base of operation or
24 training facility established, constructed, or operated
25 using the assistance, including any minor construc-

1 *tion projects carried out using such assistance, and*
2 *the amount of assistance expended on base of oper-*
3 *ations and training facilities.”.*

4 **SEC. 1023. CLARIFICATION OF AUTHORITY FOR JOINT TASK**
5 **FORCES TO SUPPORT LAW ENFORCEMENT**
6 **AGENCIES CONDUCTING COUNTER-TER-**
7 **RORISM ACTIVITIES.**

8 *Section 1022 of the National Defense Authorization*
9 *Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.*
10 *1594) is amended—*

11 *(1) by redesignating subsection (b) as subsection*
12 *(c); and*

13 *(2) by inserting after subsection (a) the following*
14 *new subsection (b):*

15 *“(b) AVAILABILITY OF FUNDS.—Funds available to a*
16 *joint task force to support counter-drug activities may also*
17 *be used to provide the counter-terrorism support authorized*
18 *by subsection (a).”.*

1 ***Subtitle D—Matters Related to***
2 ***Homeland Security***

3 ***SEC. 1031. RESPONSIBILITIES OF ASSISTANT SECRETARY***
4 ***OF DEFENSE FOR HOMELAND DEFENSE RE-***
5 ***LATING TO NUCLEAR, CHEMICAL, AND BIO-***
6 ***LOGICAL EMERGENCY RESPONSE.***

7 *Subsection (a) of section 1413 of the Defense Against*
8 *Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2313)*
9 *is amended to read as follows:*

10 “(a) *DEPARTMENT OF DEFENSE.—The Assistant Sec-*
11 *retary of Defense for Homeland Defense is responsible for*
12 *the coordination of Department of Defense assistance to*
13 *Federal, State, and local officials in responding to threats*
14 *involving nuclear, radiological, biological, chemical weap-*
15 *ons, or high-yield explosives or related materials or tech-*
16 *nologies, including assistance in identifying, neutralizing,*
17 *dismantling, and disposing of nuclear, radiological, biologi-*
18 *cal, chemical weapons, and high-yield explosives and re-*
19 *lated materials and technologies.”.*

20

1 **SEC. 1032. TESTING OF PREPAREDNESS FOR EMERGENCIES**
2 **INVOLVING NUCLEAR, RADIOLOGICAL, CHEM-**
3 **ICAL, BIOLOGICAL, AND HIGH-YIELD EXPLO-**
4 **SIVES WEAPONS.**

5 (a) *SECRETARY OF HOMELAND SECURITY FUNC-*
6 *TIONS.—Subsection (a) of section 1415 of the Defense*
7 *Against Weapons of Mass Destruction Act of 1996 (50*
8 *U.S.C. 2315) is amended—*

9 (1) *in the subsection heading, by striking*
10 *“CHEMICAL OR” and inserting “NUCLEAR, RADIO-*
11 *LOGICAL, CHEMICAL, OR”;*

12 (2) *in paragraph (1)—*

13 (A) *by striking “Secretary of Defense” and*
14 *inserting “Secretary of Homeland Security”;*
15 *and*

16 (B) *by striking “biological weapons and re-*
17 *lated materials and emergencies involving ” and*
18 *inserting “nuclear, radiological, biological, and”;*

19 (3) *in paragraph (2), by striking “during each*
20 *of fiscal years 1997 through 2013” and inserting “in*
21 *accordance with sections 102(c) and 430(c)(1) of the*
22 *Homeland Security Act of 2002 (6 U.S.C. 112(c),*
23 *238(c)(1))”;* and

24 (4) *in paragraph (3)—*

1 (A) by inserting “the Secretary of Defense,”
2 before “the Director of the Federal Bureau of In-
3 vestigation”; and

4 (B) by striking “the Director of the Federal
5 Emergency Management Agency,”.

6 (b) *REPEAL OF SECRETARY OF ENERGY FUNCTIONS.*—
7 Such section is further amended by striking subsection (b).

8 (c) *CONFORMING AMENDMENTS.*—Subsection (c) of
9 such section—

10 (1) is redesignated as subsection (b); and

11 (2) is amended—

12 (A) in the first sentence, by striking “The
13 official responsible for carrying out a program
14 developed under subsection (a) or (b) shall revise
15 the program” and inserting “The Secretary of
16 Homeland Security shall revise the program de-
17 veloped under subsection (a)”; and

18 (B) in the second sentence, by striking “the
19 official” and inserting “the Secretary”.

20 (d) *REPEAL OF OBSOLETE PROVISIONS.*—Such section
21 is further amended by striking subsections (d) and (e).

1 **SEC. 1033. DEPARTMENT OF DEFENSE CHEMICAL, BIOLOGI-**
2 **CAL, RADIOLOGICAL, NUCLEAR, AND HIGH-**
3 **YIELD EXPLOSIVES RESPONSE TEAMS.**

4 *Section 1414 of the Defense Against Weapons of Mass*
5 *Destruction Act of 1996 (50 U.S.C. 2314) is amended as*
6 *follows:*

7 (1) *The heading of such section is amended to*
8 *read as follows:*

9 **“SEC. 1414. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NU-**
10 **CLEAR, AND HIGH-YIELD EXPLOSIVES RE-**
11 **SPONSE TEAM.”**

12 (2) *Subsection (a) of such section is amended by*
13 *striking “or related materials” and inserting “radio-*
14 *logical, nuclear, and high-yield explosives”.*

15 (3) *Subsection (b) of such section is amended—*

16 (A) *in the subsection heading, by striking*
17 *“PLAN” and inserting “PLANS”;*

18 (B) *in the first sentence, by striking “Not*
19 *later than” and all that follows through “re-*
20 *sponse plans and” and inserting “The Secretary*
21 *of Homeland Security shall incorporate into the*
22 *National Response Plan prepared pursuant to*
23 *section 502(6) of the Homeland Security Act of*
24 *2002 (6 U.S.C. 312(6)), other existing Federal*
25 *emergency response plans, and”;* and

26 (C) *in the second sentence—*

- 1 (i) by striking “Director” and insert-
2 ing “Secretary of Homeland Security”; and
3 (ii) by striking “consultation” and in-
4 serting “coordination”.

5 **SEC. 1034. REPEAL OF DEPARTMENT OF DEFENSE EMER-**
6 **GENCY RESPONSE ASSISTANCE PROGRAM.**

7 Section 1412 of the Defense Against Weapons of Mass
8 Destruction Act of 1996 (50 U.S.C. 2312) is repealed.

9 **Subtitle E—Other Matters**

10 **SEC. 1041. COMMISSION ON THE LONG-TERM IMPLEMENTA-**
11 **TION OF THE NEW STRATEGIC POSTURE OF**
12 **THE UNITED STATES.**

13 (a) *ESTABLISHMENT OF COMMISSION.*—

14 (1) *ESTABLISHMENT.*—There is hereby estab-
15 lished a commission to be known as the “Commission
16 on the Long-Term Implementation of the New Stra-
17 tegic Posture of the United States”. The Secretary of
18 Defense shall enter into a contract with a federally
19 funded research and development center to provide for
20 the organization, management, and support of the
21 Commission. Such contract shall be entered into in
22 consultation with the Secretary of Energy. The selec-
23 tion of the federally funded research and development
24 center shall be subject to the approval of the chairman
25 of the Commission.

1 (2) *COMPOSITION.*—(A) *The Commission shall be*
2 *composed of 12 members who shall be appointed by*
3 *the Secretary of Defense. In selecting individuals for*
4 *appointment to the Commission, the Secretary of De-*
5 *fense shall consult with the chairman and ranking*
6 *minority member of the Committee on Armed Services*
7 *of the Senate and the chairman and ranking minor-*
8 *ity member of the Committee on Armed Services of*
9 *the House of Representatives.*

10 (B) *Members of the Commission shall be ap-*
11 *pointed from among private United States citizens*
12 *with knowledge and expertise in the political, mili-*
13 *tary, operational, and technical aspects of nuclear*
14 *strategy.*

15 (3) *CHAIRMAN OF THE COMMISSION.*—*The Sec-*
16 *retary of Defense shall designate one of the members*
17 *of the Commission to serve as chairman of the Com-*
18 *mission.*

19 (4) *PERIOD OF APPOINTMENT; VACANCIES.*—
20 *Members shall be appointed for the life of the Com-*
21 *mission. Any vacancy in the Commission shall be*
22 *filled in the same manner as the original appoint-*
23 *ment.*

1 (5) *SECURITY CLEARANCES.*—All members of the
2 Commission shall hold appropriate security clear-
3 ances.

4 (b) *DUTIES OF COMMISSION.*—

5 (1) *REVIEW OF LONG-TERM IMPLEMENTATION OF*
6 *THE NUCLEAR POSTURE REVIEW.*—The Commission
7 shall examine long-term programmatic requirements
8 to achieve the goals set forth in the report of the Sec-
9 retary of Defense submitted to Congress on December
10 31, 2001, providing the results of the Nuclear Posture
11 Review conducted pursuant to section 1041 of the
12 Floyd D. Spence National Defense Authorization Act
13 for Fiscal Year 2001 (as enacted into law by Public
14 Law 106–398; 114 Stat. 1654, 1654A–262) and re-
15 sults of periodic assessments of the Nuclear Posture
16 Review. Matters examined by the Commission shall
17 include the following:

18 (A) *The process of establishing requirements*
19 *for strategic forces and how that process accom-*
20 *modates employment of nonnuclear strike plat-*
21 *forms and munitions in a strategic role.*

22 (B) *How strategic intelligence, reconnais-*
23 *sance, and surveillance requirements differ from*
24 *nuclear intelligence, reconnaissance, and surveil-*
25 *lance requirements.*

1 (C) *The ability of a limited number of strategic platforms to carry out a growing range of nonnuclear strategic strike missions.*

2 (D) *The limits of tactical systems to perform nonnuclear global strategic missions in a prompt manner.*

3 (E) *An assessment of the ability of the current nuclear stockpile to address the evolving strategic threat environment through 2025.*

4 (2) *RECOMMENDATIONS.—The Commission shall include in its report recommendations with respect to the following:*

5 (A) *Changes to the requirements process to employ nonnuclear strike platforms and munitions in a strategic role.*

6 (B) *Changes to the nuclear stockpile and infrastructure required to preserve a nuclear capability commensurate with the changes to the strategic threat environment through 2025.*

7 (C) *Actions the Secretary of Defense and the Secretary of Energy can take to preserve flexibility of the defense nuclear complex while reducing the cost of a Cold War strategic infrastructure.*

1 (D) *Identify shortfalls in the strategic mod-*
2 *ernization programs of the United States that*
3 *would undermine the ability of the United States*
4 *to develop new nonnuclear strategic strike capa-*
5 *bilities.*

6 (3) *COOPERATION FROM GOVERNMENT OFFI-*
7 *CIALS.—(A) In carrying out its duties, the Commis-*
8 *sion shall receive the full and timely cooperation of*
9 *the Secretary of Defense, the Secretary of Energy, and*
10 *any other United States Government official in pro-*
11 *viding the Commission with analyses, briefings, and*
12 *other information necessary for the fulfillment of its*
13 *responsibilities.*

14 (B) *The Secretary of Energy and the Secretary*
15 *of Defense shall each designate at least one officer or*
16 *employee of the Department of Energy and the De-*
17 *partment of Defense, respectively, to serve as a liaison*
18 *officer between the department and the Commission.*

19 (c) *REPORTS.—*

20 (1) *COMMISSION REPORT.—The Commission*
21 *shall submit to the Secretary of Defense and the Com-*
22 *mittees on Armed Services of the Senate and House*
23 *of Representatives a report on the Commission's find-*
24 *ings and conclusions. Such report shall be submitted*

1 *not later than 28 months after the date of the first*
2 *meeting of the Commission.*

3 (2) *SECRETARY OF DEFENSE RESPONSE.*—*Not*
4 *later than one year after the date on which the Com-*
5 *mission submits its report under paragraph (1), the*
6 *Secretary of Defense shall submit to Congress a re-*
7 *port—*

8 (A) *commenting on the Commission’s find-*
9 *ings and conclusions; and*

10 (B) *explaining what actions, if any, the*
11 *Secretary intends to take to implement the rec-*
12 *ommendations of the Commission and, with re-*
13 *spect to each such recommendation, the Sec-*
14 *retary’s reasons for implementing, or not imple-*
15 *menting, the recommendation.*

16 (d) *HEARINGS AND PROCEDURES.*—

17 (1) *HEARINGS.*—*The Commission may, for the*
18 *purpose of carrying out the purposes of this section,*
19 *hold hearings and take testimony.*

20 (2) *PROCEDURES.*—*The federally funded re-*
21 *search and development center with which a contract*
22 *is entered into under subsection (a)(1) shall be re-*
23 *sponsible for establishing appropriate procedures for*
24 *the Commission.*

1 (3) *DETAIL OF GOVERNMENT EMPLOYEES.*—
2 *Upon request of the chairman of the Commission, the*
3 *head of any Federal department or agency may de-*
4 *tail, on a nonreimbursable basis, personnel of that de-*
5 *partment or agency to the Commission to assist it in*
6 *carrying out its duties.*

7 (e) *FUNDING.*—*Funds for activities of the Commission*
8 *shall be provided from amounts appropriated for the De-*
9 *partment of Defense.*

10 (f) *TERMINATION OF COMMISSION.*—*The Commission*
11 *shall terminate 60 days after the date of the submission of*
12 *its report under subsection (c)(1).*

13 (g) *IMPLEMENTATION.*—

14 (1) *FFRDC CONTRACT.*—*The Secretary of De-*
15 *fense shall enter into the contract required under sub-*
16 *section (a)(1) not later than 60 days after the date of*
17 *the enactment of this Act.*

18 (2) *FIRST MEETING.*—*The Commission shall con-*
19 *vene its first meeting not later than 60 days after the*
20 *date as of which all members of the Commission have*
21 *been appointed.*

22 **SEC. 1042. REESTABLISHMENT OF EMP COMMISSION.**

23 (a) *REESTABLISHMENT.*—*The commission established*
24 *pursuant to title XIV of the Floyd D. Spence National De-*
25 *fense Authorization Act for Fiscal Year 2001 (as enacted*

1 *into law by Public Law 106–398; 114 Stat. 1654A–345),*
2 *known as the Commission to Assess the Threat to the United*
3 *States from Electromagnetic Pulse Attack, is hereby reestab-*
4 *lished.*

5 (b) *MEMBERSHIP.—The Commission as reestablished*
6 *shall have the same membership as the Commission had as*
7 *of the date of the submission of the report of the Commission*
8 *pursuant to section 1403(a) of such Act, as in effect before*
9 *the date of the enactment of this Act. Service on the Com-*
10 *mission is voluntary, and Commissioners may elect to ter-*
11 *minate their service on the Commission.*

12 (c) *COMMISSION CHARTER DEFINED.—In this section,*
13 *the term “Commission charter” means title XIV of the*
14 *Floyd D. Spence National Defense Authorization Act for*
15 *Fiscal Year 2001 (as enacted into law by Public Law 106–*
16 *398; 114 Stat. 1654A–345 et seq.).*

17 (d) *ESTABLISHMENT AND PURPOSE.—Section 1401 of*
18 *the Commission charter (114 Stat. 1654A–345) is amend-*
19 *ed—*

20 (1) *by striking subsections (e) and (g);*

21 (2) *by redesignating subsections (b), (c), and (d)*
22 *as subsections (c), (d), and (e), respectively;*

23 (3) *by inserting after subsection (a) the following*
24 *new subsection (b):*

1 “(b) *PURPOSE.*—*The purpose of the Commission is to*
2 *monitor, investigate, make recommendations, and report to*
3 *Congress on the evolving threat to the United States from*
4 *electromagnetic pulse (hereinafter in this title referred to*
5 *as ‘EMP’) attack resulting from the detonation of a nuclear*
6 *weapon or weapons at high altitude.’”;*

7 (4) *in subsection (c), as redesignated by para-*
8 *graph (2), by striking the second and third sentences*
9 *and inserting “In the event of a vacancy in the mem-*
10 *bership of the Commission, the Secretary of Defense*
11 *shall appoint a new member.”; and*

12 (5) *in subsection (d), as redesignated by para-*
13 *graph (2), by striking “pulse (hereafter” and all that*
14 *follows and inserting “pulse effects referred to in sub-*
15 *section (b).”.*

16 (e) *DUTIES OF COMMISSION.*—*Section 1402 of the*
17 *Commission charter (114 Stat. 1654A–346) is amended to*
18 *read as follows:*

19 “**SEC. 1402. DUTIES OF COMMISSION.**

20 “*The Commission shall on an ongoing basis assess the*
21 *following:*

22 “(1) *The nature and magnitude of potential*
23 *EMP threats to the United States from terrorists and*
24 *all other potentially hostile actors.*

1 “(2) *The proliferation of technology relevant to*
2 *the EMP threat.*”

3 “(3) *The vulnerability of electric-dependent mili-*
4 *tary systems and other electric-dependent systems in*
5 *the United States to an EMP attack, giving special*
6 *attention to the progress, or lack of progress, by the*
7 *Department of Defense, other Government depart-*
8 *ments and agencies of the United States, and entities*
9 *of the private sector in taking steps to protect such*
10 *systems from such an attack.”.*

11 (f) *REPORT.—Section 1403 of the Commission charter*
12 *(114 Stat. 1654A–345) is amended to read as follows:*

13 **“SEC. 1403. REPORTS.**

14 “(a) *ANNUAL REPORT.—Not later than March 1 each*
15 *year (beginning in 2007 and ending three years later), the*
16 *Commission shall submit to Congress an annual report pro-*
17 *viding the Commission’s current assessment of the matters*
18 *specified in section 1402.*

19 “(b) *ADDITIONAL REPORTS.—The Commission may*
20 *submit to Congress additional reports at such other times*
21 *as the Commission considers appropriate.*

22 “(c) *CONTENT OF REPORTS.—Each annual report*
23 *under subsection (a) shall include recommendations for any*
24 *steps the Commission believes should be taken by the United*

1 *States to better protect systems referred to in section*
2 *1402(3) from an EMP attack.”.*

3 (g) *CLERICAL AMENDMENT.*—*The heading for sub-*
4 *section (c) of section 1405 of the Commission charter (114*
5 *Stat. 1654A–347) is amended by striking “Commission”*
6 *and inserting “Panels”.*

7 (h) *COMMISSION PERSONNEL MATTERS.*—*Section*
8 *1406(c)(2) of the Commission charter (114 Stat. 1654A–*
9 *347) is amended by striking “for grade GS–15 of the Gen-*
10 *eral Schedule” and inserting “for senior level and scientific*
11 *or professional positions”.*

12 (i) *FUNDING.*—*Section 1408 of the Commission char-*
13 *ter (114 Stat. 1654A–348) is amended—*

14 (1) *by inserting “for any fiscal year” after “ac-*
15 *tivities of the Commission”; and*

16 (2) *by striking “for fiscal year 2001” and insert-*
17 *ing “for that fiscal year”.*

18 (j) *TERMINATION OF COMMISSION.*—*Section 1409 of*
19 *the Commission charter (114 Stat. 1654A–348) is amended*
20 *by striking “60 days” and all that follows through “section*
21 *1403(a)” and inserting “on May 1, 2010”.*

1 **SEC. 1043. MODERNIZATION OF AUTHORITY RELATING TO**
2 **SECURITY OF DEFENSE PROPERTY AND FA-**
3 **CILITIES.**

4 *Section 21 of the Internal Security Act of 1950 (50*
5 *U.S.C. 797) is amended to read as follows:*

6 *“PENALTY FOR VIOLATION OF SECURITY REGULATIONS AND*
7 *ORDERS*

8 *“SEC. 21. (a) MISDEMEANOR VIOLATION OF DEFENSE*
9 *PROPERTY SECURITY REGULATIONS.—*

10 *“(1) MISDEMEANOR.—Whoever willfully violates*
11 *any defense property security regulation shall be fined*
12 *under title 18, United States Code, or imprisoned not*
13 *more than one year, or both.*

14 *“(2) DEFENSE PROPERTY SECURITY REGULATION*
15 *DESCRIBED.—For purposes of paragraph (1), a de-*
16 *fense property security regulation is a property secu-*
17 *rity regulation that, pursuant to lawful authority—*

18 *“(A) shall be or has been promulgated or*
19 *approved by the Secretary of Defense (or by a*
20 *military commander designated by the Secretary*
21 *of Defense or by a military officer, or a civilian*
22 *officer or employee of the Department of Defense,*
23 *holding a senior Department of Defense director*
24 *position designated by the Secretary of Defense)*
25 *for the protection or security of Department of*
26 *Defense property; or*

1 “(B) shall be or has been promulgated or
2 approved by the Administrator of the National
3 Aeronautics and Space Administration for the
4 protection or security of NASA property.

5 “(3) *PROPERTY SECURITY REGULATION DE-*
6 *SCRIBED.*—For purposes of paragraph (2), a property
7 security regulation, with respect to any property, is
8 a regulation—

9 “(A) relating to fire hazards, fire protection,
10 lighting, machinery, guard service, disrepair,
11 disuse, or other unsatisfactory conditions on such
12 property, or the ingress thereto or egress or re-
13 moval of persons therefrom; or

14 “(B) otherwise providing for safeguarding
15 such property against destruction, loss, or injury
16 by accident or by enemy action, sabotage, or
17 other subversive actions.

18 “(4) *DEFINITIONS.*—In this subsection:

19 “(A) *DEPARTMENT OF DEFENSE PROP-*
20 *ERTY.*—The term ‘Department of Defense prop-
21 erty’ means covered property subject to the juris-
22 diction, administration, or in the custody of the
23 Department of Defense, any Department or
24 agency of which that Department consists, or

1 *any officer or employee of that Department or*
2 *agency.*

3 “(B) *NASA PROPERTY.*—*The term ‘NASA*
4 *property’ means covered property subject to the*
5 *jurisdiction, administration, or in the custody of*
6 *the National Aeronautics and Space Administra-*
7 *tion or any officer or employee thereof.*

8 “(C) *COVERED PROPERTY.*—*The term ‘cov-*
9 *ered property’ means aircraft, airports, airport*
10 *facilities, vessels, harbors, ports, piers, water-*
11 *front facilities, bases, forts, posts, laboratories,*
12 *stations, vehicles, equipment, explosives, or other*
13 *property or places.*

14 “(D) *REGULATION AS INCLUDING ORDER.*—
15 *The term ‘regulation’ includes an order.*

16 “(b) *POSTING.*—*Any regulation or order covered by*
17 *subsection (a) shall be posted in conspicuous and appro-*
18 *priate places.”.*

19 **SEC. 1044. REVISION OF DEPARTMENT OF DEFENSE COUN-**
20 **TERINTELLIGENCE POLYGRAPH PROGRAM.**

21 (a) *IN GENERAL.*—*Section 1564a of title 10, United*
22 *States Code, is amended to read as follows:*

23 **“§ 1564a. Counterintelligence polygraph program**

24 “(a) *AUTHORITY FOR PROGRAM.*—*The Secretary of*
25 *Defense may carry out a program for the administration*

1 of counterintelligence polygraph examinations to persons
2 described in subsection (b). The program shall be conducted
3 in accordance with the standards specified in subsection (e).

4 “(b) *PERSONS COVERED.*—Except as provided in sub-
5 section (d), the following persons, if their duties are de-
6 scribed in subsection (c), are subject to this section:

7 “(1) *Military and civilian personnel of the De-*
8 *partment of Defense.*

9 “(2) *Personnel of defense contractors.*

10 “(3) *A person assigned or detailed to the Depart-*
11 *ment of Defense.*

12 “(4) *An applicant for a position in the Depart-*
13 *ment of Defense.*

14 “(c) *COVERED TYPES OF DUTIES.*—The Secretary of
15 Defense may provide, under standards established by the
16 Secretary, that a person described in subsection (b) is sub-
17 ject to this section if that person’s duties involve—

18 “(1) *access to information that—*

19 “(A) *has been classified at the level of top*
20 *secret; or*

21 “(B) *is designated as being within a special*
22 *access program under section 4.4(a) of Executive*
23 *Order 12958 (or a successor Executive order); or*

24 “(2) *assistance in an intelligence or military*
25 *mission in a case in which the unauthorized disclo-*

1 *sure or manipulation of information, as determined*
2 *under standards established by the Secretary of De-*
3 *fense, could reasonably be expected to—*

4 “(A) *jeopardize human life or safety;*

5 “(B) *result in the loss of unique or uniquely*
6 *productive intelligence sources or methods vital*
7 *to United States security; or*

8 “(C) *compromise technologies, operational*
9 *plans, or security procedures vital to the stra-*
10 *tegic advantage of the United States and its al-*
11 *lies.*

12 “(d) *EXCEPTIONS FROM COVERAGE FOR CERTAIN IN-*
13 *TELLIGENCE AGENCIES AND FUNCTIONS.—This section does*
14 *not apply to the following persons:*

15 “(1) *A person assigned or detailed to the Central*
16 *Intelligence Agency or to an expert or consultant*
17 *under a contract with the Central Intelligence Agen-*
18 *cy.*

19 “(2) *A person who is—*

20 “(A) *employed by or assigned or detailed to*
21 *the National Security Agency;*

22 “(B) *an expert or consultant under contract*
23 *to the National Security Agency;*

24 “(C) *an employee of a contractor of the Na-*
25 *tional Security Agency; or*

1 “(D) a person applying for a position in
2 the National Security Agency.

3 “(3) A person assigned to a space where sensitive
4 cryptographic information is produced, processed, or
5 stored.

6 “(4) A person employed by, or assigned or de-
7 tailed to, an office within the Department of Defense
8 for the collection of specialized national foreign intel-
9 ligence through reconnaissance programs or a con-
10 tractor of such an office.

11 “(e) STANDARDS.—(1) Polygraph examinations con-
12 ducted under this section shall comply with all applicable
13 laws and regulations.

14 “(2) Such examinations may be authorized for any of
15 the following purposes:

16 “(A) To assist in determining the initial eligi-
17 bility for duties described in subsection (c) of, and
18 aperiodically thereafter, on a random basis, to assist
19 in determining the continued eligibility of, persons
20 described in subsections (b) and (c).

21 “(B) With the consent of, or upon the request of,
22 the examinee, to—

23 “(i) resolve serious credible derogatory in-
24 formation developed in connection with a per-
25 sonnel security investigation; or

1 “(ii) exculpate him- or herself of allegations
2 or evidence arising in the course of a counter-
3 intelligence or personnel security investigation.

4 “(C) To assist, in a limited number of cases
5 when operational exigencies require the immediate use
6 of a person’s services before the completion of a per-
7 sonnel security investigation, in determining the in-
8 terim eligibility for duties described in subsection (c)
9 of the person.

10 “(3) Polygraph examinations conducted under this sec-
11 tion shall provide adequate safeguards, prescribed by the
12 Secretary of Defense, for the protection of the rights and
13 privacy of persons subject to this section under subsection
14 (b) who are considered for or administered polygraph ex-
15 aminations under this section. Such safeguards shall in-
16 clude the following:

17 “(A) The examinee shall receive timely notifica-
18 tion of the examination and its intended purpose and
19 may only be given the examination with the consent
20 of the examinee.

21 “(B) The examinee shall be advised of the
22 examinee’s right to consult with legal counsel.

23 “(C) All questions asked concerning the matter
24 at issue, other than technical questions necessary to

1 *the polygraph technique, must have a relevance to the*
2 *subject of the inquiry.*

3 “(f) *OVERSIGHT.—(1) The Secretary shall establish a*
4 *process to monitor responsible and effective application of*
5 *polygraph examinations within the Department of Defense.*

6 “(2) *The Secretary shall make information on the use*
7 *of polygraphs within the Department of Defense available*
8 *to the congressional defense committees.*

9 “(g) *POLYGRAPH RESEARCH PROGRAM.—The Sec-*
10 *retary shall carry out a continuing research program to*
11 *support the polygraph examination activities of the Depart-*
12 *ment of Defense. The program shall include the following:*

13 “(1) *An on-going evaluation of the validity of*
14 *polygraph techniques used by the Department.*

15 “(2) *Research on polygraph countermeasures and*
16 *anti- countermeasures.*

17 “(3) *Developmental research on polygraph tech-*
18 *niques, instrumentation, and analytic methods.”.*

19 (b) *EFFECTIVE DATE; IMPLEMENTATION.—The*
20 *amendment made by subsection (a) shall apply with respect*
21 *to polygraph examinations administered beginning on the*
22 *date of the enactment of this Act.*

1 **SEC. 1045. REPEAL OF REQUIREMENT FOR REPORT TO CON-**
2 **GRESS REGARDING GLOBAL STRIKE CAPA-**
3 **BILITY.**

4 (a) *REPEAL OF REQUIREMENT FOR ANNUAL UPDATE*
5 *TO PLAN FOR GLOBAL STRIKE CAPABILITY.*— Subsection
6 (a) of section 1032 of the National Defense Authorization
7 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
8 1605; 10 U.S.C. 113 note) is amended by striking the second
9 sentence.

10 (b) *REPEAL OF 2006 REPORT REQUIREMENT.*—Sub-
11 section (b)(1) of such section is amended by striking “,
12 2005, and 2006” and inserting “and 2005”.

13 **SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.**

14 (a) *AMENDMENTS RELATING TO DEFINITION OF CON-*
15 *GRESSIONAL DEFENSE COMMITTEES.*—

16 (1) Chapter 169 of title 10, United States Code,
17 is amended as follows:

18 (A) Paragraph (4) of section 2801(c) is
19 amended to read as follows:

20 “(4) The term ‘congressional defense committees’
21 includes, with respect to any project to be carried out
22 by, or for the use of, an intelligence component of the
23 Department of Defense—

24 “(A) the Permanent Select Committee on
25 Intelligence of the House of Representatives; and

1 “(B) *the Select Committee on Intelligence of*
2 *the Senate.*”.

3 (B) *The following sections are amended by*
4 *striking “appropriate committees of Congress”*
5 *each place it appears and inserting “congres-*
6 *sional defense committees”: sections 2803(b),*
7 *2804(b), 2805(b)(2), 2806(c)(2), 2807(b),*
8 *2807(c), 2808(b), 2809(f)(1), 2811(d),*
9 *2812(c)(1)(A), 2813(c), 2814(a)(2)(A),*
10 *2814(g)(1), 2825(b)(1), 2827(b), 2828(f),*
11 *2837(c)(2), 2853(c)(2), 2854(b), 2854a(c)(1),*
12 *2865(e)(2), 2866(c)(2), 2875(e), 2881a(d)(2),*
13 *2881a(e), 2883(f), and 2884(a).*

14 (C) *Section 2835 is amended by adding at*
15 *the end the following new subsection:*

16 “(i) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
17 *FINED.—In this section, the term ‘appropriate committees*
18 *of Congress’ means the congressional defense committees*
19 *and, with respect to the Coast Guard, the Committee on*
20 *Transportation and Infrastructure of the House of Rep-*
21 *resentatives and the Committee on Commerce, Science, and*
22 *Transportation of the Senate.*”.

23 (D) *Section 2836 is amended by adding at*
24 *the end the following new subsection:*

1 “(h) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
2 *FINED.*—*In this section, the term ‘appropriate committees*
3 *of Congress’ means the congressional defense committees*
4 *and, with respect to the Coast Guard, the Committee on*
5 *Transportation and Infrastructure of the House of Rep-*
6 *resentatives and the Committee on Commerce, Science, and*
7 *Transportation of the Senate.’”.*

8 (2) *Section 2694a of such title is amended—*

9 (A) *in subsection (e), by striking “appro-*
10 *priate committees of Congress” and inserting*
11 *“congressional defense committees”; and*

12 (B) *in subsection (i), by striking paragraph*
13 *(1) and redesignating paragraphs (2), (3), and*
14 *(4) as paragraphs (1), (2), and (3), respectively.*

15 (b) *AMENDMENTS RELATING TO DEFINITION OF BASE*
16 *CLOSURE LAWS.—*

17 (1) *Section 2694a(i) of title 10, United States*
18 *Code, is amended by striking paragraph (2).*

19 (2) *Paragraph (1) of section 1333(i) of the Na-*
20 *tional Defense Authorization Act for Fiscal Year 1994*
21 *(Public Law 103–160; 10 U.S.C. 2701 note) is*
22 *amended to read as follows:*

23 “(1) *BASE CLOSURE LAW.*—*The term ‘base clo-*
24 *sure law’ has the meaning given such term in section*
25 *101(a)(17) of title 10, United States Code.’”.*

1 (3) *Subsection (b) of section 2814 of the Military*
2 *Construction Authorization Act for Fiscal Year 1995*
3 *(division B of Public Law 103–337; 10 U.S.C. 2687*
4 *note) is amended to read as follows:*

5 “(b) *BASE CLOSURE LAW DEFINED.*—*In this section,*
6 *the term ‘base closure law’ has the meaning given such term*
7 *in section 101(a)(17) of title 10, United States Code.”.*

8 (4) *Subsection (c) of section 3341 of title 5,*
9 *United States Code, is amended to read as follows:*

10 “(c) *For purposes of this section, the term ‘base closure*
11 *law’ has the meaning given such term in section 101(a)(17)*
12 *of title 10.”.*

13 (5) *Chapter 5 of title 40, United States Code, is*
14 *amended—*

15 (A) *in section 554(a)(1), by striking*
16 *“means” and all that follows and inserting “has*
17 *the meaning given that term in section*
18 *101(a)(17) of title 10.”; and*

19 (B) *in section 572(b)(1)(B), by striking*
20 *“section 2667(h)(2)” and inserting “section*
21 *101(a)(17) of title 10”.*

22 (6) *The Act of November 13, 2000, entitled “An*
23 *Act to Amend the Organic Act of Guam, and for other*
24 *purposes” (Public Law 106–504, 114 Stat. 2309) is*

1 amended by striking paragraph (2) of section 1(c)
2 and inserting the following new paragraph (2):

3 “(2) The term ‘base closure law’ has the meaning
4 given such term in section 101(a)(17) of title 10,
5 United States Code.”.

6 (c) *DEFINITION OF STATE FOR PURPOSES OF SECTION*
7 2694A.—Subsection (i) of section 2694a of title 10, United
8 States Code, as amended by subsections (a)(2)(B) and
9 (b)(1), is further amended—

10 (1) by redesignating paragraphs (3) and (4) as
11 paragraphs (1) and (2), respectively; and

12 (2) in paragraph (2), as so redesignated, by
13 striking “and the territories and possessions of the
14 United States” and inserting “, Guam, the Virgin Is-
15 lands, and American Samoa”.

16 (d) *OTHER MISCELLANEOUS CORRECTIONS TO TITLE*
17 10, UNITED STATES CODE.—Title 10, United States Code,
18 is amended as follows:

19 (1) Section 101(e)(4)(B)(ii) is amended by strik-
20 ing the comma after “bulk explosives”.

21 (2) Section 127b(d)(1) is amended by striking
22 “polices” in the second sentence and inserting “poli-
23 cies”.

24 (3) Section 1732 is amended—

25 (A) in subsection (c)—

1 (i) by striking “(b)(2)(A) and
2 (b)(2)(B)” in paragraphs (1) and (2) and
3 inserting “(b)(1)(A) and (b)(1)(B)”; and

4 (ii) by striking paragraph (3); and
5 (B) in subsection (d)(2), by striking
6 “(b)(2)(A)(ii)” and inserting “(b)(1)(A)(ii)”.

7 (4) Section 2410n(b) is amended by striking
8 “*competiton*” in the second sentence and inserting
9 “*competition*”.

10 (5) Section 2507(d) is amended by striking “*sec-*
11 *tion (a)*” and inserting “*subsection (a)*”.

12 (6) Section 2665(a) is amended by striking
13 “*under section 2664 of this title*”.

14 (7) Section 2703(b) is amended by striking “*The*
15 *terms ‘unexploded ordnance’, ‘discarded military mu-*
16 *nitions’, and*” and inserting “*In this subsection, the*
17 *terms ‘discarded military munitions’ and*”.

18 (8) Section 2773a(a) is amended by inserting
19 “*by*” after “*incorrect payment made*” in the first sen-
20 *tence*.

21 (9) Section 2801(d) is amended by striking “*sec-*
22 *tions 2830 and 2835*” and inserting “*sections 2830,*
23 *2835, and 2836 of this chapter*”.

1 (10) *Section 2881a(f) is amended by striking*
2 *“Notwithstanding section 2885 of this title, the” and*
3 *inserting “The”.*

4 (11) *Section 3084 is amended by striking the*
5 *semicolon in the section heading and inserting a*
6 *colon.*

7 (e) *RONALD W. REAGAN NATIONAL DEFENSE AU-*
8 *THORIZATION ACT FOR FISCAL YEAR 2005.—The Bob*
9 *Stump National Defense Authorization Act for Fiscal Year*
10 *2003 (Public Law 108–375) is amended as follows:*

11 (1) *Section 513(c)(2)(C) (118 Stat. 1881) is*
12 *amended by striking “404(a)(4)” and inserting*
13 *“416(a)(4)”.*

14 (2) *Section 1105(h) (118 Stat. 2075) is amended*
15 *by striking “(21 U.S.C.” and inserting “(20 U.S.C.”.*

16 (f) *BOB STUMP NATIONAL DEFENSE AUTHORIZATION*
17 *ACT FOR FISCAL YEAR 2003.—The Bob Stump National*
18 *Defense Authorization Act for Fiscal Year 2003 (Public*
19 *Law 107–314) is amended as follows:*

20 (1) *Section 314 (116 Stat. 2508) is amended—*

21 (A) *in subsection (d), by striking “(40*
22 *U.S.C.” and inserting “(42 U.S.C. ”; and*

23 (B) *in subsection (e)(2), by striking “(40*
24 *U.S.C.” and inserting “(42 U.S.C.)”.*

1 (2) *Section 635(a) (116 Stat. 2574) is amended*
2 *by inserting “the first place it appears” after “by*
3 *striking ‘a claim’”.*

4 (g) *NATIONAL DEFENSE AUTHORIZATION ACT FOR*
5 *FISCAL YEAR 1994.—Section 1605(a)(4) of the National*
6 *Defense Authorization Act for Fiscal Year 1994 (22 U.S.C.*
7 *2751 note) is amended by striking “Logisitics” in the first*
8 *sentence and inserting “Logistics”.*

9 (h) *TITLE 38, UNITED STATES CODE.—Section*
10 *8111(b)(1) of title 38, United States Code, is amended by*
11 *inserting “of 1993” after “the Government Performance*
12 *and Results Act”.*

13 **SEC. 1047. DELETION OF OBSOLETE DEFINITIONS IN TI-**
14 **TLES 10 AND 32, UNITED STATES CODE.**

15 (a) *DELETING OBSOLETE DEFINITION OF “TERRI-*
16 *TORY” IN TITLE 10.—Title 10, United States Code, is*
17 *amended as follows:*

18 (1) *Section 101(a) is amended by striking para-*
19 *graph (2).*

20 (2) *The following sections are amended by strik-*
21 *ing the terms “Territory or”, “or Territory”, “a Ter-*
22 *ritorial Department,” “or a Territory”, “Territory*
23 *and”, “its Territories,” and “and Territories” each*
24 *place they appear: sections 101(a)(3), 332, 822, 1072,*

1 1103, 2671, 3037, 5148, 8037, 8074, 12204, and
2 12642.

3 (3) *The following sections are amended by strik-*
4 *ing the terms “Territory,” and “Territories,” each*
5 *place they appear: sections 849, 858, 888, 2668, 2669,*
6 *7545, and 9773.*

7 (4) *Section 808 is amended by striking “Terri-*
8 *tory, Commonwealth, or possession,” and inserting*
9 *“Commonwealth, possession,”.*

10 (5) *The following sections are amended are by*
11 *striking “Territories, Commonwealths, or possessions”*
12 *each place it appears and inserting “Commonwealths*
13 *or possessions”:* sections 846, 847, 2734, 3062, 3074,
14 4747, 4778, 5986, 7652, 7653, 8062, 9778, and 12406.

15 (6) *The following sections are amended by strik-*
16 *ing “Territories, Commonwealths, and possessions”*
17 *each place it appears and inserting “Commonwealths*
18 *and possessions”:* sections 3062, 3074, 4747, 4778,
19 8062, and 9778.

20 (7) *Section 312 is amended by striking “States*
21 *and Territories, and Puerto Rico” and inserting*
22 *“States, the Commonwealth of Puerto Rico, Guam,*
23 *and the Virgin Islands”.*

24 (8) *Section 335 is amended by striking “the un-*
25 *incorporated territories of”.*

1 (9) Sections 4301 and 9301 are amended by
2 striking “State or Territory, Puerto Rico, or the Dis-
3 trict of Columbia” each place it appears and insert-
4 ing “State, the Commonwealth of Puerto Rico, the
5 District of Columbia, Guam, or the Virgin Islands”.

6 (10) Sections 4685 and 9685 are amended by
7 striking “State or Territory concerned” each place it
8 appears and inserting “State concerned or Guam or
9 the Virgin Islands” and by striking “State and Terri-
10 torial” each place it appears and inserting “State,
11 Guam, and the Virgin Islands”.

12 (11) Section 7851 is amended by striking
13 “States, the Territories, and the District of Colum-
14 bia” and inserting “States, the District of Columbia,
15 Guam, and the Virgin Islands”.

16 (12) Section 7854 is amended by striking “any
17 State, any Territory, or the District of Columbia”
18 and inserting “any State, the District of Columbia,
19 Guam, or the Virgin Islands”.

20 (b) *DELETING OBSOLETE DEFINITION OF “TERRI-*
21 *TORY” IN TITLE 32.*—Title 32, United States Code, is
22 amended as follows:

23 (1) Paragraph (1) of section 101 is amended to
24 read as follows:

1 “(1) For purposes of other laws relating to the
2 militia, the National Guard, the Army National
3 Guard of the United States, and the Air National
4 Guard of the United States, the term ‘Territory’ in-
5 cludes Guam and the Virgin Islands.”.

6 (2) Sections 103, 104(c), 314, 315, 708(d), and
7 711 are amended by striking “State and Territory,
8 Puerto Rico and the District of Columbia” and
9 “State or Territory, Puerto Rico, and the District of
10 Columbia” each place they appear and inserting
11 “State, the Commonwealth of Puerto Rico, the Dis-
12 trict of Columbia, Guam, and the Virgin Islands”.

13 (3) Sections 104(d), 107, 109, 503, 703, 704,
14 710, and 712 are amended by striking “State or Ter-
15 ritory, Puerto Rico or the District of Columbia” and
16 “State or Territory, Puerto Rico, the Virgin Islands
17 or the District of Columbia” each place they appear
18 and inserting “State, the Commonwealth of Puerto
19 Rico, the District of Columbia, Guam, or the Virgin
20 Islands”.

21 (4) Sections 104(a), 505, 702(a), and 708(a) are
22 amended by striking “State or Territory and Puerto
23 Rico” and “State or Territory, Puerto Rico” each
24 place they appear and inserting “State, the Common-

1 *wealth of Puerto Rico, Guam, and the Virgin Is-*
2 *lands”.*

3 (5) *Section 324 is amended by striking “State or*
4 *Territory of whose National Guard he is a member,*
5 *or by the laws of Puerto Rico, or the District of Co-*
6 *lumbia, if he is a member of its National Guard” and*
7 *inserting “State of whose National Guard he is a*
8 *member, or by the laws of the Commonwealth of Puer-*
9 *to Rico, or the District of Columbia, Guam, or the*
10 *Virgin Islands, whose National Guard he is a mem-*
11 *ber”.*

12 (6) *Section 325 is amended by striking “State or*
13 *Territory, or of Puerto Rico” and “State or Territory*
14 *or Puerto Rico” each place they appear and inserting*
15 *“State, or of the Commonwealth of Puerto Rico,*
16 *Guam, or the Virgin Islands”.*

17 (7) *Sections 326, 327, and 501 are amended by*
18 *striking “States and Territories, Puerto Rico, and the*
19 *District of Columbia” each place it appears and in-*
20 *serting “States, the Commonwealth of Puerto Rico,*
21 *the District of Columbia, Guam, and the Virgin Is-*
22 *lands”.*

23 **TITLE XI—CIVILIAN PERSONNEL**
24 **MATTERS**

1101. *Extension of eligibility to continue Federal employee health benefits.*

1102. *Extension of Department of Defense voluntary reduction in force authority.*

1103. *Extension of authority to make lump sum severance payments.*
 1104. *Authority for heads of agencies to allow shorter length of required service by Federal employees after completion of training.*
 1105. *Authority to waive annual limitation on total compensation paid to Federal civilian employees.*
 1106. *Transportation of family members incident to repatriation of Federal employees held captive.*
 1107. *Permanent extension of Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program.*

1 **SEC. 1101. EXTENSION OF ELIGIBILITY TO CONTINUE FED-**
 2 **ERAL EMPLOYEE HEALTH BENEFITS.**

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. 1102. EXTENSION OF DEPARTMENT OF DEFENSE VOL-**
 13 **UNTARY REDUCTION IN FORCE AUTHORITY.**

14 *Section 3502(f)(5) of title 5, United States Code, is*
 15 *amended by striking “September 30, 2005” and inserting*
 16 *“September 30, 2010”.*

17 **SEC. 1103. EXTENSION OF AUTHORITY TO MAKE LUMP SUM**
 18 **SEVERANCE PAYMENTS.**

19 *Section 5595(i)(4) of title 5, United States Code, is*
 20 *amended by striking “October 1, 2006” and inserting “Oc-*
 21 *tober 1, 2010”.*

1 **SEC. 1104. AUTHORITY FOR HEADS OF AGENCIES TO ALLOW**
2 **SHORTER LENGTH OF REQUIRED SERVICE BY**
3 **FEDERAL EMPLOYEES AFTER COMPLETION**
4 **OF TRAINING.**

5 *Section 4108 of title 5, United States Code, is amend-*
6 *ed—*

7 *(1) by redesignating subsections (b) and (c) as*
8 *subsections (c) and (d);*

9 *(2) by striking “subsection (b)” in subsection (d)*
10 *(as so redesignated) and inserting “subsection (c)”;*
11 *and*

12 *(3) by inserting after subsection (a) the following*
13 *new subsection (b):*

14 *“(b) The head of an agency that authorized training*
15 *for an employee may require a period of service for the em-*
16 *ployee that is shorter than the period required under sub-*
17 *section (a)(1) if the head of the agency determines it is in*
18 *the best interests of the agency to require a shorter period.*
19 *”.*

20 **SEC. 1105. AUTHORITY TO WAIVE ANNUAL LIMITATION ON**
21 **TOTAL COMPENSATION PAID TO FEDERAL CI-**
22 **VILIAN EMPLOYEES.**

23 *(a) WAIVER AUTHORITY.—During 2006 and notwith-*
24 *standing section 5547 of title 5, United States Code, the*
25 *head of an executive agency may waive, subject to sub-*
26 *section (b), the limitation established in that section for*

1 *total compensation (including limitations on the aggregate*
2 *of basic pay and premium pay payable in a calendar year)*
3 *of an employee who performs work while in an overseas lo-*
4 *cation that is in the area of responsibility of the commander*
5 *of the United States Central Command, in direct support*
6 *of or directly related to a military operation (including a*
7 *contingency operation as defined in section 101(13) of title*
8 *10, United States Code).*

9 **(b) \$200,000 MAXIMUM TOTAL COMPENSATION .—***The*
10 *total compensation of an employee whose pay is covered by*
11 *a waiver under subsection (a) may not exceed \$200,000 in*
12 *a calendar year.*

13 **(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—**
14 *To the extent that a waiver under subsection (a) results in*
15 *payment of additional premium pay of a type that is nor-*
16 *mally creditable as basic pay for retirement or any other*
17 *purpose, such additional pay—*

18 **(1)** *shall not be considered to be basic pay for*
19 *any purpose; and*

20 **(2)** *shall not be used in computing a lump sum*
21 *payment for accumulated and accrued annual leave*
22 *under section 5551 of title 5, United States Code.*

1 **SEC. 1106. TRANSPORTATION OF FAMILY MEMBERS INCI-**
2 **DENT TO REPATRIATION OF FEDERAL EM-**
3 **PLOYEES HELD CAPTIVE.**

4 (a) *ALLOWANCES AUTHORIZED.*—Chapter 57 of title
5 5, United States Code, is amended by adding at the end
6 the following new section:

7 **“§ 5760. Travel and transportation allowances: trans-**
8 **portation of family members incident to**
9 **repatriation of employees held captive**

10 “(a) *ALLOWANCES AUTHORIZED.*—(1) *The head of an*
11 *agency may provide the travel and transportation allow-*
12 *ances described in subsection (c) to not more than three*
13 *family members of an employee as defined in section 2105*
14 *of this title who—*

15 *“(A) was held captive, as determined by the head*
16 *of the agency, and*

17 *“(B) is repatriated to a site in or outside the*
18 *United States.*

19 *“(2) In circumstances determined to be appropriate by*
20 *the head of the agency concerned, the head of the agency*
21 *may waive the limitation on the number of family members*
22 *provided travel and transportation allowances under this*
23 *section.*

24 *“(b) ELIGIBLE PERSONS.*—(1) *In this section, the term*
25 *‘family member’ has the meaning given that term in section*
26 *411h(b) of title 37.*

1 “(2) *The head of an agency may also provide such*
2 *travel and transportation allowances to an attendant who*
3 *accompanies a family member if the head of the agency de-*
4 *termines that—*

5 “(A) *the family member is unable to travel unat-*
6 *tended because of age, physical condition, or other jus-*
7 *tifiable reason; and*

8 “(B) *no other family member who is receiving*
9 *the allowances under this section is able to serve as*
10 *an attendant for the family member.*

11 “(3) *If no family member is able to travel to the repa-*
12 *triation site, the head of the agency concerned may provide*
13 *the travel and transportation allowances to not more than*
14 *two persons who are related to the member (but who do not*
15 *satisfy the definition of family member) and are selected*
16 *by the member.*

17 “(c) *ALLOWANCES DESCRIBED.—(1) The transpor-*
18 *tation authorized by subsection (a) is round-trip transpor-*
19 *tation between—*

20 “(A) *the home of the family member (or the home*
21 *of an attendant or other person provided transpor-*
22 *tation pursuant to paragraph (2) or (3) of subsection*
23 *(b)); and*

1 “(B) *the location of the repatriation site or other*
2 *location determined to be appropriate by the head of*
3 *the agency concerned.*

4 “(2) *In addition to the transportation authorized by*
5 *subsection (a), the head of an agency may provide a per*
6 *diem allowance or reimbursement for the actual and nec-*
7 *essary expenses of the travel, or a combination thereof, but*
8 *not to exceed the rates established under section 404(d) of*
9 *title 37.*

10 “(d) *PROVISION OF ALLOWANCES.—(1) The transpor-*
11 *tation authorized by subsection (a) may be provided by any*
12 *of the following means:*

13 “(A) *Transportation in-kind.*

14 “(B) *A monetary allowance in place of transpor-*
15 *tation in-kind at a rate to be prescribed by the heads*
16 *of the agencies concerned.*

17 “(C) *Reimbursement for the commercial cost of*
18 *transportation.*

19 “(2) *An allowance payable under this subsection may*
20 *be paid in advance.*

21 “(3) *Reimbursement payable under this subsection*
22 *may not exceed the cost of government-procured commercial*
23 *round-trip air travel.*

1 “(e) *REGULATIONS.*—*The heads of the agencies con-*
 2 *cerned shall prescribe uniform regulations to carry out this*
 3 *section.*”.

4 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 5 *the beginning of chapter 57 of title 5, United States Code,*
 6 *is amended by adding at the end the following new item:*

*“5760. Travel and transportation allowances: transportation of family members
 incident to repatriation of employees held captive.”.*

7 **SEC. 1107. PERMANENT EXTENSION OF SCIENCE, MATHE-**
 8 **MATICS, AND RESEARCH FOR TRANS-**
 9 **FORMATION (SMART) DEFENSE SCHOLARSHIP**
 10 **PROGRAM.**

11 (a) *PERMANENT EXTENSION.*—*Section 1105 of the*
 12 *Ronald W. Reagan National Defense Authorization Act for*
 13 *Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074;*
 14 *10 U.S.C. 2192 note) is amended—*

15 (1) *by striking “pilot” each place it appears in*
 16 *the section and subsection headings and the text;*

17 (2) *in subsection (a)—*

18 (A) *by striking “(1)”;* and

19 (B) *by striking paragraph (2);* and

20 (3) *in subsection (b)—*

21 (A) *in paragraph (1)(B), by striking “un-*
 22 *dergraduate” and inserting “associates degree,*
 23 *undergraduate degree,”;* and

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

3 “(3) *Financial assistance provided under a*
4 *scholarship awarded under this section may be paid*
5 *directly to the recipient of such scholarship or to an*
6 *administering entity for disbursement of the funds.”.*

7 (b) *CODIFICATION.—*

8 (1) *AMENDMENT TO TITLE 10.—Chapter 111 of*
9 *title 10, United States Code, is amended—*

10 (A) by inserting after section 2192 the fol-
11 lowing:

12 “**§2192a. Science, Mathematics, and Research for**
13 **Transformation (SMART) Defense Schol-**
14 **arship Program”;** and

15 (B) by transferring and inserting the text of
16 section 1105 of the Ronald W. Reagan National
17 Defense Authorization Act for Fiscal Year 2005
18 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C.
19 2192 note), as amended by subsection (a), so as
20 to appear below the section heading for section
21 2192a, as added by subparagraph (A).

22 (2) *CLERICAL AMENDMENT.—The table of sec-*
23 *tions at the beginning of such chapter is amended by*
24 *inserting after the item relating to section 2192 the*
25 *following new item:*

“2192a. *Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program.*”.

1 (c) *CONFORMING AMENDMENT.—Section 1105 of the*
 2 *Ronald W. Reagan National Defense Authorization Act for*
 3 *Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074;*
 4 *10 U.S.C. 2192 note) is amended by striking subsections*
 5 *(a), (b), (c), (d), (e), (f), and (h).*

6 **TITLE XII—MATTERS RELATING**
 7 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

1201. *Extension of humanitarian and civic assistance provided to host nations in conjunction with military operations.*
 1202. *Commanders’ Emergency Response Program.*
 1203. *Military educational exchanges between senior officers and officials of the United States and Taiwan.*
 1204. *Modification of geographic restriction under bilateral and regional cooperation programs for payment of certain expenses of defense personnel of developing countries.*
 1205. *Authority for Department of Defense to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.*
 1206. *Two-year extension of authority for payment of certain administrative services and support for coalition liaison officers.*

Subtitle B—Nonproliferation Matters and Countries of Concern

1211. *Report on acquisition by Iran of nuclear weapons.*
 1212. *Procurement sanctions against foreign persons that transfer certain defense articles and services to the People’s Republic of China.*
 1213. *Prohibition on procurements from Communist Chinese military companies.*

Subtitle C—Other Matters

1221. *Purchase of weapons overseas for force protection purposes.*
 1222. *Requirement for establishment of certain criteria applicable to on-going Global Posture Review.*

1 **Subtitle A—Assistance and**
2 **Training**

3 **SEC. 1201. EXTENSION OF HUMANITARIAN AND CIVIC AS-**
4 **SISTANCE PROVIDED TO HOST NATIONS IN**
5 **CONJUNCTION WITH MILITARY OPERATIONS.**

6 (a) *LIMITATION ON AMOUNT OF ASSISTANCE FOR*
7 *CLEARANCE OF LANDMINES, ETC.—Subsection (c)(3) of sec-*
8 *tion 401 of title 10, United States Code is amended by strik-*
9 *ing “\$5,000,000” and inserting “\$10,000,000”.*

10 (b) *EXTENSION AND CLARIFICATION OF TYPES OF*
11 *HEALTH CARE AUTHORIZED.—Subsection (e)(1) of such*
12 *section is amended—*

13 (1) *by inserting “surgical,” before “dental,” both*
14 *places it appears; and*

15 (2) *by inserting “, including education, training,*
16 *and technical assistance related to the care provided”*
17 *before the period at the end.*

18 **SEC. 1202. COMMANDERS’ EMERGENCY RESPONSE PRO-**
19 **GRAM.**

20 (a) *FISCAL YEAR 2006 AUTHORITY.—During fiscal*
21 *year 2006, from funds made available to the Department*
22 *of Defense for operation and maintenance pursuant to title*
23 *XV, not to exceed \$500,000,000 may be used by the Sec-*
24 *retary of Defense to provide funds—*

1 (1) *for the Commanders' Emergency Response*
2 *Program established by the Administrator of the Coa-*
3 *alition Provisional Authority for the purpose of ena-*
4 *bling United States military commanders in Iraq to*
5 *respond to urgent humanitarian relief and recon-*
6 *struction requirements within their areas of responsi-*
7 *bility by carrying out programs that will imme-*
8 *diately assist the Iraqi people; and*

9 (2) *for a similar program to assist the people of*
10 *Afghanistan.*

11 (b) *QUARTERLY REPORTS.*—*Not later than 15 days*
12 *after the end of each fiscal-year quarter, the Secretary of*
13 *Defense shall submit to the congressional defense committees*
14 *a report regarding the source of funds and the allocation*
15 *and use of funds during that quarter that were made avail-*
16 *able pursuant to the authority provided in this section or*
17 *under any other provision of law for the purposes stated*
18 *in subsection (a).*

19 (c) *LIMITATION ON USE OF FUNDS.*—*Funds author-*
20 *ized for the Commanders' Emergency Response Program by*
21 *this section may not be used to provide goods, services, or*
22 *funds to national armies, national guard forces, border se-*
23 *curity forces, civil defense forces, infrastructure protection*
24 *forces, highway patrol units, police, special police, or intel-*
25 *ligence or other security forces.*

1 (d) *SECRETARY OF DEFENSE GUIDANCE.*—Not later
2 than 90 days after the date of the enactment of this Act,
3 the Secretary of Defense shall issue to the commander of
4 the United States Central Command detailed guidance con-
5 cerning the types of activities for which United States mili-
6 tary commanders in Iraq may use funds under the Com-
7 manders’ Emergency Response Program to respond to ur-
8 gent relief and reconstruction requirements and the terms
9 under which such funds may be expended. The Secretary
10 shall simultaneously provide a copy of that guidance to the
11 congressional defense committees.

12 **SEC. 1203. MILITARY EDUCATIONAL EXCHANGES BETWEEN**
13 **SENIOR OFFICERS AND OFFICIALS OF THE**
14 **UNITED STATES AND TAIWAN.**

15 (a) *DEFENSE EXCHANGES.*—The Secretary of Defense
16 shall undertake a program of senior military officer and
17 senior official exchanges with Taiwan designed to improve
18 Taiwan’s defenses against the People’s Liberation Army of
19 the People’s Republic of China.

20 (b) *EXCHANGES DESCRIBED.*—For the purposes of this
21 section, the term “exchange” means an activity, exercise,
22 event, or observation opportunity between Armed Forces
23 personnel or Department of Defense officials of the United
24 States and armed forces personnel and officials of Taiwan.

1 (c) *FOCUS OF EXCHANGES.*—*The senior military offi-*
2 *cer and senior official exchanges undertaken pursuant to*
3 *subsection (a) shall include exchanges focused on the fol-*
4 *lowing, especially as they relate to defending Taiwan*
5 *against potential submarine attack and potential missile*
6 *attack:*

7 (1) *Threat analysis.*

8 (2) *Military doctrine.*

9 (3) *Force planning.*

10 (4) *Logistical support.*

11 (5) *Intelligence collection and analysis.*

12 (6) *Operational tactics, techniques, and proce-*
13 *dures.*

14 (d) *CIVIL-MILITARY AFFAIRS.*—*The senior military of-*
15 *ficer and senior official exchanges undertaken pursuant to*
16 *subsection (a) shall include activities and exercises focused*
17 *on civil-military relations, including parliamentary rela-*
18 *tions.*

19 (e) *LOCATION OF EXCHANGES.*—*The senior military*
20 *officer and senior official exchanges undertaken pursuant*
21 *to subsection (a) shall be conducted in both the United*
22 *States and Taiwan.*

23 (f) *DEFINITIONS.*—*For purposes of this section:*

1 (1) *The term “senior military officer” means a*
2 *general or flag officer of the Armed Forces on active*
3 *duty.*

4 (2) *The term “senior official” means a civilian*
5 *official of the Department of Defense at the level of*
6 *Deputy Assistant Secretary of Defense or above.*

7 **SEC. 1204. MODIFICATION OF GEOGRAPHIC RESTRICTION**
8 **UNDER BILATERAL AND REGIONAL COOPERA-**
9 **TION PROGRAMS FOR PAYMENT OF CERTAIN**
10 **EXPENSES OF DEFENSE PERSONNEL OF DE-**
11 **VELOPING COUNTRIES.**

12 *Section 1051(b)(1) of title 10, United States Code, is*
13 *amended—*

14 (1) *by inserting “to and” after “in connection*
15 *with travel”;* and

16 (2) *by striking “in which the developing country*
17 *is located” and inserting “in which the meeting for*
18 *which expenses are authorized is located”.*

19 **SEC. 1205. AUTHORITY FOR DEPARTMENT OF DEFENSE TO**
20 **ENTER INTO ACQUISITION AND CROSS-SERV-**
21 **ICING AGREEMENTS WITH REGIONAL ORGA-**
22 **NIZATIONS OF WHICH THE UNITED STATES IS**
23 **NOT A MEMBER.**

24 *Subchapter I of chapter 138 of title 10, United States*
25 *Code, is amended by striking “of which the United States*

1 *is a member” in sections 2341(1), 2342(a)(1)(C), and*
 2 *2344(b)(4).*

3 **SEC. 1206. TWO-YEAR EXTENSION OF AUTHORITY FOR PAY-**
 4 **MENT OF CERTAIN ADMINISTRATIVE SERV-**
 5 **ICES AND SUPPORT FOR COALITION LIAISON**
 6 **OFFICERS.**

7 *Section 1051a(e) of title 10, United States Code, is*
 8 *amended by striking “September 30, 2005” and inserting*
 9 *“September 30, 2007”.*

10 ***Subtitle B—Nonproliferation***
 11 ***Matters and Countries of Concern***

12 **SEC. 1211. REPORT ON ACQUISITION BY IRAN OF NUCLEAR**
 13 **WEAPONS.**

14 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
 15 *that—*

16 *(1) the Iran Nonproliferation Act of 2000 (Pub-*
 17 *lic Law 106–178) has been a critical tool in pre-*
 18 *venting the spread of weapons of mass destruction*
 19 *and their associated delivery systems to Iran;*

20 *(2) the prevention of the development by Iran of*
 21 *weapons of mass destruction and their associated de-*
 22 *livery systems remains the paramount policy goal of*
 23 *the United States with respect to matters associated*
 24 *with Iran; and*

1 (3) *the Iran Nonproliferation Act of 2000 should*
2 *not be weakened by creating exceptions to require-*
3 *ments of such Act that are intended to serve lesser*
4 *policy priorities.*

5 (b) *REPORT.—Not later than nine months after the*
6 *date of the enactment of this Act, the Secretary of Defense*
7 *and Chairman of the Joint Chiefs of Staff shall submit to*
8 *Congress a report that examines the strategic and military*
9 *implications of the acquisition by Iran of nuclear weapons*
10 *during the five-year period beginning on the date of the en-*
11 *actment of this Act. The report shall include the following:*

12 (1) *An assessment of the acquisition by Iran of*
13 *nuclear weapons on the balance of power among*
14 *states within the area of responsibility of the United*
15 *States Central Command.*

16 (2) *A description of the active and passive de-*
17 *fense systems of the United States that may be able*
18 *to counter such nuclear weapons based on the future-*
19 *years defense program under section 221 of title 10,*
20 *United States Code, extant at the time of the fiscal*
21 *year 2005 defense budget request.*

22 (3) *A description of the military capabilities*
23 *that the United States possesses that would enable it*
24 *to deal with the potential acquisition and use of nu-*

1 *clear weapons by Iran within the area of responsi-*
2 *bility of the United States Central Command.*

3 *(4) An assessment of Iran's ability to deliver and*
4 *detonate nuclear weapons outside of the area of re-*
5 *sponsibility of the United States Central Command.*

6 *(5) A summary of the entities that have provided*
7 *technology, knowledge, or assistance useful in the ef-*
8 *forts of Iran to develop weapons of mass destruction*
9 *or their associated delivery systems during the ten-*
10 *year period ending on the date of the enactment of*
11 *this Act.*

12 *(c) FORM.—The report described in subsection (b) shall*
13 *be submitted in unclassified form as appropriate, with a*
14 *classified annex as necessary.*

15 **SEC. 1212. PROCUREMENT SANCTIONS AGAINST FOREIGN**
16 **PERSONS THAT TRANSFER CERTAIN DE-**
17 **FENSE ARTICLES AND SERVICES TO THE PEOP-**
18 **LE'S REPUBLIC OF CHINA.**

19 *(a) DECLARATION OF POLICY.—Congress declares that*
20 *it is the policy of the United States to deny the People's*
21 *Republic of China such defense goods and defense technology*
22 *that could be used to threaten the United States or under-*
23 *mine the security of Taiwan or the stability of the Western*
24 *Pacific region.*

1 (b) *PROCUREMENT SANCTION.*—(1) *The Secretary of*
2 *Defense may not procure, by contract or otherwise, any*
3 *goods or services from—*

4 (A) *any foreign person the Secretary of Defense*
5 *determines has, with actual knowledge, on or after the*
6 *date of the enactment of this Act, exported, trans-*
7 *ferred, or otherwise provided to governmental or non-*
8 *governmental entities of the People’s Republic of*
9 *China any item or class of items on the United States*
10 *Munitions List (or any item or class of items that are*
11 *identical, substantially identical, or directly competi-*
12 *tive to an item or class of items on the United States*
13 *Munitions List); or*

14 (B) *any foreign person the Secretary of Defense*
15 *determines—*

16 (i) *is a successor entity to a person referred*
17 *to in paragraph (1);*

18 (ii) *is a parent or subsidiary of a person*
19 *referred to in paragraph (1); or*

20 (iii) *is an affiliate of a person referred to*
21 *in paragraph (1) if that affiliate is controlled in*
22 *fact by such person.*

23 (2) *The prohibition under paragraph (1) with respect*
24 *to a foreign person shall last for a period of five years after*

1 *a determination is made by the Secretary of Defense with*
2 *respect to that person under paragraph (1)(A).*

3 *(c) PUBLIC AVAILABILITY OF LIST OF SANCTIONED*
4 *PERSONS.—(1) The Secretary of Defense shall annually*
5 *publish in the Federal Register a current list of any foreign*
6 *persons sanctioned under subsection (b). The removal of for-*
7 *foreign persons from, and the addition of foreign persons to,*
8 *the list shall also be so published.*

9 *(2) The Secretary shall maintain the list published*
10 *under paragraph (1) on the Internet website of the Depart-*
11 *ment of Defense.*

12 *(d) REMOVAL FROM LIST OF SANCTIONED PER-*
13 *SONS.—The Secretary of Defense may remove a person from*
14 *the list of sanctioned persons referred to in subsection (c)*
15 *only after the five-year prohibition period imposed under*
16 *subsection (b) with respect to the person has expired.*

17 *(e) EXCEPTIONS.—(1) Subsection (b) shall not*
18 *apply—*

19 *(A) to contracts, or subcontracts under such con-*
20 *tracts, in existence on the date of the enactment of*
21 *this Act, including options under such contracts;*

22 *(B) if the Secretary of Defense determines in*
23 *writing that the person to which the sanctions would*
24 *otherwise be applied is a sole source supplier of the*
25 *goods or services being procured, that the goods or*

1 *services are essential, and that alternative sources are*
2 *not readily or reasonably available;*

3 *(C) in the case of a contract for routine servicing*
4 *and maintenance, if the Secretary of Defense deter-*
5 *mines in writing alternative sources for performing*
6 *the contract are not readily or reasonably available;*
7 *or*

8 *(D) if the Secretary of Defense determines in*
9 *writing that goods or services proposed to be procured*
10 *under the contract are essential to the national secu-*
11 *urity of the United States.*

12 *(2) Determinations under paragraph (1) shall be pub-*
13 *lished in the Federal Register.*

14 *(f) DEFINITIONS.—In this section:*

15 *(1) The term “foreign person” has the meaning*
16 *given the term in section 14 of the Iran and Libya*
17 *Sanctions Act of 1996 (50 U.S.C. 1701 note).*

18 *(2) The term “United States Munitions List”*
19 *means the list referred to in section 38(a)(1) of the*
20 *Arms Export Control Act (22 U.S.C. 2778(a)(1)).*

21 **SEC. 1213. PROHIBITION ON PROCUREMENTS FROM COM-**
22 **MUNIST CHINESE MILITARY COMPANIES.**

23 *(a) PROHIBITION.—The Secretary of Defense may not*
24 *procure goods or services, through a contract or any sub-*

1 *contract (at any tier) under a contract, from any Com-*
2 *munist Chinese military company.*

3 (b) *DEFINITION.*—*In this section, the term “Com-*
4 *munist Chinese military company” has the meaning pro-*
5 *vided that term by section 1237(b)(4) of the Strom Thur-*
6 *mond National Defense Authorization Act for Fiscal Year*
7 *1999 (50 U.S.C. 1701 note).*

8 ***Subtitle C—Other Matters***

9 ***SEC. 1221. PURCHASE OF WEAPONS OVERSEAS FOR FORCE*** 10 ***PROTECTION PURPOSES.***

11 (a) *PURCHASES IN COUNTRIES IN WHICH COMBAT OP-*
12 *ERATIONS ARE ONGOING.*—

13 (1) *FORCE PROTECTION PURCHASES.*—*Chapter 3*
14 *of title 10, United States Code, is amended by insert-*
15 *ing after section 127b the following new section:*

16 ***“§ 127c. Purchase of weapons overseas: force protec-***
17 ***tion***

18 *“(a) AUTHORITY.*—*When elements of the armed forces*
19 *are engaged in ongoing military operations in a country,*
20 *the Secretary of Defense may, for the purpose of protecting*
21 *United States forces in that country, purchase weapons*
22 *from any foreign person, foreign government, international*
23 *organization, or other entity located in that country.*

1 “(b) *LIMITATION.*—*The total amount expended during*
2 *any fiscal year for purchases under this section may not*
3 *exceed \$15,000,000.*

4 “(c) *ANNUAL CONGRESSIONAL REPORT.*—*Not later*
5 *than 30 days after the end of each fiscal year during which*
6 *the authority under subsection (a) is used, the Secretary*
7 *of Defense shall submit to the congressional defense commit-*
8 *tees a report on the use of that authority during that fiscal*
9 *year. Each such report shall include the following:*

10 “(1) *The number and type of weapons purchased*
11 *during that fiscal year under subsection (a), together*
12 *with the amount spent for those weapons and the Sec-*
13 *retary’s estimate of the fair market value of those*
14 *weapons.*

15 “(2) *A description of the dispositions (if any)*
16 *during that fiscal year of weapons purchased under*
17 *subsection (a).”.*

18 “(2) *CLERICAL AMENDMENT.*—*The table of sec-*
19 *tions at the beginning of such chapter is amended by*
20 *inserting after the item relating to section 127b the*
21 *following new item:*

 “127c. *Purchase of weapons overseas: force protection.*”.

22 “(b) *EFFECTIVE DATE.*—*Section 127c of title 10,*
23 *United States Code, as added by subsection (a), shall take*
24 *effect on October 1, 2005.*

1 **SEC. 1222. REQUIREMENT FOR ESTABLISHMENT OF CER-**
2 **TAIN CRITERIA APPLICABLE TO ON-GOING**
3 **GLOBAL POSTURE REVIEW.**

4 (a) *CRITERIA.*—As part of the on-going review of over-
5 seas basing plans being conducted within the Department
6 of Defense that is referred to as the “Global Posture Re-
7 view”, the Secretary of Defense shall develop criteria for as-
8 sessing, with respect to each type of facility specified in sub-
9 section (c), the following factors in deciding whether to seek
10 agreement with a foreign country to establish or maintain
11 such a facility in that country:

12 (1) *The effect on strategic mobility of units de-*
13 *ployed to overseas locations in areas in which United*
14 *States Armed Forces have not traditionally been de-*
15 *ployed.*

16 (2) *The cost of deploying units to areas referred*
17 *to in paragraph (1) on a rotational basis (rather*
18 *than on a permanent basing basis).*

19 (3) *The strategic benefit of rotational deploy-*
20 *ments through countries with which the United States*
21 *is developing a close or new security relationship.*

22 (4) *The relative speed and complexity of con-*
23 *ducting negotiations with a particular country.*

24 (5) *The appropriate and available funding mech-*
25 *anisms for changes to specific Main Operating Bases,*

1 *Forward Operating Bases, or Cooperative Security*
2 *Locations.*

3 (6) *The effect on military quality of life of estab-*
4 *lishing or maintaining any of such types of facilities.*

5 (7) *Other criteria as Secretary of Defense deter-*
6 *mines appropriate.*

7 (b) *ANALYSIS OF ALTERNATIVES TO BASING OR OPER-*
8 *ATING LOCATIONS.—The Secretary of Defense shall develop*
9 *a mechanism for analyzing alternatives to any particular*
10 *overseas basing or operating location. Such a mechanism*
11 *shall incorporate the factors specified in paragraphs (1)*
12 *through (4) of subsection (a).*

13 (c) *MINIMAL INFRASTRUCTURE REQUIREMENTS FOR*
14 *OVERSEAS INSTALLATIONS.—The Secretary of Defense shall*
15 *develop a template of minimal infrastructure requirements*
16 *for each of the following types of facilities:*

17 (1) *Facilities categorized as Main Operating*
18 *Bases.*

19 (2) *Facilities categorized as Forward Operating*
20 *Bases.*

21 (3) *Facilities categorized as Cooperative Security*
22 *Locations.*

23 (d) *CONSULTATION WITH SENIOR MILITARY OFFI-*
24 *CERS.—The Secretary of Defense shall carry out subsections*
25 *(a), (b), and (c) in consultation with the Chairman of the*

1 *Joint Chiefs of Staff and the commanders of the regional*
 2 *combatant commands.*

3 (e) *ANNUAL BUDGET ELEMENT.*—*The Secretary of De-*
 4 *fense shall provide to Congress, as an element of the annual*
 5 *budget request of the Secretary, information regarding the*
 6 *funding sources for changes to individual Main Operating*
 7 *Bases, Forward Operating Bases, or Cooperative Security*
 8 *Locations.*

9 (f) *REPORT.*—*Not later than March 30, 2006, the Sec-*
 10 *retary of Defense shall submit to Congress a report on the*
 11 *matters specified in subsections (a) through (c).*

12 **TITLE XIII—COOPERATIVE**
 13 **THREAT REDUCTION WITH**
 14 **STATES OF THE FORMER SO-**
 15 **VIET UNION**

1301. *Specification of Cooperative Threat Reduction programs and funds.*

1302. *Funding allocations.*

1303. *Authority to obligate weapons of mass destruction proliferation prevention funds for nuclear weapons storage security.*

1304. *Extension of limited waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.*

1305. *Report on elimination of impediments to nuclear threat-reduction and nonproliferation programs in the Russian Federation.*

16 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
 17 **DUCTION PROGRAMS AND FUNDS.**

18 (a) *SPECIFICATION OF CTR PROGRAMS.*—*For pur-*
 19 *poses of section 301 and other provisions of this Act, Coop-*
 20 *erative Threat Reduction programs are the programs speci-*
 21 *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 chemical weapons destruction in Russia,*
5 *\$108,500,000.*

6 (6) *For biological weapons proliferation preven-*
7 *tion in the former Soviet Union, \$60,849,000.*

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*d 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*d. 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 (5) through (8) of subsection*
20 *(a) in excess of 125 percent of the specific amount author-*
21 *ized for such purpose.*

1 **SEC. 1303. AUTHORITY TO OBLIGATE WEAPONS OF MASS**
2 **DESTRUCTION PROLIFERATION PREVENTION**
3 **FUNDS FOR NUCLEAR WEAPONS STORAGE SE-**
4 **CURITY.**

5 (a) *IN GENERAL.*—Subject to subsection (b), in any
6 case in which the Secretary of Defense determines that it
7 is necessary to do so in the national interest, the Secretary
8 may obligate amounts appropriated for fiscal year 2006 for
9 the purpose listed in subsection (c)(4) of section 1302 for
10 the purpose listed in subsection (c)(2) of that section.

11 (b) *LIMITATION.*—The authority provided in sub-
12 section (a) may be used only after—

13 (1) the Secretary submits to Congress notification of
14 the intent to do so together with a complete discussion of
15 the justification for doing so; and

16 (2) 15 days have elapsed following the date of the noti-
17 fication.

18 **SEC. 1304. EXTENSION OF LIMITED WAIVER OF RESTRIC-**
19 **TIONS ON USE OF FUNDS FOR THREAT RE-**
20 **DUCTION IN STATES OF THE FORMER SOVIET**
21 **UNION.**

22 Section 1306 of the Bob Stump National Defense Au-
23 thorization Act for Fiscal Year 2003 (22 U.S.C. 5952 note)
24 is amended by adding at the end the following new sub-
25 section:

1 “(f) *COVERAGE OF CALENDAR YEARS.*—*The authority*
2 *under subsection (a) applies with respect to calendar years*
3 *2005, 2006, and 2007 in the same manner as it applies*
4 *to fiscal years. The authority under this subsection shall*
5 *expire on December 31, 2007.*”.

6 **SEC. 1305. REPORT ON ELIMINATION OF IMPEDIMENTS TO**
7 **NUCLEAR THREAT-REDUCTION AND NON-**
8 **PROLIFERATION PROGRAMS IN THE RUSSIAN**
9 **FEDERATION.**

10 (a) *FINDINGS.*—*Congress finds that—*

11 (1) *despite the importance of programs and ac-*
12 *tivities to assist in securing nuclear weapons and*
13 *fissile materials in the states of the former Soviet*
14 *Union, the effective conduct of some programs and ac-*
15 *tivities in the Russian Federation is impeded by nu-*
16 *merous legal and administrative disagreements re-*
17 *garding a variety of issues, including issues relating*
18 *to access to sites, liability, and taxation; and*

19 (2) *it has been possible to resolve disagreements*
20 *of that nature in other republics of the former Soviet*
21 *Union through committed and high-level discussions*
22 *between the United States and those republics.*

23 (b) *REPORT.*—*Not later than November 1, 2006, the*
24 *President shall submit to Congress a report on impediments*
25 *in the states of the former Soviet Union to the effective con-*

1 *duct of programs and activities of the United States relat-*
 2 *ing to securing nuclear weapons and fissile materials in*
 3 *those states. The report shall—*

4 (1) *identify the impediments to the rapid, effi-*
 5 *cient, and effective conduct of programs and activities*
 6 *of the Department of Defense, the Department of*
 7 *State, and the Department of Energy to assist in se-*
 8 *curing such materials in those states, including issues*
 9 *relating to access to sites, liability, and taxation; and*

10 (2) *describe the plans of the United States to*
 11 *overcome or ameliorate such impediments, including*
 12 *an identification and discussion of new models and*
 13 *approaches that might be used to develop new rela-*
 14 *tionships with entities in Russia capable of assisting*
 15 *in removing or ameliorating those impediments, and*
 16 *any congressional action that may be necessary for*
 17 *that purpose.*

18 **TITLE XIV—CONTRACT DISPUTE**
 19 **ENHANCEMENT**

Subtitle A—General provisions

1411. *Definitions.*

Subtitle B—Establishment of civilian and defense Boards of contract appeals

1421. *Establishment.*

1422. *Membership.*

1423. *Chairmen.*

1424. *Rulemaking authority.*

1425. *Authorization of appropriations.*

Subtitle C—Functions of defense and civilian Boards of contract appeals

1431. *Contract disputes.*
 1432. *Enhanced access for small business.*
 1433. *Applicability to certain contracts.*

Subtitle D—Transfers and transition, savings, and conforming provisions

1441. *Transfer and allocation of appropriations and personnel.*
 1442. *Terminations and savings provisions.*
 1443. *Contract disputes authority of Boards.*
 1444. *References to agency Boards of contract appeals.*
 1445. *Conforming amendments.*

Subtitle E—Effective Date; Regulations and Appointment of Chairmen

1451. *Effective date.*
 1452. *Regulations.*
 1453. *Appointment of Chairmen of Defense Board and Civilian Board.*

1 ***Subtitle A—General Provisions***

2 ***SEC. 1411. DEFINITIONS.***

3 (a) *IN GENERAL.*—*The Office of Federal Procurement*
 4 *Policy Act (41 U.S.C. 401 et seq.) is amended by adding*
 5 *at the end the following:*

6 ***“TITLE II—DISPUTE***
 7 ***RESOLUTION***

8 ***“Subtitle A—General Provisions***

9 ***“SEC. 201. DEFINITIONS.***

10 *“In this title:*

11 *“(1) The term ‘Defense Board’ means the De-*
 12 *partment of Defense Board of Contract Appeals estab-*
 13 *lished pursuant to section 8(a)(1) of the Contract Dis-*
 14 *putes Act of 1978 (41 U.S.C. 607).*

15 *“(2) The term ‘Civilian Board’ means the Civil-*
 16 *ian Board of Contract Appeals established pursuant*

1 *to section 8(b)(1) of the Contract Disputes Act of 1978*
2 *(41 U.S.C. 607).*

3 “(3) *The term ‘Board judge’ means a member of*
4 *the Defense Board or the Civilian Board, as the case*
5 *may be.*

6 “(4) *The term ‘Chairman’ means the Chairman*
7 *of the Defense Board or the Civilian Board, as the*
8 *case may be.*

9 “(5) *The term ‘Board concerned’ means—*

10 “(A) *the Defense Board with respect to mat-*
11 *ters within its jurisdiction; and*

12 “(B) *the Civilian Board with respect to*
13 *matters within its jurisdiction.*

14 “(6) *The term ‘executive agency’—*

15 “(A) *with respect to contract disputes under*
16 *the jurisdiction of the Defense Board, means the*
17 *Department of Defense, the Department of the*
18 *Army, the Department of the Navy, the Depart-*
19 *ment of the Air Force, or the National Aero-*
20 *navics and Space Administration; and*

21 “(B) *with respect to contract disputes under*
22 *the jurisdiction of the Civilian Board, has the*
23 *meaning given by section 4(1) of this Act except*
24 *that the term does not include the Department of*
25 *Defense, the Department of the Army, the De-*

1 *partment of the Navy, the Department of the Air*
 2 *Force, the National Aeronautics and Space Ad-*
 3 *ministration, and the Tennessee Valley Author-*
 4 *ity.”.*

5 (b) *CONFORMING AMENDMENTS.—The Office of Fed-*
 6 *eral Procurement Policy Act (41 U.S.C. 401 et seq.) is fur-*
 7 *ther amended—*

8 (1) *by inserting the following before section 1:*

9 **“TITLE I—FEDERAL PROCURE-**
 10 **MENT POLICY GENERALLY”;**

11 *and*

12 (2) *in section 4, by striking out “As used in this*
 13 *Act:” and inserting in lieu thereof “Except as other-*
 14 *wise specifically provided, as used in this Act:”.*

15 **Subtitle B—Establishment of Civil-**
 16 **ian and Defense Boards of Con-**
 17 **tract Appeals**

18 **SEC. 1421. ESTABLISHMENT.**

19 (a) *DEFENSE BOARD.—Subsection (a)(1) of section 8*
 20 *of the Contract Disputes Act of 1978 (41 U.S.C. 607) is*
 21 *amended to read as follows:*

22 “(a)(1) *There is established in the Department of De-*
 23 *fense a board of contract appeals to be known as the Depart-*
 24 *ment of Defense Board of Contract Appeals.”.*

1 (b) *CIVILIAN BOARD.*—Subsection (b)(1) of section 8
2 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is
3 amended to read as follows:

4 “(b)(1) There is established in the General Services Ad-
5 ministration a board of contract appeals to be known as
6 the Civilian Board of Contract Appeals.”.

7 **SEC. 1422. MEMBERSHIP.**

8 The Office of Federal Procurement Policy Act (41
9 U.S.C. 401 et seq.), as amended by section 1411, is further
10 amended by adding at the end the following:

11 **“SEC. 202. MEMBERSHIP.**

12 “(a) *APPOINTMENT.*—(1)(A) The Defense Board shall
13 consist of judges appointed by the Secretary of Defense from
14 a register of applicants maintained by the Defense Board,
15 in accordance with rules issued by the Defense Board for
16 establishing and maintaining a register of eligible appli-
17 cants and selecting Defense Board judges. The Secretary
18 shall appoint a judge without regard to political affiliation
19 and solely on the basis of the professional qualifications re-
20 quired to perform the duties and responsibilities of a De-
21 fense Board judge.

22 “(B) The Civilian Board shall consist of judges ap-
23 pointed by the Administrator for Federal Procurement Pol-
24 icy from a register of applicants maintained by the Admin-
25 istrator, in accordance with rules issued by the Adminis-

1 *trator for establishing and maintaining a register of eligible*
2 *applicants and selecting Civilian Board judges. The Ad-*
3 *ministrators shall appoint a judge without regard to polit-*
4 *ical affiliation and solely on the basis of the professional*
5 *qualifications required to perform the duties and respon-*
6 *sibilities of a Civilian Board judge.*

7 “(2) *The members of the Defense Board and the Civil-*
8 *ian Board shall be selected and appointed to serve in the*
9 *same manner as administrative law judges appointed pur-*
10 *suant to section 3105 of title 5, United States Code, with*
11 *an additional requirement that such members shall have*
12 *had not fewer than five years of experience in public con-*
13 *tract law.*

14 “(3) *Notwithstanding paragraph (2) and subject to*
15 *subsection (b), the following persons shall serve as Board*
16 *judges:*

17 “(A) *For the Defense Board, any full-time mem-*
18 *ber of the Armed Services Board of Contract Appeals*
19 *-serving as such on the day before the effective date of*
20 *this title.*

21 “(B) *For the Civilian Board, any full-time mem-*
22 *ber of any agency board of contract appeals other*
23 *than the Armed Services Board of Contract Appeals,*
24 *the Postal Service Board of Contract Appeals, and the*
25 *board of contract appeals of the Tennessee Valley Au-*

1 *thority serving as such on the day before the effective*
2 *date of this title.*

3 “(b) *REMOVAL.—Members of the Defense Board and*
4 *the Civilian Board shall be subject to removal in the same*
5 *manner as administrative law judges, as provided in sec-*
6 *tion 7521 of title 5, United States Code.*

7 “(c) *COMPENSATION.—Compensation for the Chair-*
8 *man of the Defense Board and the Chairman of the Civilian*
9 *Board and all other members of each Board shall be deter-*
10 *mined under section 5372a of title 5, United States Code.”.*

11 **SEC. 1423. CHAIRMEN.**

12 *The Office of Federal Procurement Policy Act (41*
13 *U.S.C. 401 et seq.), as amended by section 1422, is further*
14 *amended by adding at the end the following:*

15 **“SEC. 203. CHAIRMEN.**

16 “(a) *DESIGNATION.—(1)(A) The Chairman of the De-*
17 *fense Board shall be designated by the Secretary of Defense*
18 *to serve for a term of five years. The Secretary shall select*
19 *the Chairman from among sitting judges each of whom has*
20 *had at least five years of service as a member of the Armed*
21 *Services Board of Contract Appeals.*

22 “(B) *The Chairman of the Civilian Board shall be des-*
23 *ignated by the Administrator for Federal Procurement Pol-*
24 *icy to serve for a term of five years. The Administrator shall*
25 *select the Chairman from among sitting judges each of*

1 *whom has had at least five years of service as a member*
2 *of an agency board of contract appeals other than the*
3 *Armed Services Board of Contract Appeals.*

4 “(2) *A Chairman of a Board may continue to serve*
5 *after the expiration of the Chairman’s term until a suc-*
6 *cessor has taken office. A Chairman may be reappointed*
7 *any number of times.*

8 “(b) *RESPONSIBILITIES.—The Chairman of the De-*
9 *fense Board or the Civilian Board, as the case may be, shall*
10 *be responsible on behalf of the Board for the executive and*
11 *administrative operation of the Board, including functions*
12 *of the Board with respect to the following:*

13 “(1) *The selection, appointment, and fixing of*
14 *the compensation of such personnel, pursuant to part*
15 *III of title 5, United States Code, as the Chairman*
16 *considers necessary or appropriate, including a Clerk*
17 *of the Board, a General Counsel, and clerical and*
18 *legal assistance for Board judges.*

19 “(2) *The supervision of personnel employed by or*
20 *assigned to the Board, and the distribution of work*
21 *among such personnel.*

22 “(3) *The operation of an Office of the Clerk of*
23 *the Board, including the receipt of all filings made*
24 *with the Board, the assignment of cases, and the*
25 *maintenance of all records of the Board.*

1 “(4) *The prescription of such rules and regula-*
2 *tions as the Chairman considers necessary or appro-*
3 *priate for the administration and management of the*
4 *Board.*”

5 “(c) *VICE CHAIRMEN.—The Chairman of the Defense*
6 *Board or the Civilian Board, as the case may be, may des-*
7 *ignate up to two other Board judges as Vice Chairmen. The*
8 *Vice Chairmen, in the order designated by the Chairman,*
9 *shall act in the place and stead of the Chairman during*
10 *the absence of the Chairman.”.*

11 **SEC. 1424. RULEMAKING AUTHORITY.**

12 *The Office of Federal Procurement Policy Act (41*
13 *U.S.C. 401 et seq.), as amended by section 1423, is further*
14 *amended by adding at the end the following:*

15 **“SEC. 204. RULEMAKING AUTHORITY.**

16 *“Except as provided by section 1452 of the National*
17 *Defense Authorization Act for Fiscal Year 2006, the Chair-*
18 *man of the Defense Board and the Chairman of the Civilian*
19 *Board, in consultation with the Administrator for Federal*
20 *Procurement Policy, shall jointly issue and maintain—*

21 *“(1) such procedural rules and regulations as are*
22 *necessary to the exercise of the functions of the Boards*
23 *under section 211; and*

24 *“(2) statements of policy of general applicability*
25 *with respect to such functions.”.*

1 **SEC. 1425. AUTHORIZATION OF APPROPRIATIONS.**

2 *The Office of Federal Procurement Policy Act (41*
3 *U.S.C. 401 et seq.), as amended by section 1424, is further*
4 *amended by adding at the end the following:*

5 **“SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

6 *“There are authorized to be appropriated for fiscal*
7 *year 2006 and each succeeding fiscal year such sums as*
8 *may be necessary to carry out the provisions of this title.*
9 *Funds for the activities of each Board shall be separately*
10 *appropriated for such purpose. Funds appropriate pursu-*
11 *ant to this section shall remain available until expended.”.*

12 ***Subtitle C—Functions of Defense***
13 ***and Civilian Boards of Contract***
14 ***Appeals***

15 **SEC. 1431. CONTRACT DISPUTES.**

16 *The Office of Federal Procurement Policy Act (41*
17 *U.S.C. 401 et seq.), as amended by section 1425, is further*
18 *amended by adding at the end the following:*

19 ***“Subtitle B—Functions of the De-***
20 ***fense and Civilian Boards of***
21 ***Contract Appeals***

22 **“SEC. 211. CONTRACT DISPUTES.**

23 *“The Defense Board shall have jurisdiction as provided*
24 *by section 8(a)(1) of the Contract Disputes Act of 1978 (41*
25 *U.S.C. 607(a)). The Civilian Board shall have jurisdiction*

1 *as provided by section 8(b)(1) of such Act (41 U.S.C.*
2 *607(b)).”.*

3 **SEC. 1432. ENHANCED ACCESS FOR SMALL BUSINESS.**

4 *Section 9(a) of the Contract Disputes Act of 1978 (41*
5 *U.S.C. 608) is amended by striking out the period at the*
6 *end of the first sentence and inserting the following: “or,*
7 *in the case of a small business concern (as defined in the*
8 *Small Business Act and regulations under that Act),*
9 *\$150,000 or less.”.*

10 **SEC. 1433. APPLICABILITY TO CERTAIN CONTRACTS.**

11 *The Office of Federal Procurement Policy Act (41*
12 *U.S.C. 401 et seq.), as amended by section 1431, is further*
13 *amended by adding at the end the following:*

14 **“SEC. 212. APPLICABILITY TO CERTAIN CONTRACTS.**

15 *“(a) CONTRACTS AT OR BELOW THE SIMPLIFIED AC-*
16 *QUISITION THRESHOLD.—Notwithstanding section 33 of*
17 *this Act, the authority conferred on the Defense Board and*
18 *the Civilian Board by this title is applicable to contracts*
19 *in amounts not greater than the simplified acquisition*
20 *threshold.*

21 *“(b) CONTRACTS FOR COMMERCIAL ITEMS.—Notwith-*
22 *standing section 34 of this Act, the authority conferred on*
23 *the Defense Board and the Civilian Board by this title is*
24 *applicable to contracts for the procurement of commercial*
25 *items.”.*

1 ***Subtitle D—Transfers and Transi-***
2 ***tion, Savings, and Conforming***
3 ***Provisions***

4 **SEC. 1441. TRANSFER AND ALLOCATION OF APPROPRIA-**
5 ***TIONS AND PERSONNEL.***

6 (a) *TRANSFERS.—*

7 (1) *ARMED SERVICES BOARD OF CONTRACT AP-*
8 *PEALS.—The personnel employed in connection with,*
9 *and the assets, liabilities, contracts, property, records,*
10 *and unexpended balance of appropriations, authoriza-*
11 *tions, allocations, and other funds employed, held,*
12 *used, arising from, available to, or to be made avail-*
13 *able in connection with the functions vested by law in*
14 *the Armed Services Board of Contract Appeals estab-*
15 *lished pursuant to section 8 of the Contract Disputes*
16 *Act of 1978 (41 U.S.C. 607) (as in effect on the day*
17 *before the effective date described in section 1451),*
18 *shall be transferred to the Department of Defense*
19 *Board of Contract Appeals for appropriate allocation*
20 *by the Chairman of that Board.*

21 (2) *OTHER BOARDS OF CONTRACTS APPEALS.—*
22 *The personnel employed in connection with, and the*
23 *assets, liabilities, contracts, property, records, and un-*
24 *expended balance of appropriations, authorizations,*
25 *allocations, and other funds employed, held, used,*

1 *arising from, available to, or to be made available in*
2 *connection with the functions vested by law in the*
3 *boards of contract appeals established pursuant to sec-*
4 *tion 8 of the Contract Disputes Act of 1978 (41*
5 *U.S.C. 607) (as in effect on the day before the effective*
6 *date described in section 1451) other than the Armed*
7 *Services Board of Contract Appeals, the board of con-*
8 *tract appeals of the Tennessee Valley Authority, and*
9 *the Postal Service Board of Contract Appeals shall be*
10 *transferred to the Civilian Board of Contract Appeals*
11 *for appropriate allocation by the Chairman of that*
12 *Board.*

13 *(b) EFFECT ON PERSONNEL.—Personnel transferred*
14 *pursuant to this subtitle shall not be separated or reduced*
15 *in compensation for one year after such transfer, except for*
16 *cause.*

17 *(c) REGULATIONS.—(1) The Department of Defense*
18 *Board of Contract Appeals and the Civilian Board of Con-*
19 *tract Appeals shall each prescribe regulations for the release*
20 *of competing employees in a reduction in force that gives*
21 *due effect to—*

22 *(A) efficiency or performance ratings;*

23 *(B) military preference; and*

24 *(C) tenure of employment.*

1 (2) *In prescribing the regulations, the Board concerned*
2 *shall provide for military preference in the same manner*
3 *as set forth in subchapter I of chapter 35 of title 5, United*
4 *States Code.*

5 **SEC. 1442. TERMINATIONS AND SAVINGS PROVISIONS.**

6 (a) *TERMINATION OF BOARDS OF CONTRACT AP-*
7 *PEALS.—Effective on the effective date described in section*
8 *1451, the boards of contract appeals established pursuant*
9 *to section 8 of the Contract Disputes Act of 1978 (41 U.S.C.*
10 *607) (as in effect on the day before such effective date), other*
11 *than the board of contract appeals of the Tennessee Valley*
12 *Authority and the Postal Service Board of Contract Ap-*
13 *peals, shall terminate.*

14 (b) *SAVINGS PROVISION FOR CONTRACT DISPUTE*
15 *MATTERS PENDING BEFORE BOARDS.—(1) This title and*
16 *the amendments made by this title shall not affect any pro-*
17 *ceedings pending on the effective date described in section*
18 *1451 before any board of contract appeals terminated by*
19 *subsection (a).*

20 (2) *In the case of any such proceedings pending before*
21 *the Armed Services Board of Contract Appeals, the pro-*
22 *ceedings shall be continued by the Department of Defense*
23 *Board of Contract Appeals, and orders which were issued*
24 *in any such proceeding by the Armed Services Board of*
25 *Contract Appeals shall continue in effect until modified,*

1 *terminated, superseded, or revoked by the Department of*
2 *Defense Board of Contract Appeals, by a court of competent*
3 *jurisdiction, or by operation of law.*

4 (3) *In the case of any such proceedings pending before*
5 *an agency board of contract appeals other than the Armed*
6 *Services Board of Contract Appeals or the board of contract*
7 *appeals of the Tennessee Valley Authority, the proceedings*
8 *shall be continued by the Civilian Board of Contract Ap-*
9 *peals, and orders which were issued in any such proceeding*
10 *by the agency board shall continue in effect until modified,*
11 *terminated, superseded, or revoked by the Civilian Board*
12 *of Contract Appeals, by a court of competent jurisdiction,*
13 *or by operation of law.*

14 **SEC. 1443. CONTRACT DISPUTES AUTHORITY OF BOARDS.**

15 (a) *Section 2 of the Contract Disputes Act of 1978 (41*
16 *U.S.C. 601) is amended—*

17 (1) *in paragraph (2), by striking out “, the*
18 *United States Postal Service, and the Postal Rate*
19 *Commission”;*

20 (2) *by redesignating paragraph (7) as para-*
21 *graph (9);*

22 (3) *by amending paragraph (6) to read as fol-*
23 *lows:*

24 “(6) *the terms ‘agency board’ or ‘agency board of*
25 *contract appeals’ mean—*

1 “(1) the Department of Defense Board of
2 Contract Appeals established under section
3 8(a)(1) of this Act;

4 “(2) the Civilian Board of Contract Appeals
5 established under section 8(b)(1) of this Act;

6 “(3) the board of contract appeals of the
7 Tennessee Valley Authority; or

8 “(4) the Postal Service Board of Contract
9 Appeals established under section 8(h) of this
10 Act;”; and

11 (4) by inserting after paragraph (6) the fol-
12 lowing new paragraphs:

13 “(7) the term ‘Defense Board’ means the Depart-
14 ment of Defense Board of Contract Appeals estab-
15 lished under section 8(a)(1) of this Act;

16 “(8) the term ‘Civilian Board’ means the Civil-
17 ian Board of Contract Appeals established under sec-
18 tion 8(b)(1) of this Act; and”.

19 (b) Section 8 of the Contract Disputes Act of 1978 (41
20 U.S.C. 607), as amended by section 1421, is further amend-
21 ed—

22 (1) by striking out subsection (c);

23 (2) in subsection (d)—

24 (A) by striking out the first sentence and
25 inserting in lieu thereof the following: “The De-

1 *fense Board shall have jurisdiction to decide any*
2 *appeal from a decision of a contracting officer of*
3 *the Department of Defense, the Department of*
4 *the Army, the Department of the Navy, the De-*
5 *partment of the Air Force, or the National Aero-*
6 *navitics and Space Administration relative to a*
7 *contract made by that department or agency.*
8 *The Civilian Board shall have jurisdiction to de-*
9 *cide any appeal from a decision of a contracting*
10 *officer of any executive agency (other than the*
11 *Department of Defense, the Department of the*
12 *Army, the Department of the Navy, the Depart-*
13 *ment of the Air Force, the National Aeronautics*
14 *and Space Administration, the United States*
15 *Postal Service, the Postal Rate Commission, or*
16 *the Tennessee Valley Authority) relative to a con-*
17 *tract made by that agency. Each other agency*
18 *board shall have jurisdiction to decide any ap-*
19 *peal from a decision of a contracting officer rel-*
20 *ative to a contract made by its agency.”; and*

21 *(B) in the second sentence, by striking out*
22 *“Claims Court” and inserting in lieu thereof*
23 *“Court of Federal Claims”;*

24 *(3) by striking out subsection (h) and inserting*
25 *in lieu thereof the following:*

1 “(h) *There is established an agency board of contract*
2 *appeals to be known as the ‘Postal Service Board of Con-*
3 *tract Appeals’.* Such board shall have jurisdiction to decide
4 *any appeal from a decision of a contracting officer of the*
5 *United States Postal Service or the Postal Rate Commission*
6 *relative to a contract made by either agency. Such board*
7 *shall consist of judges appointed by the Postmaster General*
8 *who shall meet the qualifications of and serve in the same*
9 *manner as judges of the Civilian Board of Contract Ap-*
10 *peals. This Act and title II of the Office of Federal Procure-*
11 *ment Policy Act shall apply to contract disputes before the*
12 *Postal Service Board of Contract Appeals in the same man-*
13 *ner as they apply to contract disputes before the Civilian*
14 *Board.”; and*

15 (4) *by striking out subsection (i).*

16 **SEC. 1444. REFERENCES TO AGENCY BOARDS OF CONTRACT**
17 **APPEALS.**

18 (a) *DEFENSE BOARD.*—Any reference to the Armed
19 *Services Board of Contract Appeals in any provision of law*
20 *or in any rule, regulation, or other paper of the United*
21 *States shall be treated as referring to the Department of*
22 *Defense Board of Contract Appeals.*

23 (b) *CIVILIAN BOARD.*—Any reference to an agency
24 *board of contract appeals other than the Armed Services*
25 *Board of Contract Appeals, the board of contract appeals*

1 *of the Tennessee Valley Authority, or the Postal Service*
 2 *Board of Contract Appeals in any provision of law or in*
 3 *any rule, regulation, or other paper of the United States*
 4 *shall be treated as referring to the Civilian Board of Con-*
 5 *tract Appeals.*

6 **SEC. 1445. CONFORMING AMENDMENTS.**

7 (a) *TITLE 5.—Section 5372a(a)(1) of title 5, United*
 8 *States Code, is amended by inserting after “of 1978” the*
 9 *following: “or a member of the Department of Defense*
 10 *Board of Contract Appeals or the Civilian Board of Con-*
 11 *tract Appeals appointed under section 202 of the Office of*
 12 *Federal Procurement Policy Act”.*

13 (b) *OFFICE OF FEDERAL PROCUREMENT POLICY*
 14 *ACT.—*

15 (1) *The table of contents for the Office of Federal*
 16 *Procurement Policy Act (contained in section 1(b)) is*
 17 *amended by inserting the following before the item re-*
 18 *lating to section 1:*

“TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY”.

19 (2) *The table of contents for the Office of Federal*
 20 *Procurement Policy Act (contained in section 1(b)) is*
 21 *amended by adding at the end the following:*

“TITLE II—DISPUTE RESOLUTION

“Subtitle A—General provisions

“201. Definitions.

“202. Membership.

“203. Chairmen.

“204. Rulemaking authority.

“205. Authorization of appropriations.

“Subtitle B—Functions of the defense and civilian Boards of contract appeals

“211. Contract disputes.

“212. Applicability to certain contracts.”.

1 **Subtitle E—Effective Date; Regula-**
 2 **tions and Appointment of Chair-**
 3 **men**

4 **SEC. 1451. EFFECTIVE DATE.**

5 *Title II of the Office of Federal Procurement Policy*
 6 *Act, as added by this title, and the amendments and repeals*
 7 *made by this title shall take effect 1 year after the date of*
 8 *the enactment of this Act.*

9 **SEC. 1452. REGULATIONS.**

10 *(a) REGULATIONS REGARDING CLAIMS.—Not later*
 11 *than 1 year after the date of the enactment of this Act, the*
 12 *Chairman of the Armed Services Board of Contract Appeals*
 13 *and the Chairman of the General Services Board of Con-*
 14 *tract Appeals, in consultation with the Administrator for*
 15 *Federal Procurement Policy, shall jointly issue—*

16 *(1) such procedural rules and regulations as are*
 17 *necessary to the exercise of the functions of the De-*
 18 *partment of Defense Board of Contract Appeals and*
 19 *the Civilian Board of Contract Appeals under sec-*
 20 *tions 211 of the Office of Federal Procurement Policy*
 21 *Act (as added by this title); and*

1 (2) *statements of policy of general applicability*
2 *with respect to such functions.*

3 (b) *REGULATIONS REGARDING APPOINTMENT OF*
4 *JUDGES.—Not later than 1 year after the date of the enact-*
5 *ment of this Act—*

6 (1) *the Chairman of the Armed Services Board*
7 *of Contract Appeals shall issue rules governing the es-*
8 *tablishment and maintenance of a register of eligible*
9 *applicants and the selection of judges for the Depart-*
10 *ment of Defense Board of Contract Appeals; and*

11 (2) *the Administrator for Federal Procurement*
12 *Policy shall issue rules governing the establishment*
13 *and maintenance of a register of eligible applicants*
14 *and the selection of judges for the Civilian Board of*
15 *Contract Appeals.*

16 **SEC. 1453. APPOINTMENT OF CHAIRMEN OF DEFENSE**
17 **BOARD AND CIVILIAN BOARD.**

18 *Notwithstanding section 1451, not later than 1 year*
19 *after the date of the enactment of this Act—*

20 (1) *the Secretary of Defense shall appoint the*
21 *Chairman of the Department of Defense Board of*
22 *Contract Appeals; and*

23 (2) *the Administrator for Federal Procurement*
24 *Policy shall appoint the Chairman of the Civilian*
25 *Board of Contract Appeals.*

1 **TITLE XV—AUTHORIZATION FOR**
 2 **INCREASED COSTS DUE TO**
 3 **OPERATION IRAQI FREEDOM**
 4 **AND OPERATION ENDURING**
 5 **FREEDOM**

Subtitle A—General Increases

- 1501. *Purpose.*
- 1502. *Army procurement.*
- 1503. *Navy and Marine Corps procurement.*
- 1504. *Defense-wide activities procurement.*
- 1505. *Research, development, test, and evaluation, defense-wide activities.*
- 1506. *Operation and maintenance.*
- 1507. *Defense working capital funds.*
- 1508. *Defense Health Program.*
- 1509. *Military personnel.*
- 1510. *Iraq Freedom Fund.*
- 1511. *Classified programs.*
- 1512. *Treatment as additional authorizations.*
- 1513. *Transfer authority.*
- 1514. *Availability of funds.*

Subtitle B—Personnel Provisions

- 1521. *Increase in active Army and Marine Corps strength levels.*
- 1522. *Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.*
- 1523. *Military death gratuity enhancement.*
- 1524. *Permanent prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.*
- 1525. *Permanent authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone.*
- 1526. *Permanent increase in length of time dependents of certain deceased members may continue to occupy military family housing or receive basic allowance for housing.*
- 1527. *Availability of special pay for members during rehabilitation from combat-related injuries.*
- 1528. *Allowance to cover monthly deduction from basic pay for Servicemembers' Group Life Insurance coverage for members serving in Operation Enduring Freedom or Operation Iraqi Freedom.*

Subtitle C—Matters Involving Support Provided by Foreign Nations

- 1531. *Reimbursement of certain coalition nations for support provided to United States military operations.*

1 **Subtitle A—General Increases**

2 **SEC. 1501. PURPOSE.**

3 *The purpose of this title is to authorize emergency ap-*
4 *propriations for the Department of Defense for fiscal year*
5 *2006 to provide funds for additional costs due to Operation*
6 *Iraqi Freedom and Operation Enduring Freedom. Funds*
7 *authorized for appropriation in this title are available*
8 *upon the enactment of this Act.*

9 **SEC. 1502. ARMY PROCUREMENT.**

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

13 (1) *For weapons and tracked combat vehicles,*
14 *\$574,627,000.*

15 (2) *For ammunition, \$105,700,000.*

16 (3) *For other procurement, \$1,945,350,000.*

17 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

18 (a) *NAVY.—Funds are hereby authorized to be appro-*
19 *priated for fiscal year 2006 for procurement accounts for*
20 *the Navy in amounts as follows:*

21 (1) *For weapons procurement, \$36,800,000.*

22 (2) *For other procurement, \$15,300,000.*

23 (b) *MARINE CORPS.—Funds are hereby authorized to*
24 *be appropriated for fiscal year 2006 for procurement for*
25 *the Marine Corps in the amount of \$445,400,000.*

1 (c) *NAVY AND MARINE CORPS AMMUNITION.*—*Funds*
2 *are hereby authorized to be appropriated for fiscal year*
3 *2006 for procurement of ammunition for the Navy and the*
4 *Marine Corps in the amount of \$144,721,000.*

5 **SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 2006 for the procurement account for Defense-wide*
8 *procurement in the amount of \$103,900,000.*

9 **SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
10 **TION, DEFENSE-WIDE ACTIVITIES.**

11 *Funds are hereby authorized to be appropriated for fis-*
12 *cal year 2006 for the Department of Defense for research,*
13 *development, test and evaluation, Defense-wide, in the*
14 *amount of \$75,000,000.*

15 **SEC. 1506. OPERATION AND MAINTENANCE.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal year 2006 for the use of the Armed Forces for expenses,*
18 *not otherwise provided for, for operation and maintenance,*
19 *in amounts as follows:*

20 (1) *For the Army, \$20,305,001,000.*

21 (2) *For the Navy, \$1,838,000,000.*

22 (3) *For the Marine Corps, \$1,791,800,000.*

23 (4) *For the Air Force, \$3,195,352,000.*

24 (5) *For Defense-wide, \$2,870,333,000.*

25 (6) *For the Army National Guard, \$159,500,000.*

1 (7) *For the Army Reserve, \$26,400,000.*

2 **SEC. 1507. DEFENSE WORKING CAPITAL FUNDS.**

3 *Funds are hereby authorized to be appropriated for fis-*
4 *cal year 2006 for the Defense Working Capital Fund in the*
5 *amount of \$1,700,000,000.*

6 **SEC. 1508. DEFENSE HEALTH PROGRAM.**

7 *Funds are hereby authorized to be appropriated for the*
8 *Department of Defense for fiscal year 2006 for expenses, not*
9 *otherwise provided for, for the Defense Health Program in*
10 *the amount of \$846,000,000, for Operation and Mainte-*
11 *nance.*

12 **SEC. 1509. MILITARY PERSONNEL.**

13 *There is hereby authorized to be appropriated to the*
14 *Department of Defense for military personnel accounts for*
15 *fiscal year 2006 a total of \$9,390,010,000.*

16 **SEC. 1510. IRAQ FREEDOM FUND.**

17 *(a) IN GENERAL.—Funds are hereby authorized to be*
18 *appropriated for fiscal year 2006 for the account of the Iraq*
19 *Freedom Fund in amount of \$1,000,000,000, to remain*
20 *available for transfer to other accounts in this title until*
21 *April 30, 2006. Amounts of authorization so transferred*
22 *shall be merged with, and be made available for, the same*
23 *purposes as the authorization to which transferred.*

24 *(b) NOTICE TO CONGRESS.—A transfer may be made*
25 *from the Iraq Freedom Fund only after the Secretary of*

1 *Defense notifies the congressional defense subcommittees*
2 *with respect to the proposed transfer in writing not less*
3 *than five days before the transfer is made.*

4 **SEC. 1511. CLASSIFIED PROGRAMS.**

5 *There is hereby authorized to be appropriated for fiscal*
6 *year 2006 for classified programs the amount of*
7 *\$2,500,000,000.*

8 **SEC. 1512. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

9 *The amounts authorized to be appropriated by this*
10 *title are in addition to amounts otherwise authorized to be*
11 *appropriated by this Act.*

12 **SEC. 1513. TRANSFER AUTHORITY.**

13 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

14 *(1) AUTHORITY.—Upon determination by the*
15 *Secretary of Defense that such action is necessary in*
16 *the national interest, the Secretary may transfer*
17 *amounts of authorizations made available to the De-*
18 *partment of Defense in this title for fiscal year 2006*
19 *between any such authorizations for that fiscal year*
20 *(or any subdivisions thereof). Amounts of authoriza-*
21 *tions so transferred shall be merged with and be*
22 *available for the same purposes as the authorization*
23 *to which transferred.*

24 *(2) LIMITATION.—The total amount of author-*
25 *izations that the Secretary may transfer under the*

1 *authority of this section may not exceed*
2 *\$3,000,000,000. The transfer authority provided in*
3 *this section is in addition to any other transfer au-*
4 *thority available to the Secretary of Defense.*

5 *(b) LIMITATIONS.—The authority provided by this sec-*
6 *tion to transfer authorizations—*

7 *(1) may only be used to provide authority for*
8 *items that have a higher priority than the items from*
9 *which authority is transferred;*

10 *(2) may not be used to provide authority for an*
11 *item that has been denied authorization by Congress;*
12 *and*

13 *(3) may not be combined with the authority*
14 *under section 1001.*

15 *(c) EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
16 *fer made from one account to another under the authority*
17 *of this section shall be deemed to increase the amount au-*
18 *thorized for the account to which the amount is transferred*
19 *by an amount equal to the amount transferred.*

20 *(d) NOTICE TO CONGRESS.—A transfer may be made*
21 *under the authority of this section only after the Secretary*
22 *of Defense—*

23 *(1) consults with the chairmen and ranking*
24 *members of the congressional defense committees with*
25 *respect to the proposed transfer; and*

1 (2) *after such consultation, notifies those com-*
2 *mittees in writing of the proposed transfer not less*
3 *than five days before the transfer is made.*

4 **SEC. 1514. AVAILABILITY OF FUNDS.**

5 *Funds in this title shall be made available for obliga-*
6 *tion to the Army, Navy, Marine Corps, Air Force, and De-*
7 *fense-wide components by the end of the second quarter of*
8 *fiscal year 2006.*

9 ***Subtitle B—Personnel Provisions***

10 **SEC. 1521. INCREASE IN ACTIVE ARMY AND MARINE CORPS**
11 **STRENGTH LEVELS.**

12 (a) **AUTHORIZED END STRENGTHS.**—*The end strength*
13 *level authorized for fiscal year 2006 under section 401—*

14 (1) *for the Army is hereby increased by 30,000;*
15 *and*

16 (2) *for the Marine Corps is hereby increased by*
17 *4,000.*

18 (b) **STATUTORY MINIMUM ACTIVE STRENGTH LEV-**
19 **ELS.**—

20 (1) **ARMY.**—*The minimum strength for the Army*
21 *under section 691(b) of title 10, United States Code*
22 *(notwithstanding the number specified in paragraph*
23 *(1) of that section) for the period beginning on Octo-*
24 *ber 1, 2005, and ending on September 30, 2006, shall*

1 *Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1863)*

2 *is amended to read as follows:*

3 “(a) *AUTHORITY.—*

4 “(1) *ARMY.—For each of fiscal years 2007, 2008,*
5 *and 2009, the Secretary of Defense may, as the Sec-*
6 *retary determines necessary for the purposes specified*
7 *in paragraph (3), establish the active-duty end*
8 *strength for the Army at a number greater than the*
9 *number otherwise authorized by law up to the number*
10 *equal to the fiscal-year 2006 baseline plus 20,000.*

11 “(2) *MARINE CORPS.—For each of fiscal years*
12 *2007, 2008, and 2009, the Secretary of Defense may,*
13 *as the Secretary determines necessary for the purposes*
14 *specified in paragraph (3), establish the active-duty*
15 *end strength for the Marine Corps at a number great-*
16 *er than the number otherwise authorized by law up*
17 *to the number equal to the fiscal-year 2006 baseline*
18 *plus 5,000.*

19 “(3) *PURPOSE OF INCREASES.—The purposes for*
20 *which increases may be made in Army and Marine*
21 *Corps active duty end strengths under paragraphs (1)*
22 *and (2) are—*

23 “(A) *to support operational missions; and*

24 “(B) *to achieve transformational reorga-*
25 *nization objectives, including objectives for in-*

1 *creased numbers of combat brigades and battal-*
2 *ions, increased unit manning, force stabilization*
3 *and shaping, and rebalancing of the active and*
4 *reserve component forces.*

5 “(4) *FISCAL-YEAR 2006 BASELINE.*—*In this sub-*
6 *section, the term ‘fiscal-year 2006 baseline’, with re-*
7 *spect to the Army and Marine Corps, means the ac-*
8 *tive-duty end strength authorized for those services in*
9 *section 1521 of the National Defense Authorization*
10 *Act for Fiscal Year 2006.*

11 “(5) *ACTIVE-DUTY END STRENGTH.*—*In this sub-*
12 *section, the term ‘active-duty end strength’ means the*
13 *strength for active-duty personnel of one the Armed*
14 *Forces as of the last day of a fiscal year.*

15 “(b) *RELATIONSHIP TO PRESIDENTIAL WAIVER AU-*
16 *THORITY.*—*Nothing in this section shall be construed to*
17 *limit the President’s authority under section 123a of title*
18 *10, United States Code, to waive any statutory end strength*
19 *in a time of war or national emergency.*

20 “(c) *RELATIONSHIP TO OTHER VARIANCE AUTHOR-*
21 *ITY.*—*The authority under subsection (a) is in addition to*
22 *the authority to vary authorized end strengths that is pro-*
23 *vided in subsections (e) and (f) of section 115 of title 10,*
24 *United States Code.*

25 “(d) *BUDGET TREATMENT.*—

1 “(1) *FISCAL YEAR 2007 BUDGET.*—*The budget for*
2 *the Department of Defense for fiscal year 2007 as sub-*
3 *mitted to Congress shall comply, with respect to fund-*
4 *ing, with subsections (c) and (d) of section 691 of title*
5 *10, United States Code.*

6 “(2) *OTHER INCREASES.*—*If the Secretary of De-*
7 *fense plans to increase the Army or Marine Corps ac-*
8 *tive duty end strength for a fiscal year under sub-*
9 *section (a), then the budget for the Department of De-*
10 *fense for that fiscal year as submitted to Congress*
11 *shall include the amounts necessary for funding that*
12 *active duty end strength in excess of the fiscal year*
13 *2006 active duty end strength authorized for that*
14 *service under section 401 of the National Defense Au-*
15 *thorization Act for Fiscal Year 2006.”.*

16 **SEC. 1523. MILITARY DEATH GRATUITY ENHANCEMENT.**

17 (a) *INCREASE IN AMOUNT.*—*Section 1478 of title 10,*
18 *United States Code, is amended—*

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

21 (2) *by designating the second sentence of sub-*
22 *section (a) as subsection (b) and by striking therein*
23 *“this purpose” and inserting “the purpose of sub-*
24 *section (a)”;*

1 (3) in subsection (a), by striking “title shall be
2 \$12,000 (as adjusted under subsection (e)).” and in-
3 serting the following: “title—

4 “(1) except as provided in paragraph (2), shall
5 be \$12,000 (as adjusted under subsection (e)); and

6 “(2) in the case of a death described in sub-
7 section (d), shall be \$100,000.”;

8 (4) by inserting after subsection (c), as redesign-
9 ated by paragraph (1), the following new subsection:

10 “(d) A death referred to in subsection (a)(2) is a death
11 resulting from wounds, injuries, or illnesses that are—

12 “(1) incurred as described in section 1413a(e)(2)
13 of this title; or

14 “(2) incurred in an operation designated by the
15 Secretary of Defense as a combat operation or in an
16 area designated by the Secretary as a combat zone.”;
17 and

18 (5) in subsection (e), as redesignated by para-
19 graph (1), by striking “subsection (a)” and inserting
20 “subsection (a)(1)”.

21 (b) *EFFECTIVE DATE.*—The amendments made by sub-
22 section (a) shall take effect on October 1, 2005, immediately
23 after the provisions of the second sentence of section
24 1013(e)(2) of division A of the Emergency Supplemental

1 *Appropriations Act for Defense, the Global War on Terror,*
2 *and Tsunami Relief, 2005 (Public Law 109–13).*

3 **SEC. 1524. PERMANENT PROHIBITION AGAINST REQUIRING**
4 **CERTAIN INJURED MEMBERS TO PAY FOR**
5 **MEALS PROVIDED BY MILITARY TREATMENT**
6 **FACILITIES.**

7 (a) *PROHIBITION.*—Section 402 of title 37, United
8 States Code, is amended—

9 (1) *by redesignating subsection (h) as subsection*
10 *(i); and*

11 (2) *by inserting after subsection (g) the following*
12 *new subsection:*

13 “(h) *NO PAYMENT FOR MEALS RECEIVED AT MILI-*
14 *TARY TREATMENT FACILITIES.*—(1) *A member of the armed*
15 *forces who is undergoing medical recuperation or therapy,*
16 *or is otherwise in the status of continuous care, including*
17 *outpatient care, at a military treatment facility for an in-*
18 *jury, illness, or disease described in paragraph (2) shall not*
19 *be required to pay, during any month in which the member*
20 *is entitled to a basic allowance for subsistence under this*
21 *section, any charge for meals provided to the member by*
22 *the military treatment facility.*

23 “(2) *Paragraph (1) applies with respect to an injury,*
24 *illness, or disease incurred or aggravated by a member*
25 *while the member was serving on active duty—*

1 “(A) *in support of Operation Iraqi Freedom or*
2 *Operation Enduring Freedom; or*

3 “(B) *in any other operation designated by the*
4 *Secretary of Defense as a combat operation or in an*
5 *area designated by the Secretary as a combat zone.”.*

6 (b) *REPEAL OF TEMPORARY AUTHORITY.—Section*
7 *1023 of division A of the Emergency Supplemental Appro-*
8 *priations Act for Defense, the Global War on Terror, and*
9 *Tsunami Relief, 2005 (Public Law 109–13), is repealed.*

10 (c) *EFFECTIVE DATE.—The amendments made by this*
11 *section shall take effect on the earlier of the following:*

12 (1) *The date of the enactment of this Act.*

13 (2) *September 30, 2005.*

14 **SEC. 1525. PERMANENT AUTHORITY TO PROVIDE TRAVEL**
15 **AND TRANSPORTATION ALLOWANCES FOR**
16 **DEPENDENTS TO VISIT HOSPITALIZED MEM-**
17 **BERS INJURED IN COMBAT OPERATION OR**
18 **COMBAT ZONE.**

19 (a) *AUTHORITY TO CONTINUE ALLOWANCE.—Effective*
20 *as of September 30, 2005, section 1026 of division A of the*
21 *Emergency Supplemental Appropriations Act for Defense,*
22 *the Global War on Terror, and Tsunami Relief, 2005 (Pub-*
23 *lic Law 109–13), is amended by striking subsections (d)*
24 *and (e).*

1 (b) *CODIFICATION OF REPORTING REQUIREMENT.*—
 2 Section 411h of title 37, United States Code, is amended
 3 by adding at the end the following new subsection:

4 “(e) *If the amount of travel and transportation allow-*
 5 *ances provided in a fiscal year under clause (ii) of sub-*
 6 *section (a)(2)(B) exceeds \$20,000,000, the Secretary of De-*
 7 *fense shall submit to Congress a report specifying the total*
 8 *amount of travel and transportation allowances provided*
 9 *under such clause in such fiscal year.”.*

10 (c) *CONFORMING AMENDMENT.*—Subsection
 11 (i)(2)(B)(ii) of such section, as added by section 1026 of
 12 division A of the Emergency Supplemental Appropriations
 13 Act for Defense, the Global War on Terror, and Tsunami
 14 Relief, 2005 (Public Law 109–13), is amended by striking
 15 “under section 1967(c)(1)(A) of title 38”.

16 **SEC. 1526. PERMANENT INCREASE IN LENGTH OF TIME DE-**
 17 **PENDENTS OF CERTAIN DECEASED MEMBERS**
 18 **MAY CONTINUE TO OCCUPY MILITARY FAMILY**
 19 **HOUSING OR RECEIVE BASIC ALLOWANCE**
 20 **FOR HOUSING.**

21 *Effective as of September 30, 2005, section 1022 of di-*
 22 *vision A of the Emergency Supplemental Appropriations*
 23 *Act for Defense, the Global War on Terror, and Tsunami*
 24 *Relief, 2005 (Public Law 109–13), is amended—*

25 (1) *by striking “(a)”;* and

1 (2) *by striking subsection (b).*

2 **SEC. 1527. AVAILABILITY OF SPECIAL PAY FOR MEMBERS**
3 **DURING REHABILITATION FROM COMBAT-RE-**
4 **LATED INJURIES.**

5 (a) *SPECIAL PAY AUTHORIZED.*—Chapter 5 of title 37,
6 *United States Code, is amended by adding at the end the*
7 *following new section:*

8 **“§ 327. Combat-related injury rehabilitation pay**

9 “(a) *SPECIAL PAY AUTHORIZED.*—The Secretary con-
10 *cerned may pay monthly special pay under this section to*
11 *a member of the armed forces who incurs a combat-related*
12 *injury in a combat operation or combat zone designated*
13 *by the Secretary of Defense and is evacuated from the the-*
14 *ater of the combat operation or from the combat zone for*
15 *medical treatment.*

16 “(b) *COMMENCEMENT OF PAYMENT.*—Subject to sub-
17 *section (c), the special pay authorized by subsection (a)*
18 *may be paid to a member described in such subsection for*
19 *any month beginning after the date on which the member*
20 *was evacuated from the theater of the combat operation or*
21 *the combat zone in which the member incurred the combat-*
22 *related injury.*

23 “(c) *TERMINATION OF PAYMENTS.*—The payment of
24 *special pay to a member under subsection (a) shall termi-*

1 *nate at the end of the first month during which any of the*
2 *following occurs:*

3 “(1) *The member is paid a benefit under the*
4 *traumatic injury protection rider of the*
5 *Servicemembers’ Group Life Insurance Program*
6 *issued under section 1980A of title 38.*

7 “(2) *The member is no longer hospitalized in a*
8 *military treatment facility or a facility under the*
9 *auspices of the military health care system.*

10 “(d) *AMOUNT OF SPECIAL PAY.—The monthly amount*
11 *of special pay paid to a member under this section shall*
12 *be equal to \$430.*

13 “(e) *RELATIONSHIP TO OTHER PAY AND ALLOW-*
14 *ANCES.—Special pay paid to a member under this section*
15 *is in addition to any other pay and allowances to which*
16 *the member is entitled or authorized to receive.*

17 “(f) *COMBAT-RELATED DISABILITY.—In this section,*
18 *the term ‘combat-related injury’, with respect to a member,*
19 *means a wound, injury, or illness that is incurred (as deter-*
20 *mined using the criteria prescribed by the Secretary of De-*
21 *fense under section 1413a(e)(2) of title 10) by the member—*

22 “(1) *as a direct result of armed conflict;*

23 “(2) *while engaged in hazardous service;*

24 “(3) *in the performance of duty under conditions*
25 *simulating war; or*

1 “(4) through an instrumentality of war.”.

2 (b) *CLERICAL AMENDMENT.*—The table of sections at
3 the beginning of chapter 5 of such title is amended by add-
4 ing at the end the following new item:

 “327. *Combat-related injury rehabilitation pay.*”.

5 (c) *EFFECTIVE DATE.*—The Secretary of a military
6 department may provide special pay under section 327 of
7 title 37, United States Code, as added by subsection (a),
8 for months beginning on or after the date of the enactment
9 of this Act. A member of the Armed Forces who incurred
10 a combat-related injury, as defined in subsection (f) of such
11 section, before the date of the enactment of this Act may
12 receive such pay for months beginning on or after that date
13 so long as the member continues to satisfy the eligibility
14 criteria specified in such section.

15 **SEC. 1528. ALLOWANCE TO COVER MONTHLY DEDUCTION**
16 **FROM BASIC PAY FOR SERVICEMEMBERS’**
17 **GROUP LIFE INSURANCE COVERAGE FOR**
18 **MEMBERS SERVING IN OPERATION ENDUR-**
19 **ING FREEDOM OR OPERATION IRAQI FREE-**
20 **DOM.**

21 (a) *ALLOWANCE TO COVER SGLI DEDUCTIONS.*—
22 Chapter 7 of title 37, United States Code, is amended by
23 adding at the end the following new section:

1 **“§437. Allowance to cover monthly premium for**
2 **Servicemembers’ Group Life Insurance:**
3 **members serving in Operation Enduring**
4 **Freedom or Operation Iraqi Freedom**

5 “(a) *REIMBURSEMENT FOR PREMIUM DEDUCTION.*—
6 *In the case of a member of the armed forces who has ob-*
7 *tained insurance coverage for the member under the*
8 *Servicemembers’ Group Life Insurance program under sub-*
9 *chapter III of chapter 19 of title 38 and who serves in the*
10 *theater of operations for Operation Enduring Freedom or*
11 *Operation Iraqi Freedom at any time during a month, the*
12 *Secretary concerned shall pay the member an allowance*
13 *under this section for that month in an amount equal to*
14 *the lesser of the following:*

15 “(1) *The amount of the deduction actually made*
16 *for that month from the basic pay of the member for*
17 *the amount of Servicemembers’ Group Life Insurance*
18 *coverage obtained by the member under section 1967*
19 *of title 38.*

20 “(2) *The amount of the deduction otherwise*
21 *made under subsection (a)(1) of section 1969 of title*
22 *38 for members who have in effect for themselves the*
23 *maximum amount of coverage under section 1967(a)*
24 *of title 38.*

25 “(b) *NOTICE OF AVAILABILITY OF ALLOWANCE.*—*To*
26 *the maximum extent practicable, in advance of the deploy-*

1 *ment of a member to a theater of operations referred to in*
2 *subsection (a), the Secretary concerned shall give the mem-*
3 *ber information regarding the following:*

4 “(1) *The availability of the allowance under this*
5 *section for members insured under the*
6 *Servicemembers’ Group Life Insurance program.*”

7 “(2) *The ability of members who elected not to*
8 *be insured under Servicemembers’ Group Life Insur-*
9 *ance, or elected less than the authorized maximum*
10 *coverage, to obtain insurance, or to obtain additional*
11 *coverage, as the case may be, under the authority pro-*
12 *vided in section 1967(c) of title 38.*”

13 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
14 *the beginning of chapter 7 of title 37, United States Code,*
15 *is amended by adding at the end the following new item:*

“437. Allowance to cover monthly premium for Servicemembers’ Group Life In-
surance: members serving in Operation Enduring Freedom or
Operation Iraqi Freedom.”

16 **(c) EFFECTIVE DATE; NOTIFICATION.**—*Section 437 of*
17 *title 37, United States Code, as added by subsection (a),*
18 *shall apply with respect to service by members of the Armed*
19 *Forces in the theater of operations for Operation Enduring*
20 *Freedom or Operation Iraqi Freedom for months beginning*
21 *on or after October 1, 2005. In the case of members who*
22 *are serving in the theater of operations for Operation En-*
23 *during Freedom or Operation Iraqi Freedom as of the date*
24 *of the enactment of this Act, the Secretary of Defense shall*

1 *provide such members, as soon as practicable, the informa-*
2 *tion specified in subsection (b) of that section.*

3 *(d) FUNDING SOURCE.—Amounts appropriated pursu-*
4 *ant to the authorization of appropriations in section 1509*
5 *for emergency appropriations for military personnel ac-*
6 *counts for the Department of Defense for fiscal year 2006*
7 *shall be available to the Secretary of a military department*
8 *to provide the allowance established by section 437 of title*
9 *37, United States Code, as added by subsection (a).*

10 ***Subtitle C—Matters Involving Sup-***
11 ***port Provided by Foreign Na-***
12 ***tions***

13 ***SEC. 1531. REIMBURSEMENT OF CERTAIN COALITION NA-***
14 ***TIONS FOR SUPPORT PROVIDED TO UNITED***
15 ***STATES MILITARY OPERATIONS.***

16 *(a) AUTHORITY.—From funds made available for the*
17 *Department of Defense by this title for Defense-Wide Oper-*
18 *ations and Maintenance, the Secretary of Defense may re-*
19 *imburse any key cooperating nation for logistical and mili-*
20 *tary support provided by that nation to or in connection*
21 *with United States military operations in Iraq, Afghani-*
22 *stan, and the global war on terrorism.*

23 *(b) DETERMINATIONS.—Payments authorized under*
24 *subsection (a) may be made in such amounts as the Sec-*
25 *retary of Defense, with the concurrence of the Secretary of*

1 *State and in consultation with the Director of the Office*
2 *of Management and Budget, may determine, in the Sec-*
3 *retary's discretion, based on documentation determined by*
4 *the Secretary of Defense to adequately account for the sup-*
5 *port provided. Any such determination by the Secretary of*
6 *Defense shall be final and conclusive upon the accounting*
7 *officers of the United States. To the maximum extent prac-*
8 *ticable, the Secretary shall develop standards for deter-*
9 *mining the kinds of logistical and military support to the*
10 *United States that shall be considered reimbursable under*
11 *this section.*

12 (c) *LIMITATIONS.—*

13 (1) *TOTAL AMOUNT.—The total amount of pay-*
14 *ments made under the authority of this section during*
15 *fiscal year 2006 may not exceed \$1,500,000,000.*

16 (2) *PROHIBITION ON CONTRACTUAL OBLIGATIONS*
17 *TO MAKE PAYMENTS.—The Secretary may not enter*
18 *into any contractual obligation to make a payment*
19 *under the authority of this section.*

20 (d) *CONGRESSIONAL NOTIFICATIONS.—The Secretary*
21 *of Defense—*

22 (1) *shall notify the congressional defense commit-*
23 *tees not less than 15 days before making any payment*
24 *under the authority of this section; and*

1 (2) shall submit to those committees quarterly re-
2 ports on the use of the authority under this section.

3 **TITLE XVI—CONTRACTORS ON**
4 **THE BATTLEFIELD**

1601. Short title.

1602. Findings.

1603. Definitions.

1604. Requirements for commanders of combatant commands relating to contrac-
tors accompanying and not accompanying the force.

1605. Requirements for contractors relating to possession of weapons.

1606. Battlefield accountability.

5 **SEC. 1601. SHORT TITLE.**

6 This title may be cited as the “Contractors on the Bat-
7 tlefield Regulatory Act”.

8 **SEC. 1602. FINDINGS.**

9 Congress finds the following:

10 (1) Contract personnel have provided invaluable
11 services in support of combat, humanitarian, peace-
12 keeping, and reconstruction operations worldwide,
13 and they should be recognized for their contributions,
14 including in some instances the loss of their lives, in
15 support of such operations.

16 (2) Contract personnel are appropriately prohib-
17 ited from performing inherently governmental func-
18 tions.

19 (3) Contract personnel will be present on and
20 supporting the battlefield of tomorrow providing cru-

1 *cial goods and services for military, humanitarian,*
2 *peacekeeping, and reconstruction operations.*

3 **SEC. 1603. DEFINITIONS.**

4 *In this title:*

5 (1) *CONTRACTOR ACCOMPANYING THE FORCE.—*

6 (A) *IN GENERAL.—The term “contractor ac-*
7 *companying the force” means a contractor for a*
8 *contract with the Department of Defense, a sub-*
9 *contract at any tier under such a contract, or a*
10 *task order at any tier issued under such a con-*
11 *tract, if the contract, subcontract, or task*
12 *order—*

13 (i) *is paid for using funds appro-*
14 *priated to or for the use of the Department;*
15 *and*

16 (ii) *is for the performance of work that*
17 *directly supports United States military op-*
18 *erations overseas or deployed United States*
19 *Armed Forces.*

20 (B) *EMPLOYEES INCLUDED.—The term in-*
21 *cludes employees of any contractor described in*
22 *subparagraph (A).*

23 (2) *CONTRACTOR NOT ACCOMPANYING THE*
24 *FORCE.—*

1 (A) *IN GENERAL.*—The term “contractor
2 not accompanying the force” means a contractor
3 for a contract with the Federal Government, a
4 subcontract at any tier under such a contract, or
5 a task order at any tier issued under such a con-
6 tract, if the contract, subcontract, or task order
7 is for the performance of work related to private
8 security, reconstruction, humanitarian assist-
9 ance, peacekeeping, or other activities in an area
10 of responsibility of a commander of a combatant
11 command.

12 (B) *EMPLOYEES INCLUDED.*—The term in-
13 cludes employees of any contractor described in
14 subparagraph (A).

15 (3) *COMBATANT COMMAND.*—The term “combat-
16 ant command” has the meaning provided in section
17 161(c) of title 10, United States Code.

18 **SEC. 1604. REQUIREMENTS FOR COMMANDERS OF COMBAT-**
19 **ANT COMMANDS RELATING TO CONTRAC-**
20 **TORS ACCOMPANYING AND NOT ACCOM-**
21 **PANYING THE FORCE.**

22 (a) *PROTECTION OF CONTRACTORS BY ARMED*
23 *FORCES.*—

24 (1) *CONTRACTORS ACCOMPANYING FORCE.*—The
25 Secretary of Defense shall require each commander of

1 *a combatant command to make a determination re-*
2 *garding the appropriate level of security protection by*
3 *the Armed Forces of contractors accompanying the*
4 *force in the commander's area of responsibility, and*
5 *to include in the operational plans of the commander*
6 *the results of the determination.*

7 (2) *CONTRACTORS NOT ACCOMPANYING FORCE.—*
8 *Any requirements for security protection of contrac-*
9 *tors accompanying the force included in operational*
10 *plans under paragraph (1) may also be applied by*
11 *the commander to contractors not accompanying the*
12 *force.*

13 (b) *COMMUNICATIONS PLAN.—*

14 (1) *CONTRACTORS ACCOMPANYING FORCE.—The*
15 *Secretary of Defense shall require each commander of*
16 *a combatant command to include in the operational*
17 *plans of the commander a communications plan for*
18 *contractors accompanying the force in the com-*
19 *mander's area of responsibility.*

20 (2) *CONTRACTORS NOT ACCOMPANYING FORCE.—*
21 *Such communications plan may be applied by the*
22 *commander to contractors not accompanying the force*
23 *in such area.*

24 (3) *PROVISION OF PLAN TO CONTRACTORS.—Any*
25 *communications plan included in operational plans*

1 *under this subsection shall be provided by the com-*
2 *mander concerned to the affected contractors.*

3 *(c) SHARING INTELLIGENCE.—*

4 *(1) CONTRACTORS ACCOMPANYING FORCE.—The*
5 *Secretary of Defense shall require each commander of*
6 *a combatant command to share with contractors ac-*
7 *companying the force open-source intelligence, threat*
8 *assessments, and information related to contractor*
9 *movement to avoid hostile or friendly fire incidents*
10 *and to further the missions of both the Department of*
11 *Defense and the contractors.*

12 *(2) CONTRACTORS NOT ACCOMPANYING FORCE.—*
13 *The Secretary of Defense shall require each com-*
14 *mander of a combatant command to share, to the ex-*
15 *tent practicable, the intelligence, assessments, and in-*
16 *formation referred to in paragraph (1) with contrac-*
17 *tors not accompanying the force.*

18 *(3) WAIVER.—The commander of a combatant*
19 *command may waive the requirements of this sub-*
20 *section if required to ensure operational security in*
21 *the commander's area of responsibility.*

22 **SEC. 1605. REQUIREMENTS FOR CONTRACTORS RELATING**
23 **TO POSSESSION OF WEAPONS.**

24 *(a) REQUIREMENT FOR REGULATIONS REGARDING*
25 *CARRYING WEAPONS FOR CONTRACTORS ACCOMPANYING*

1 *FORCE.*—*The Secretary of Defense shall prescribe regula-*
2 *tions describing the type of weapons and circumstances*
3 *under which contractors accompanying the force may carry*
4 *a weapon for self defense or in order to perform work re-*
5 *quired under the contract, and information required to be*
6 *provided by such contractors relating to such weapons. The*
7 *regulations shall include the following:*

8 (1) *A requirement that a contractor accom-*
9 *panying the force request in writing approval, from*
10 *the commander of the combatant command for the*
11 *area in which the contractor is performing work*
12 *under a contract, for the contractor to carry weapons.*

13 (2) *Subject to subsection (b), a requirement that*
14 *the commander of a combatant command determine*
15 *whether it is appropriate for a contractor accom-*
16 *panying the force to carry a weapon for self defense*
17 *or in order to perform work required under the con-*
18 *tract, taking into account the duties required to be*
19 *performed under the contract and the security situa-*
20 *tion in the area of operations, and, if determined ap-*
21 *propriate, to approve a request referred to in para-*
22 *graph (1).*

23 (3) *A requirement that any contractor accom-*
24 *panying the force that is carrying a weapon for self*
25 *defense use only a firearm that meets United States*

1 *military specifications for self defense and ammuni-*
2 *tion that meets United States military specifications.*

3 (4) *A requirement that a contractor accom-*
4 *panying the force must have proof of appropriate*
5 *training for using any firearm for self defense, as de-*
6 *termined by the Secretary of Defense.*

7 (b) *DEEMED APPROVAL FOR CARRYING WEAPON.—*
8 *The regulations shall provide that, for purposes of the re-*
9 *quirements of paragraphs (1) and (2) of subsection (a), a*
10 *requirement in a contract awarded by the Department that*
11 *a contractor carry a weapon to perform work under the*
12 *contract shall be deemed to be approved by the commander*
13 *for the contractor to carry such a weapon. The regulations*
14 *shall require that the contracting officer for such a contract*
15 *shall notify the appropriate commander of any such re-*
16 *quirement.*

17 **SEC. 1606. BATTLEFIELD ACCOUNTABILITY.**

18 (a) *QUARTERLY LIST OF CONTRACTOR PERSONNEL IN*
19 *COMMANDER'S AREA.—The Secretary of Defense shall re-*
20 *quire each commander of a combatant command to obtain*
21 *quarterly from contractors accompanying the force a list*
22 *of all contractor personnel who are present in the com-*
23 *mander's area of responsibility, with the following informa-*
24 *tion for each individual on the list:*

25 (1) *Whether the individual carries a weapon.*

1 (2) *Proof of appropriate training with respect to*
2 *any weapon carried by the individual.*

3 (3) *Proof of citizenship.*

4 (b) *MEETINGS WITH CONTRACTORS.*—*The Secretary of*
5 *Defense shall require each commander of a combatant com-*
6 *mand to meet regularly with representatives of contractors*
7 *both accompanying and not accompanying the force who*
8 *are present in the commander’s area of responsibility, in*
9 *order to provide information about the requirements of the*
10 *commander with respect to the contractors and rec-*
11 *ommendations to the contractors regarding security for the*
12 *protection of the contractors.*

13 (c) *DATABASE.*—*The Secretary of Defense shall require*
14 *each commander of a combatant command to maintain a*
15 *central database of the information provided under sub-*
16 *section (a) with respect to all contractors accompanying the*
17 *force in the commander’s area of responsibility and shall*
18 *allow the commander to maintain such a database with re-*
19 *spect to contractors not accompanying the force. The Sec-*
20 *retary shall prescribe a design for the information to be col-*
21 *lected for the database required under this subsection, which*
22 *shall be uniform for all combatant commands. To the extent*
23 *practicable, the Secretary shall rely on existing sources in*
24 *the Department of Defense for the information to be in-*

1 *cluded in the database and make such existing information*
 2 *available to each commander.*

3 *(d) CONTRACTOR REQUIREMENT.—Any contractor ac-*
 4 *companying the force, and, upon determination of the com-*
 5 *mander of a combatant command concerned, any contractor*
 6 *not accompanying the force, shall provide information*
 7 *sought by a commander of a combatant command for pur-*
 8 *poses of subsection (a), upon request from the commander.*

9 ***Division B—Military Construction***
 10 ***Authorizations***

11 ***SEC. 2001. SHORT TITLE.***

12 *This division may be cited as the “Military Construc-*
 13 *tion Authorization Act for Fiscal Year 2006”.*

14 ***TITLE I—ARMY***

2101. Authorized Army construction and land acquisition projects.

2102. Family housing.

2103. Improvements to military family housing units.

2104. Authorization of appropriations, Army.

2105. Modification of authority to carry out certain fiscal year 2004 project.

15 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***
 16 ***ACQUISITION PROJECTS.***

17 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 18 *propriated pursuant to the authorization of appropriations*
 19 *in section 2104(a)(1), the Secretary of the Army may ac-*
 20 *quire real property and carry out military construction*
 21 *projects for the installations or locations inside the United*
 22 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$3,150,000
	Fort Rucker	\$9,700,000
	Redstone Arsenal	\$4,700,000
Alaska	Fort Wainwright	\$33,560,000
Arizona	Ft. Huachuca	\$5,100,000
California	Concord	\$11,850,000
	Fort Irwin	\$21,250,000
Colorado	Fort Carson	\$70,622,000
Georgia	Fort Benning	\$30,261,000
	Fort Gillem	\$3,900,000
	Fort Stewart/Hunter Army Air Field	\$57,980,000
Hawaii	Pohakuloa Training Area	\$43,300,000
	Schofield Barracks	\$53,900,000
Illinois	Rock Island Arsenal	\$7,400,000
Indiana	Crane Army Ammunition Activity	\$5,700,000
Kansas	Fort Riley	\$23,000,000
Kentucky	Fort Campbell	\$108,175,000
Louisiana	Fort Polk	\$28,887,000
Missouri	Fort Leonard Wood	\$8,100,000
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	\$301,250,000
Ohio	Joint Systems Manufacturing Center, Lima	\$11,600,000
Oklahoma	Fort Sill	\$5,850,000
	McAlester	\$6,500,000
Pennsylvania ...	Letterkenny Depot	\$6,300,000
South Carolina	Fort Jackson	\$1,600,000
Texas	Fort Bliss	\$5,000,000
	Fort Hood	\$57,888,000
Utah	Dugway Proving Ground	\$25,000,000
Virginia	Fort A.P. Hill	\$2,700,000
	Fort Belvoir	\$18,000,000
	Fort Lee	\$3,900,000
	Fort Myer	\$15,200,000
Washington	Fort Lewis	\$99,949,000

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	\$114,162,000

Army: Outside the United States—Continued

Country	Installation or Location	Amount
	Yongpyong	\$1,450,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) *CONSTRUCTION AND ACQUISITION.*—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2104(a)(5)(A), the Secretary of the
5 Army may construct or acquire family housing units (in-
6 cluding land acquisition and supporting facilities) at the
7 installations or locations, in the number of units, and in
8 the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Units	Amount
Alaska	Fort Richardson	117	\$49,000,000
	Fort Wainwright	180	\$91,000,000
Arizona	Fort Huachuca	131	\$31,000,000
	Yuma Proving Ground	35	\$11,200,000
Oklahoma	Fort Sill	129	\$24,000,000
Virginia	Fort Lee	96	\$19,500,000
	Fort Monroe	21	\$6,000,000

9 (b) *PLANNING AND DESIGN.*—Using amounts appro-
10 priated pursuant to the authorization of appropriations in
11 section 2104(a)(5)(A), the Secretary of the Army may carry
12 out architectural and engineering services and construction
13 design activities with respect to the construction or im-
14 provement of family housing units in an amount not to
15 exceed \$17,536,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2104(a)(5)(A), the Sec-*
6 *retary of the Army may improve existing military family*
7 *housing units in an amount not to exceed \$300,400,000.*

8 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

9 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
10 *hereby authorized to be appropriated for fiscal years begin-*
11 *ning after September 30, 2005, for military construction,*
12 *land acquisition, and military family housing functions of*
13 *the Department of the Army in the total amount of*
14 *\$2,955,400,000, as follows:*

15 *(1) For military construction projects inside the*
16 *United States authorized by section 2101(a),*
17 *\$985,172,000.*

18 *(2) For military construction projects outside the*
19 *United States authorized by section 2101(b),*
20 *\$204,947,000.*

21 *(3) For unspecified minor military construction*
22 *projects authorized by section 2805 of title 10, United*
23 *States Code, \$20,000,000.*

24 *(4) For architectural and engineering services*
25 *and construction design under section 2807 of title*
26 *10, United States Code, \$168,023,000.*

1 (5) *For military family housing functions:*

2 (A) *For construction and acquisition, plan-*
3 *ning and design, and improvement of military*
4 *family housing and facilities, \$549,636,000.*

5 (B) *For support of military family housing*
6 *(including the functions described in section*
7 *2833 of title 10, United States Code),*
8 *\$803,993,000.*

9 (6) *For the construction of phase 3 of the Lewis*
10 *& Clark instructional facility at Fort Leavenworth,*
11 *Kansas, authorized by section 2101(a) of the Military*
12 *Construction Authorization Act for Fiscal Year 2003*
13 *(division B of Public Law 107–314; 116 Stat. 2681),*
14 *\$42,642,000.*

15 (7) *For the construction of phase 2 of a barracks*
16 *complex at Vilseck, Germany, authorized by section*
17 *2101(b) of the Military Construction Authorization*
18 *Act for Fiscal Year 2004 (division B of Public Law*
19 *108–136; 117 Stat. 1697), as amended by section*
20 *2105 of this Act, \$13,600,000.*

21 (8) *For the construction of phase 2 of the Drum*
22 *Road upgrade at Helemano Military Reservation,*
23 *Hawaii, authorized by section 2101(a) of the Military*
24 *Construction Authorization Act for Fiscal Year 2005*

1 *(division B of Public Law 108–375; 118 Stat. 2101),*
2 \$41,000,000.

3 (9) *For the construction of phase 2 a vehicle*
4 *maintenance facility at Schofield Barracks, Hawaii,*
5 *authorized by section 2101(a) of the Military Con-*
6 *struction Authorization Act for Fiscal Year 2005 (di-*
7 *vision B of Public Law 108–375; 118 Stat. 2101),*
8 \$24,656,000.

9 (10) *For the construction of phase 2 of a bar-*
10 *racks complex, at Fort Campbell, Kentucky, author-*
11 *ized by section 2101(a) of the Military Construction*
12 *Authorization Act for Fiscal Year 2005 (division B of*
13 *Public Law 108–375; 118 Stat. 2101), \$24,650,000.*

14 (11) *For the construction of phase 2 of trainee*
15 *barracks, Basic Training Complex 1 at Fort Knox,*
16 *Kentucky, authorized by section 2101(a) of the Mili-*
17 *tary Construction Authorization Act of Fiscal Year*
18 *2005 (division B of Public Law 108–375; 118 Stat.*
19 *2101), \$21,000,000.*

20 (12) *For the construction of phase 2 of a library*
21 *and learning center at the United States Military*
22 *Academy, West Point, New York, authorized by sec-*
23 *tion 2101(a) of the Military Construction Authoriza-*
24 *tion Act for Fiscal Year 2005 (division B of Public*
25 *Law 108–375; 118 Stat. 2101), \$25,470,000.*

1 (13) *For the construction of phase 2 of a bar-*
2 *racks complex renewal project at Fort Bragg, North*
3 *Carolina, authorized by section 2101(a) of the Mili-*
4 *tary Construction Authorization Act for Fiscal Year*
5 *2005 (division B of Public Law 108–375; 118 Stat.*
6 *2101), \$30,611,000.*

7 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
8 *PROJECTS.—Notwithstanding the cost variations author-*
9 *ized by section 2853 of title 10, United States Code, and*
10 *any other cost variation authorized by law, the total cost*
11 *of all projects carried out under section 2101 of this Act*
12 *may not exceed the sum of the following:*

13 (1) *The total amount authorized to be appro-*
14 *priated under paragraphs (1) and (2) of subsection*
15 *(a).*

16 (2) *\$16,500,000 (the balance of the amount au-*
17 *thorized under section 2101(a) for construction of a*
18 *barracks complex for Fort Drum, New York).*

19 (3) *\$31,000,000 (the balance of the amount au-*
20 *thorized under section 2101(a) for construction of a*
21 *barracks complex for the 2nd Brigade at Fort Bragg,*
22 *North Carolina).*

23 (4) *\$50,000,000 (the balance of the amount au-*
24 *thorized under section 2101(a) for construction of a*

1

TITLE II—NAVY

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

2 SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**3 ACQUISITION PROJECTS.**

4 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 5 propriated pursuant to the authorization of appropriations
 6 in section 2204(a)(1), the Secretary of the Navy may ac-
 7 quire 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:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$3,637,000
California	Air-Ground Combat Center, Twentynine Palms ...	\$24,000,000
	Marine Corps Air Station, Camp Pendleton	\$1,400,000
	Marine Corps Air Station, Miramar	\$5,070,000
	Marine Corps Base, Camp Pendleton	\$90,437,000
	Naval Air Station, Lemoore	\$8,480,000
	Naval Air Station, North Island	\$13,700,000
	Naval Air Warfare Center, China Lake	\$19,158,000
	Naval Postgraduate School	\$6,500,000
Florida	Diving&Salvage Training Center, Panama City ..	\$9,678,000
	Naval Air Station, Jacksonville	\$88,603,000
	Naval Air Station, Pensacola	\$8,710,000
	Naval Station, Mayport	\$15,220,000
Georgia	Naval Submarine Base, Kings Bay	\$6,890,000
	Marine Corps Logistics Base, Albany	\$5,840,000
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
Maryland	Naval Air Warfare Center, Patuxent River	\$5,800,000
	Naval Surface Warfare Center, Indian Head	\$13,460,000
	United States Naval Academy, Annapolis	\$51,720,000
New Hampshire	Portsmouth Naval Shipyard	\$8,100,000
North Carolina	Marine Corps Air Station, Cherry Point	\$29,147,000
	Marine Corps Air Station, New River	\$6,840,000
	Marine Corps Base, Camp Lejeune	\$44,590,000
Pennsylvania ...	Naval Station Weapons Center, Philadelphia	\$4,780,000
Rhode Island ...	Naval Station, Newport	\$4,870,000
Texas	Naval Air Station, Kingsville	\$16,040,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Virginia	Marine Corps Air Field, Quantico	\$19,698,000
	Marine Corps Base, Quantico	\$4,270,000
	Naval Air Station, Oceana	\$11,680,000
	Naval Amphibious Base, Little Creek	\$36,034,000
	Naval Station, Norfolk	\$111,033,000
Washington	Naval Station, Everett	\$70,950,000
	Naval Submarine Base, Bangor	\$60,160,000
	Naval Air Station, Whidbey Island	\$4,010,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations 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 outside the United States, and
6 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

7 **SEC. 2202. FAMILY HOUSING.**

8 Using amounts appropriated pursuant to the author-
9 ization of appropriations in section 2204(a)(5)(A), the Sec-
10 retary of the Navy may construct or acquire family housing
11 units (including land acquisition and supporting facilities)
12 at the installation, in the number of units, and in the
13 amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Guam	Commander Naval Region, Mari- anas.	126	\$43,495,000

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2204(a)(5)(A), the Sec-*
6 *retary of the Navy may improve existing military family*
7 *housing units in an amount not to exceed \$178,644,000.*

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
10 *hereby authorized to be appropriated for fiscal years begin-*
11 *ning after September 30, 2005, for military construction,*
12 *land acquisition, and military family housing functions of*
13 *the Department of the Navy in the total amount of*
14 *\$1,916,779,000, as follows:*

15 *(1) For military construction projects inside the*
16 *United States authorized by section 2201(a),*
17 *\$802,311,000.*

18 *(2) For military construction projects outside the*
19 *United States authorized by section 2201(b),*
20 *\$25,584,000.*

21 *(3) For architectural and engineering services*
22 *and construction design under section 2807 of title*
23 *10, United States Code, \$36,029,000.*

24 *(4) For military family housing functions:*

1 (A) For construction and acquisition, plan-
2 ning and design, and improvement of military
3 family housing and facilities, \$218,942,000.

4 (B) For support of military family housing
5 (including functions described in section 2833 of
6 title 10, United States Code), \$588,660,000.

7 (5) For the construction of increment 3 of the
8 general purpose berthing pier at Naval Weapons Sta-
9 tion, Earle, New Jersey, authorized by section
10 2201(a) of the Military Construction Authorization
11 Act for Fiscal Year 2004 (division B of Public Law
12 108–136; 117 Stat. 1704), as amended by section
13 2205 of this Act, \$54,432,000.

14 (6) For the construction of increment 3 of pier
15 11 replacement at Naval Station, Norfolk, Virginia,
16 authorized by section 2201(a) of the Military Con-
17 struction Authorization Act for Fiscal Year 2004 (di-
18 vision B of Public Law 108–136; 117 Stat. 1704),
19 \$40,200,000.

20 (7) For the construction of increment 2 of the
21 apron and hangar at Naval Air Facility, El Centro,
22 California, authorized by section 2201(a) of the Mili-
23 tary Construction Authorization Act for Fiscal Year
24 2005 (division B of Public Law 108–375; 118 Stat.
25 2105), \$18,666,000.

1 (8) *For the construction of increment 2 of the*
2 *White Side complex, Marine Corps Air Facility,*
3 *Quantico, Virginia, authorized by section 2201(a) of*
4 *the Military Construction Authorization Act for Fis-*
5 *cal Year 2005 (division B of Public Law 108–375;*
6 *118 Stat. 2105), \$34,730,000.*

7 (9) *For the construction of increment 2 of the*
8 *limited area production and storage complex at Stra-*
9 *tegic Weapons Facility Pacific, Bangor, Washington,*
10 *authorized by section 2201(a) of the Military Con-*
11 *struction Authorization Act for Fiscal Year 2005 (di-*
12 *vision B of Public Law 108–375; 118 Stat. 2106), as*
13 *amended by section 2206 of this Act, \$47,095,000.*

14 (10) *For the construction of increment 2 of the*
15 *lab consolidation at Strategic Weapons Facility Pa-*
16 *cific, Bangor, Washington authorized by section*
17 *2201(a) of the Military Construction Authorization*
18 *Act for Fiscal Year 2005 (division B of Public Law*
19 *108–375; 118 Stat. 2106), as amended by section*
20 *2206 of this Act, \$9,430,000.*

21 (11) *For the construction of increment 2 of the*
22 *presidential helicopter programs support facility at*
23 *Naval Air Station, Patuxent River, Maryland, au-*
24 *thorized by section 2201(c) of the Military Construc-*
25 *tion Authorization Act for Fiscal Year 2005 (division*

1 *B of Public Law 108–375; 118 Stat. 2106), as*
2 *amended by section 2206 of this Act, \$40,700,000.*

3 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
4 *PROJECTS.—Notwithstanding the cost variations author-*
5 *ized by section 2853 of title 10, United States Code, and*
6 *any other cost variation authorized by law, the total cost*
7 *of all projects carried out under section 2201 of this Act*
8 *may not exceed the sum of the following:*

9 *(1) The total amount authorized to be appro-*
10 *propriated under paragraphs (1) and (2) of subsection*
11 *(a).*

12 *(2) \$37,721,000 (the balance of the amount au-*
13 *thorized under section 2201(a) for a reclamation and*
14 *conveyance project for Camp Pendleton, California).*

15 *(3) \$43,424,000 (the balance of the amount au-*
16 *thorized under section 2201(a) for a helicopter hangar*
17 *replacement at Naval Air Station, Jacksonville, Flor-*
18 *ida).*

19 *(4) \$45,850,000 (the balance of the amount au-*
20 *thorized under section 2201(a) for infrastructure up-*
21 *grades to Recruit Training Command, Great Lakes,*
22 *Illinois).*

23 *(5) \$26,790,000 (the balance of the amount au-*
24 *thorized under section 2201(a) for construction of a*

1 *field house at United States Naval Academy, Annap-*
2 *olis, Maryland).*

3 (6) \$31,059,000 (the balance of the amount au-
4 thorized under section 2201(a) for replacement of
5 Ship Repair Pier 3 at Norfolk Naval Shipyard, Vir-
6 ginia).

7 (7) \$21,000,000 (the balance of the amount au-
8 thorized under section 2201(a) for construction of
9 bachelor quarters for Naval Station, Everett, Wash-
10 ington).

11 (8) \$29,889,000 (the balance of the amount au-
12 thorized under section 2201(b) for wharf upgrades at
13 Naval Station, Guam).

14 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **CERTAIN FISCAL YEAR 2004 PROJECT.**

16 (a) *MODIFICATION OF INSIDE THE UNITED STATES*
17 *PROJECT.*—*The table in section 2201(a) of the Military*
18 *Construction Authorization Act for Fiscal Year 2004 (divi-*
19 *sion B of Public Law 108–136; 117 Stat. 1703) is amend-*
20 *ed—*

21 (1) *in the item relating to Naval Weapons Sta-*
22 *tion, Earle, New Jersey, by striking “\$123,720,000”*
23 *in the amount column and inserting “\$140,372,000”;*
24 *and*

1 (2) *by striking the amount identified as the total*
2 *in the amount column and inserting*
3 “\$1,352,524,000”.

4 (b) *CONFORMING AMENDMENT.*—Section 2204(b)(4) of
5 *that Act (117 Stat. 1706) is amended by striking*
6 “\$96,980,000” and inserting “\$113,632,000”.

7 **SEC. 2206. MODIFICATIONS OF AUTHORITY TO CARRY OUT**
8 **CERTAIN FISCAL YEAR 2005 PROJECTS.**

9 (a) *MODIFICATION OF INSIDE THE UNITED STATES*
10 *PROJECTS.*—The table in section 2201(a) of the Military
11 *Construction Authorization Act for Fiscal Year 2005 (divi-*
12 *sion B of Public Law 108–375; 118 Stat. 2105) is amend-*
13 *ed—*

14 (1) *in the item relating to Marine Corps Air Fa-*
15 *cility, Quantico, Virginia, by striking “\$73,838,000”*
16 *in the amount column and inserting “\$74,462,000”;*

17 (2) *in the item relating to Strategic Weapons*
18 *Facility Pacific, Bangor, Washington, by striking*
19 *“\$138,060,000” in the amount column and inserting*
20 *“\$147,760,000”; and*

21 (3) *by striking the amount identified as the total*
22 *in the amount column and inserting “\$962,379,000”.*

23 (b) *CONFORMING AMENDMENTS.*—Section 2204(b) of
24 *that Act (118 Stat. 2107) is amended—*

1 (1) *in paragraph (4), by striking “\$34,098,000”*
 2 *and inserting “\$34,722,000”;*

3 (2) *by redesignating paragraph (7) as para-*
 4 *graph (8) and, in such paragraph—*

5 (A) *by striking “\$65,982,000” and inserting*
 6 *“\$66,614,000”; and*

7 (B) *by striking “at an unspecified location”*
 8 *and inserting “at Naval Air Station, Patuxent*
 9 *River, Maryland”; and*

10 (3) *by inserting after paragraph (6) the fol-*
 11 *lowing new paragraph (7):*

12 “(7) \$9,700,000 (the balance of the amount au-

13 *thorized under section 2201(a) for naval laboratory*

14 *consolidation, Strategic Weapons Facility Pacific,*

15 *Bangor, Washington).”.*

16 **TITLE III—AIR FORCE**

2301. Authorized Air Force construction and land acquisition projects.

2302. Family housing.

2303. Improvements to military family housing units.

2304. Authorization of appropriations, Air Force.

17 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 18 **LAND ACQUISITION PROJECTS.**

19 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 20 *propriated pursuant to the authorization of appropriations*
 21 *in section 2304(a)(1), the Secretary of the Air Force may*
 22 *acquire real property and carry out military construction*

1 projects for the installations or locations inside the United
 2 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$14,900,000
Alaska	Clear Air Force Base	\$20,000,000
	Elmendorf Air Force Base	\$84,820,000
Arizona	Davis-Monthan Air Force Base	\$8,600,000
	Luke Air Force Base	\$13,000,000
Arkansas	Little Rock Air Force Base	\$8,900,000
California	Beale Air Force Base	\$14,200,000
	Edwards Air Force Base	\$103,000,000
	Travis Air Force Base	\$31,600,000
	Vandenberg Air Force Base	\$16,845,000
Colorado	Buckley Air Force Base	\$20,100,000
	Peterson Air Force Base	\$25,500,000
	United States Air Force Academy	\$13,000,000
Delaware	Dover Air Force Base	\$19,000,000
District of Columbia	Bolling Air Force Base	\$14,900,000
Florida	Hurlburt Field	\$2,540,000
	MacDill Air Force Base	\$107,200,000
	Tyndall Air Force Base	\$21,500,000
Georgia	Robins Air Force Base	\$7,600,000
Hawaii	Hickam Air Force Base	\$13,378,000
Idaho	Mountain Home Air Force Base	\$9,835,000
Massachusetts	Hanscom Air Force Base	\$10,000,000
Mississippi	Keesler Air Force Base	\$47,500,000
Missouri	Whiteman Air Force Base	\$5,721,000
Nebraska	Offutt Air Force Base	\$50,280,000
Nevada	Indian Springs Auxiliary Field	\$60,724,000
	Nellis Air Force Base	\$23,311,000
New Jersey	McGuire Air Force Base	\$13,185,000
New Mexico	Kirtland Air Force Base	\$6,600,000
North Dakota	Minot Air Force Base	\$8,700,000
Ohio	Wright Patterson Air Force Base	\$32,620,000
Oklahoma	Tinker Air Force Base	\$31,960,000
South Carolina	Charleston Air Force Base	\$2,583,000
	Shaw Air Force Base	\$16,030,000
Texas	Goodfellow Air Force Base	\$4,300,000
	Laughlin Air Force Base	\$7,900,000
	Sheppard Air Force Base	\$36,000,000
Utah	Hill Air Force Base	\$24,100,000
Virginia	Langley Air Force Base	\$44,365,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2304(a)(2), the Secretary of the Air Force
 6 may acquire real property and carry out military construc-
 7 tion projects for the installations or locations outside the

- 1 *United States, and in the amounts, set forth in the following*
 2 *table:*

Air Force: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Germany</i>	<i>Ramstein Air Base</i>	<i>\$11,650,000</i>
	<i>Spangdahlem Air Base</i>	<i>\$12,474,000</i>
<i>Guam</i>	<i>Andersen Air Base</i>	<i>\$18,500,000</i>
<i>Italy</i>	<i>Aviano Air Base</i>	<i>\$22,660,000</i>
<i>Korea</i>	<i>Kunsan Air Base</i>	<i>\$50,900,000</i>
	<i>Osan Air Base</i>	<i>\$40,719,000</i>
<i>Portugal</i>	<i>Lajes Field, Azores</i>	<i>\$12,000,000</i>
<i>Turkey</i>	<i>Incirlik Air Base</i>	<i>\$5,780,000</i>
<i>United Kingdom</i>	<i>Royal Air Force Lakenheath</i>	<i>\$5,125,000</i>
	<i>Royal Air Force Mildenhall</i>	<i>\$13,500,000</i>

3 ***SEC. 2302. FAMILY HOUSING.***

- 4 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 5 *amounts appropriated pursuant to the authorization of ap-*
 6 *propriations in section 2304(a)(5)(A), the Secretary of the*
 7 *Air Force may construct or acquire family housing units*
 8 *(including land acquisition and supporting facilities) at*
 9 *the installations or locations, in the number of units, and*
 10 *in the amounts set forth in the following table:*

Air Force: Family Housing

<i>State or Country</i>	<i>Installation or Location</i>	<i>Units</i>	<i>Amount</i>
<i>Alaska</i>	<i>Eielson Air Force Base</i>	<i>392</i> ...	<i>\$55,794,000</i>
<i>California</i>	<i>Edwards Air Force Base</i>	<i>226</i> ...	<i>\$59,699,000</i>
<i>District of Columbia</i> ...	<i>Bolling Air Force Base</i>	<i>157</i> ...	<i>\$48,223,000</i>
<i>Florida</i>	<i>MacDill Air Force Base</i>	<i>109</i> ...	<i>\$40,982,000</i>
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	<i>194</i> ...	<i>\$56,467,000</i>
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	<i>111</i> ...	<i>\$26,917,000</i>
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	<i>296</i> ...	<i>\$68,971,000</i>
<i>North Carolina</i>	<i>Seymour Johnson Air Force Base</i> ...	<i>255</i> ...	<i>\$48,868,000</i>
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	<i>300</i> ...	<i>\$86,706,000</i>
	<i>Minot Air Force Base</i>	<i>223</i> ...	<i>\$44,548,000</i>
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	<i>10</i>	<i>\$15,935,000</i>
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	<i>60</i>	<i>\$14,383,000</i>
<i>Texas</i>	<i>Dyess Air Force Base</i>	<i>190</i> ...	<i>\$43,016,000</i>
<i>Germany</i>	<i>Ramstein Air Base</i>	<i>101</i> ...	<i>\$62,952,000</i>
	<i>Spangdahlem Air Base</i>	<i>79</i>	<i>\$45,385,000</i>
<i>Turkey</i>	<i>Incirlik Air Base</i>	<i>100</i> ...	<i>\$22,730,000</i>
<i>United Kingdom</i>	<i>Royal Air Force Lakenheath</i>	<i>107</i> ...	<i>\$48,437,000</i>

1 (2) *For military construction projects outside the*
2 *United States authorized by section 2301(b),*
3 *\$193,308,000.*

4 (3) *For unspecified minor military construction*
5 *projects authorized by section 2805 of title 10, United*
6 *States Code, \$15,000,000.*

7 (4) *For architectural and engineering services*
8 *and construction design under section 2807 of title*
9 *10, United States Code, \$91,733,000.*

10 (5) *For military family housing functions:*

11 (A) *For construction and acquisition, plan-*
12 *ning and design, and improvement of military*
13 *family housing and facilities, \$1,236,220,000.*

14 (B) *For support of military family housing*
15 *(including functions described in section 2833 of*
16 *title 10, United States Code), \$755,319,000.*

17 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
18 *PROJECTS.—Notwithstanding the cost variations author-*
19 *ized by section 2853 of title 10, United States Code, and*
20 *any other cost variation authorized by law, the total cost*
21 *of all projects carried out under section 2301 of this Act*
22 *may not exceed the total amount authorized to be appro-*
23 *priated under paragraphs (1) and (2) of subsection (a):*

1 (1) *The total amount authorized to be appro-*
2 *priated under paragraphs (1) and (2) of subsection*
3 *(a).*

4 (2) *\$30,000,000 (the balance of the amount au-*
5 *thorized under section 2301(a) for construction of a*
6 *C-17 maintenance complex at Elmendorf Air Force*
7 *Base, Alaska).*

8 (3) *\$66,000,000 (the balance of the amount au-*
9 *thorized under section 2301(a) for construction of a*
10 *main base runway at Edwards Air Force Base, Cali-*
11 *fornia).*

12 (4) *\$29,000,000 (the balance of the amount au-*
13 *thorized under section 2301(a) for construction of a*
14 *joint intelligence center at MacDill Air Force Base,*
15 *Florida.)*

16 **TITLE IV—DEFENSE AGENCIES**

2401. Authorized Defense Agencies construction and land acquisition projects.

2402. Energy conservation projects.

2403. Authorization of appropriations, Defense Agencies.

17 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 18 **TION AND LAND ACQUISITION PROJECTS.**

19 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
20 *propriated pursuant to the authorization of appropriations*
21 *in section 2403(a)(1), the Secretary of Defense may acquire*
22 *real property and carry out military construction projects*

- 1 for the installations or locations inside the United States,
 2 and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Stewart/Hunter Army Air Field	\$16,629,000
North Carolina	Fort Bragg	\$18,075,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	\$7,900,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Yuma Proving Ground	\$7,300,000
California	Defense Distribution Depot, Tracy	\$33,635,000
	Miramar	\$23,000,000
Kansas	McCannell Air Force Base	\$15,800,000
New Mexico	Cannon Air Force Base	\$13,200,000
North Carolina	Seymour Johnson Air Force Base	\$18,500,000
Pennsylvania	Defense Distribution Depot, New Cumberland	\$6,500,000
Virginia	Fort Belvoir	\$4,500,000
	Naval Station, Norfolk	\$6,700,000

National Security Agency

State	Installation or Location	Amount
Georgia	Augusta	\$61,466,000
Maryland	Fort Meade	\$28,049,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Surface Warfare Center, Coronado	\$28,350,000
Florida	Hurlburt Field	\$6,500,000
	Eglin Air Force Base	\$12,800,000
Georgia	Fort Stewart/Hunter Army Air Field	\$10,000,000
Kentucky	Fort Campbell	\$37,800,000
North Carolina	Fort Bragg	\$14,769,000
Washington	Fort Lewis	\$53,300,000

TRICARE Management Activity

State	Installation or Location	Amount
California	Beale Air Force Base	\$18,000,000

TRICARE Management Activity—Continued

State	Installation or Location	Amount
	<i>Naval Hospital, San Diego</i>	\$15,000,000
<i>Colorado</i>	<i>Peterson Air Force Base</i>	\$1,820,000
<i>Maryland</i>	<i>Fort Detrick</i>	\$55,200,000
	<i>Uniformed Services University, Bethesda</i>	\$10,350,000
<i>Mississippi</i>	<i>Keesler Air Force Base</i>	\$14,000,000
<i>Nevada</i>	<i>Nellis Air Force Base</i>	\$1,700,000
<i>South Carolina</i>	<i>Charleston</i>	\$35,000,000
<i>Texas</i>	<i>Lackland Air Force Base</i>	\$11,000,000

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 tables:

Defense Education Activity

Location	Installation or City	Amount
<i>Germany</i>	<i>Landstuhl</i>	\$6,543,000
	<i>Vilseck</i>	\$2,323,000
<i>Guam</i>	<i>Agana</i>	\$40,578,000
<i>Korea</i>	<i>Taegu</i>	\$8,231,000
<i>Spain</i>	<i>Naval Station, Rota</i>	\$7,963,000

Defense Logistics Agency

Location	Installation or City	Amount
<i>Greece</i>	<i>Souda Bay</i>	\$7,089,000

Missile Defense Agency

Location	Installation or City	Amount
<i>Kwajalein</i>	<i>Kwajalein Atoll</i>	\$4,901,000

National Security Agency

Location	Installation or City	Amount
<i>United Kingdom</i>	<i>Menwith Hill</i>	\$44,997,000

TRICARE Management Activity

Location	Installation or City	Amount
<i>Bahrain</i>	<i>.....</i>	<i>\$4,750,000</i>

1 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

2 *Using amounts appropriated pursuant to the author-*
3 *ization of appropriations in section 2403(a)(6), the Sec-*
4 *retary of Defense may carry out energy conservation*
5 *projects under section 2865 of title 10, United States Code,*
6 *in the amount of \$50,000,000.*

7 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
8 **AGENCIES.**

9 *(a) IN GENERAL.—Funds are hereby authorized to be*
10 *appropriated for fiscal years beginning after September 30,*
11 *2005, for military construction, land acquisition, and mili-*
12 *tary family housing functions of the Department of Defense*
13 *(other than the military departments) in the total amount*
14 *of \$2,973,848,000, as follows:*

15 *(1) For military construction projects inside the*
16 *United States authorized by section 2401(a),*
17 *\$586,843,000.*

18 *(2) For military construction projects outside the*
19 *United States authorized by section 2401(b),*
20 *\$126,404,000.*

21 *(3) For unspecified minor military construction*
22 *projects under section 2805 of title 10, United States*
23 *Code, \$15,736,000.*

1 (4) *For contingency construction projects of the*
2 *Secretary of Defense under section 2804 of title 10,*
3 *United States Code, \$5,000,000.*

4 (5) *For architectural and engineering services*
5 *and construction design under section 2807 of title*
6 *10, United States Code, \$135,681,000.*

7 (6) *For energy conservation projects authorized*
8 *by section 2402 of this Act, \$50,000,000.*

9 (7) *For base closure and realignment activities*
10 *as authorized by the Defense Base Closure and Re-*
11 *alignment Act of 1990 (part A of title XXIX of Public*
12 *Law 101–510; 10 U.S.C. 2687 note) and funded*
13 *through the Department of Defense Base Closure Ac-*
14 *count 1990 established by section 2906 of such Act,*
15 *\$377,827,000.*

16 (8) *For base closure and realignment activities*
17 *as authorized by the Defense Base Closure and Re-*
18 *alignment Act of 1990 (part A of title XXIX of Public*
19 *Law 101–510; 10 U.S.C. 2687 note) and funded*
20 *through the Department of Defense Base Closure Ac-*
21 *count 2005 established by section 2906A of such Act,*
22 *\$1,570,466,000.*

23 (9) *For military family housing functions:*

1 (A) For support of military family housing
2 (including functions described in section 2833 of
3 title 10, United States Code), \$46,391,000.

4 (B) For credit to the Department of Defense
5 Family Housing Improvement Fund established
6 by section 2883(a)(1) of title 10, United States
7 Code, \$2,500,000.

8 (10) For the construction of increment 2 of the
9 hospital replacement at Fort Belvoir, Virginia, au-
10 thorized by section 2401(a) of the Military Construc-
11 tion Authorization Act for Fiscal Year 2005 (division
12 B of Public Law 108–375; 118 Stat. 2112),
13 \$57,000,000.

14 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
15 *PROJECTS.*—Notwithstanding the cost variations author-
16 ized by section 2853 of title 10, United States Code, and
17 any other cost variation authorized by law, the total cost
18 of all projects carried out under section 2401 of this Act
19 may not exceed the total amount authorized to be appro-
20 priated under paragraphs (1) and (2) of subsection (a).

21 **TITLE V—NORTH ATLANTIC**
22 **TREATY ORGANIZATION SE-**
23 **CURITY INVESTMENT PRO-**
24 **GRAM**

2501. Authorized NATO construction and land acquisition projects.

2502. Authorization of appropriations, NATO.

1 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
2 **ACQUISITION PROJECTS.**

3 *The Secretary of Defense may make contributions for*
4 *the North Atlantic Treaty Organization Security Invest-*
5 *ment program as provided in section 2806 of title 10,*
6 *United States Code, in an amount not to exceed the sum*
7 *of the amount authorized to be appropriated for this pur-*
8 *pose in section 2502 and the amount collected from the*
9 *North Atlantic Treaty Organization as a result of construc-*
10 *tion previously financed by the United States.*

11 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

12 *Funds are hereby authorized to be appropriated for fis-*
13 *cal years beginning after September 30, 2005, for contribu-*
14 *tions by the Secretary of Defense under section 2806 of title*
15 *10, United States Code, for the share of the United States*
16 *of the cost of projects for the North Atlantic Treaty Organi-*
17 *zation Security Investment program authorized by section*
18 *2501, in the amount of \$206,858,000.*

19 **TITLE VI—GUARD AND RESERVE**
20 **FORCES FACILITIES**

2601. Authorized Guard and Reserve construction and land acquisition projects.

21 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
22 **TION AND LAND ACQUISITION PROJECTS.**

23 *Funds are hereby authorized to be appropriated for fis-*
24 *cal years beginning after September 30, 2005, for the costs*

1 of acquisition, architectural and engineering services, and
 2 construction of facilities for the Guard and Reserve Forces,
 3 and for contributions therefor, under chapter 1803 of title
 4 10, United States Code (including the cost of acquisition
 5 of land for those facilities), the following amounts:

6 (1) For the Department of the Army—

7 (A) for the Army National Guard of the
 8 United States, \$410,624,000; and

9 (B) for the Army Reserve, \$138,425,000.

10 (2) For the Department of the Navy, for the
 11 Naval and Marine Corps Reserve, \$45,226,000.

12 (3) For the Department of the Air Force—

13 (A) for the Air National Guard of the
 14 United States, \$225,727,000; and

15 (B) for the Air Force Reserve, \$110,847,000.

16 **TITLE VII—EXPIRATION AND EX-**
 17 **TENSION OF AUTHORIZA-**
 18 **TIONS**

2701. Expiration of authorizations and amounts required to be specified by law.

2702. Extension of authorizations of certain fiscal year 2003 projects.

2703. Extension of authorizations of certain fiscal year 2002 projects.

2704. Effective date.

19 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
 20 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 21 **LAW.**

22 (a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE**
 23 **YEARS.**—Except as provided in subsection (b), all author-

1 *izations contained in titles XXI through XXVI for military*
2 *construction projects, land acquisition, family housing*
3 *projects and facilities, and contributions to the North At-*
4 *lantic Treaty Organization Security Investment program*
5 *(and authorizations of appropriations therefor) shall expire*
6 *on the later of—*

7 (1) *October 1, 2008; or*

8 (2) *the date of the enactment of an Act author-*
9 *izing funds for military construction for fiscal year*
10 *2009.*

11 (b) *EXCEPTION.—Subsection (a) shall not apply to au-*
12 *thorizations for military construction projects, land acqui-*
13 *sition, family housing projects and facilities, and contribu-*
14 *tions to the North Atlantic Treaty Organization Security*
15 *Investment program (and authorizations of appropriations*
16 *therefor), for which appropriated funds have been obligated*
17 *before the later of—*

18 (1) *October 1, 2008; or*

19 (2) *the date of the enactment of an Act author-*
20 *izing funds for fiscal year 2009 for military construc-*
21 *tion projects, land acquisition, family housing*
22 *projects and facilities, or contributions to the North*
23 *Atlantic Treaty Organization Security Investment*
24 *program.*

1 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2003 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2003 (division B of Public Law 107–314; 116 Stat. 2700),*
 6 *authorizations set forth in the tables in subsection (b), as*
 7 *provided in section 2301, 2302, or 2401 of that Act, shall*
 8 *remain in effect until October 1, 2006, or the date of the*
 9 *enactment of an Act authorizing funds for military con-*
 10 *struction for fiscal year 2007, whichever is later.*

11 (b) *TABLES.*—The tables referred to in subsection (a)
 12 *are as follows:*

Air Force: Extension of 2003 Project Authorizations

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Aviano Air Base, Italy</i>	<i>Area consolidation</i>	<i>\$5,000,000</i>
<i>Eglin Air Force Base, Florida</i>	<i>Family housing (134 units) ...</i>	<i>\$15,906,000</i>
	<i>Family housing office</i>	<i>\$597,000</i>
<i>Keesler Air Force Base, Mississippi ...</i>	<i>Family housing (117 units) ...</i>	<i>\$16,505,000</i>
<i>Randolph Air Force Base, Texas</i>	<i>Family housing (112 units) ...</i>	<i>\$14,311,000</i>
	<i>Housing maintenance facility</i>	<i>\$447,000</i>

Defense Wide: Extension of 2003 Project Authorization

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Stennis Space Center, Mississippi</i>	<i>SOF Training Range</i>	<i>\$5,000,000</i>

13 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 14 **FISCAL YEAR 2002 PROJECTS.**

15 (a) *EXTENSION AND RENEWAL.*—Notwithstanding sec-
 16 *tion 2701 of the Military Construction Authorization Act*
 17 *for Fiscal Year 2002 (division B of Public Law 107–107;*
 18 *115 Stat. 1301), authorizations set forth in the tables in*

1 subsection (b), as provided in section 2101 or 2302 of that
 2 Act and extended by section 2702 of the Military Construc-
 3 tion Authorization Act for Fiscal Year 2005 (division B
 4 of Public Law 108–375; 118 Stat. 2116), shall remain in
 5 effect until October 1, 2006, or the date of the enactment
 6 of an Act authorizing funds for military construction for
 7 fiscal year 2007, whichever is later.

8 (b) TABLES.—The tables referred to in subsection (a)
 9 are as follows:

Army: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
<i>Pohakuloa Training Area, Hawaii</i>	<i>Land acquisition</i>	<i>\$1,500,000</i>

Air Force: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
<i>Barksdale Air Force Base, Louisiana</i>	<i>Family housing (56 units)</i>	<i>\$7,300,000</i>

10 **SEC. 2704. EFFECTIVE DATE.**

11 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of*
 12 *this Act shall take effect on the later of—*

13 (1) *October 1, 2005; or*

14 (2) *the date of the enactment of this Act.*

15 **TITLE VIII—GENERAL**
 16 **PROVISIONS**

*Subtitle A—Military Construction Program and Military Family Housing
 Changes*

*2801. Modification of congressional notification requirements for certain military
 construction activities.*

2802. *Improve availability and timeliness of Department of Defense information regarding military construction and family housing accounts and activities.*
2803. *Expansion of authority to convey property at military installations to support military construction.*
2804. *Effect of failure to submit required report on need for general and flag officers quarters in National Capital Region.*
2805. *One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.*
2806. *Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.*

Subtitle B—Real Property and Facilities Administration

2811. *Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.*
2812. *Report on use of utility system conveyance authority and temporary suspension of authority pending report.*
2813. *Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.*

Subtitle C—Base Closure and Realignment

2821. *Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.*
2822. *Termination of project authorizations for military installations approved for closure in 2005 round of base realignments and closures.*
2823. *Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.*
2824. *Sense of Congress regarding consideration of national defense industrial base interests during Base Closure and Realignment Commission review of Department of Defense base closure and realignment recommendations.*

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

2831. *Modification of land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.*
2832. *Land conveyance, Army Reserve Center, Bothell, Washington.*

PART II—NAVY CONVEYANCES

2841. *Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.*

PART III—AIR FORCE CONVEYANCES

2851. *Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.*
2852. *Land conveyance, Air Force property, Jacksonville, Arkansas.*

Subtitle E—Other Matters

2861. *Lease authority, Army Heritage and Education Center, Carlisle, Pennsylvania.*

2862. *Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.*

2863. *Assessment of water needs for Presidio of Monterey and Ord Military Community.*

1 ***Subtitle A—Military Construction***
2 ***Program and Military Family***
3 ***Housing Changes***

4 ***SEC. 2801. MODIFICATION OF CONGRESSIONAL NOTIFICA-***
5 ***TION REQUIREMENTS FOR CERTAIN MILI-***
6 ***TARY CONSTRUCTION ACTIVITIES.***

7 *(a) CONTINGENCY CONSTRUCTION.—Section 2804(b) of*
8 *title 10, United States Code, is amended—*

9 *(1) by striking “21-day period” and inserting*
10 *“14-day period”; and*

11 *(2) by striking “14-day period” and inserting*
12 *“seven-day period”.*

13 *(b) ACQUISITION IN LIEU OF CONSTRUCTION.—Section*
14 *2813(c) of such title is amended—*

15 *(1) by striking “30-day period” and inserting*
16 *“21-day period”; and*

17 *(2) by striking “21-day period” and inserting*
18 *“14-day period”.*

1 **SEC. 2802. IMPROVE AVAILABILITY AND TIMELINESS OF DE-**
2 **PARTMENT OF DEFENSE INFORMATION RE-**
3 **GARDING MILITARY CONSTRUCTION AND**
4 **FAMILY HOUSING ACCOUNTS AND ACTIVI-**
5 **TIES.**

6 (a) *MAINTENANCE OF INFORMATION ON INTERNET.*—
7 *Section 2851 of title 10, United States Code, is amended*
8 *by adding at the end the following new subsection:*

9 “(c) *MAINTENANCE OF MILITARY CONSTRUCTION IN-*
10 *FORMATION ON INTERNET; ACCESS.*—(1) *The Secretary of*
11 *Defense shall maintain, as part of the Internet site of the*
12 *Department of Defense, a link that, when activated by a*
13 *person authorized under paragraph (3), will permit the per-*
14 *son to access and view on a separate page of the Internet*
15 *site a document or other file containing information regard-*
16 *ing—*

17 “(A) *a specific military construction project or*
18 *military family housing project, including the infor-*
19 *mation required by paragraph (2); and*

20 “(B) *the accounts that are used to fund the*
21 *project or support the operation and maintenance of*
22 *military family housing.*

23 “(2) *The information required to be maintained under*
24 *this subsection shall include the following:*

25 “(A) *The solicitation date and award date (or*
26 *anticipated dates) for each contract entered into (or*

1 to be entered into) by the United States in connection
2 with a military construction project or a military
3 family housing project.

4 “(B) The contract recipient, contract award
5 amount, and current working estimate of the cost of
6 the project.

7 “(C) The latest form 1391 for the project and the
8 status of design and construction for the project.

9 “(D) The date (or anticipated date) for comple-
10 tion of the project.

11 “(E) If funds appropriated for the project exceed
12 (or are likely to exceed) the amount required to com-
13 plete the project, the amount of the excess and the
14 purpose for which the excess funds will be used.

15 “(F) If funds appropriated for the project are in-
16 sufficient (or are likely to be insufficient) to complete
17 the project, the additional amount necessary to com-
18 plete the project and the source of the additional
19 funds.

20 “(G) For accounts such as planning and design,
21 unspecified minor construction, and family housing
22 operation and maintenance, detailed information re-
23 garding expenditures and anticipated expenditures
24 under these accounts and the purposes for which the
25 expenditures are made.

1 “(3) *Access to the Internet page referred to in para-*
2 *graph (1) shall be restricted to the following persons:*

3 “(A) *Members of the congressional defense com-*
4 *mittees and their staff.*

5 “(B) *Staff of the congressional defense commit-*
6 *tees.*

7 “(4) *The Secretary shall update the information re-*
8 *quired to be maintained under this subsection as promptly*
9 *as practicable to ensure that the information is available*
10 *to persons referred to in paragraph (3) in a timely man-*
11 *ner.”.*

12 (b) *STYLISTIC AMENDMENTS.—Such section is further*
13 *amended—*

14 (1) *in subsection (a), by inserting “SUPERVISION*
15 *OF MILITARY DEPARTMENT PROJECTS. __” after*
16 *“(a)”;* and

17 (2) *in subsection (b), by inserting “SUPERVISION*
18 *OF DEFENSE AGENCY PROJECTS. __” after “(b)”.*

19 **SEC. 2803. EXPANSION OF AUTHORITY TO CONVEY PROP-**
20 **ERTY AT MILITARY INSTALLATIONS TO SUP-**
21 **PORT MILITARY CONSTRUCTION.**

22 (a) *INCLUSION OF ALL MILITARY INSTALLATIONS.—*
23 *Subsection (a) of section 2869 of title 10, United States*
24 *Code, is amended—*

1 (1) *by redesignating paragraphs (1) and (2) as*
2 *subparagraphs (A) and (B), respectively;*

3 (2) *by inserting “(1)” before “The Secretary con-*
4 *cerned”;*

5 (3) *by striking “located on a military installa-*
6 *tion that is closed or realigned under a base closure*
7 *law” and inserting “described in paragraph (2)”;* and

8 (4) *by adding at the end the following new para-*
9 *graph:*

10 “(2) Paragraph (1) applies with respect to real prop-
11 erty under the jurisdiction of the Secretary concerned
12 that—

13 “(A) is located on a military installation that is
14 closed or realigned under a base closure law; or

15 “(B) is determined to be surplus to the needs of
16 the Federal Government.”.

17 (b) *ADVANCE NOTICE OF USE OF AUTHORITY; CON-*
18 *TENT OF NOTICE.—Subsection (d) of such section is amend-*
19 *ed—*

20 (1) *in paragraph (1), by striking “closed or re-*
21 *aligned under the base closure laws is to be conveyed”*
22 *and inserting “is proposed for conveyance”;*

23 (2) *by striking paragraph (2) and inserting the*
24 *following new paragraph:*

1 “(2) *The Secretary concerned may not enter into an*
2 *agreement under subsection (a) for the conveyance of real*
3 *property until—*

4 “(A) *the Secretary submits to Congress notice of*
5 *the conveyance, including—*

6 “(i) *the military construction activities,*
7 *military family housing, or military unaccom-*
8 *panied housing to be obtained in exchange for*
9 *the conveyance of the property; and*

10 “(ii) *the amount of any payment to be*
11 *made under subsection (b) by the recipient of the*
12 *property to equalize the fair market values of the*
13 *property to be conveyed and the military con-*
14 *struction activities, military family housing, or*
15 *military unaccompanied housing to be obtained*
16 *in exchange for the property; and*

17 “(B) *a period of 21 days has elapsed from the*
18 *date of receipt of the notice or, if over sooner, a period*
19 *of 14 days has elapsed from the date on which a copy*
20 *of the notice is provided in an electronic medium*
21 *pursuant to section 480 of this title”.*

22 (c) *DEPOSIT AND USE OF FUNDS.—Subsection (e) of*
23 *such section is amended to read as follows:*

24 “(e) *DEPOSIT AND USE OF FUNDS.—(1) The Secretary*
25 *concerned shall deposit funds received under subsection (b)*

1 *in the appropriation ‘Foreign Currency Fluctuations, Con-*
2 *struction, Defense’.*

3 “(2) *The funds deposited under paragraph (1) shall*
4 *be available, in such amounts as provided in appropriation*
5 *Acts, for the purpose of paying increased costs of overseas*
6 *military construction and family housing construction or*
7 *improvement associated with unfavorable fluctuations in*
8 *currency exchange rates. The use of such funds for this pur-*
9 *pose does not relieve the Secretary concerned from the duty*
10 *to provide advance notice to Congress under section 2853(c)*
11 *of this title whenever the Secretary approves an increase*
12 *in the cost of an overseas project under such section.”.*

13 *(d) ANNUAL REPORTS; EFFECT OF FAILURE TO SUB-*
14 *MIT.—Subsection (f) of such section is amended—*

15 *(1) by redesignating paragraphs (1), (2), and (3)*
16 *as subparagraphs (A), (B), and (C), respectively;*

17 *(2) in subparagraph (C), as so redesignated, by*
18 *inserting before the period at the end the following:*
19 *“and of surplus real property at military installa-*
20 *tions”;*

21 *(3) by striking “(f)” and all that follows through*
22 *“the following:” and inserting the following:*

23 *“(f) ANNUAL REPORTS; EFFECT OF FAILURE TO SUB-*
24 *MIT.—(1) Not later than March 15 of each year, the Sec-*

1 *retary of Defense shall submit to Congress a report detailing*
 2 *the following.”; and*

3 *(4) by adding at the end the following new para-*
 4 *graph:*

5 *“(2) If the report for a year is not submitted to Con-*
 6 *gress by the date specified in paragraph (1), the Secretary*
 7 *concerned may not enter into an agreement under sub-*
 8 *section (a) after that date for the conveyance of real prop-*
 9 *erty until the date on which the report is finally sub-*
 10 *mited.”.*

11 *(e) CLERICAL AMENDMENTS.—*

12 *(1) SECTION HEADING.—The heading for such*
 13 *section is amended to read as follows:*

14 **“§2869. Conveyance of property at military installa-**
 15 **tions to support military construction”.**

16 *(2) TABLE OF SECTIONS.—The table of sections*
 17 *at the beginning of chapter 169 of such title is*
 18 *amended by striking the item relating to section 2869*
 19 *and inserting the following new item:*

“2689. Conveyance of property at military installations to support military con-
struction.”.

20 *(f) CONFORMING AMENDMENTS TO OTHER LAWS.—*

21 *Section 2883(c) of such title is amended—*

22 *(1) in paragraph (1), by striking subparagraph*
 23 *(F); and*

1 (2) *in paragraph (2), by striking subparagraph*
2 *(F).*

3 **SEC. 2804. EFFECT OF FAILURE TO SUBMIT REQUIRED RE-**
4 **PORT ON NEED FOR GENERAL AND FLAG OF-**
5 **FICERS QUARTERS IN NATIONAL CAPITAL RE-**
6 **GION.**

7 *Section 2802(c) of the Military Construction Author-*
8 *ization Act for Fiscal Year 2005 (division B of Public Law*
9 *108–375; 118 Stat. 2120) is amended—*

10 (1) *by inserting “(1)” before “Not later than*
11 *March 30, 2005,”; and*

12 (2) *by adding at the end the following new para-*
13 *graph:*

14 “(2) *Until the report required by this subsection is sub-*
15 *mitted to the congressional defense committees, amounts ap-*
16 *propriated for the Department of Defense for fiscal year*
17 *2006 may not be used for the operation, maintenance, or*
18 *repair of housing units for general officers and flag officers*
19 *in the National Capital Region.”.*

20 **SEC. 2805. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED**
21 **AUTHORITY TO USE OPERATION AND MAIN-**
22 **TENANCE FUNDS FOR CONSTRUCTION**
23 **PROJECTS OUTSIDE THE UNITED STATES.**

24 (a) *CONDITIONAL EXTENSION.*—*Section 2808 of the*
25 *Military Construction Authorization Act for Fiscal Year*

1 2004 (division B of Public Law 108–136; 117 Stat. 1723),
2 as amended by section 2810 of the Military Construction
3 Authorization Act for Fiscal Year 2005 (division B of Pub-
4 lic Law 108–375; 118 Stat. 2128), is further amended—

5 (1) in subsection (a), by striking “fiscal year
6 2005” and inserting “fiscal years 2005 and 2006”;
7 and

8 (2) in subsection (d)(2)—

9 (A) by striking “during fiscal year 2005”
10 and inserting “during a fiscal year”;

11 (B) by inserting “for that fiscal year” after
12 “commence”; and

13 (C) by striking “for fiscal year 2004” and
14 inserting “for the preceding fiscal year”.

15 (b) *ADVANCE NOTICE OF PROPOSED OBLIGATION OF*
16 *FUNDS.*—Subsection (b) of such section 2808 is amended—

17 (1) in the first sentence—

18 (A) by striking “Within seven days after”
19 and all that follows through “are first” and in-
20 serting “Not later than seven days before the date
21 on which appropriated funds available for oper-
22 ation and maintenance will be first”; and

23 (B) by striking “the obligation” and insert-
24 ing “the proposed obligation”;

1 (2) in paragraph (2), by striking “are being ob-
2 ligated” and inserting “will be obligated”; and

3 (3) in paragraph (4), by striking “obligated”
4 and inserting “to be obligated”.

5 (c) *QUARTERLY REPORTS; EFFECT OF FAILURE TO*
6 *SUBMIT.*—Subsection (d) of such section 2808 is amended
7 by striking paragraph (1) and inserting the following new
8 paragraph:

9 “(1) Not later than 30 days after the end of each fiscal-
10 year quarter during which appropriated funds available for
11 operation and maintenance are obligated or expended to
12 carry out construction projects outside the United States,
13 the Secretary of Defense shall submit to the congressional
14 committees specified in subsection (f) a report on the world-
15 wide obligation and expenditure during that quarter of such
16 appropriated funds for such construction projects. If the re-
17 port for a fiscal-year quarter is not submitted to such com-
18 mittees by the required date, appropriated funds available
19 for operation and maintenance may not be obligated or ex-
20 pended after that date under the authority of this section
21 to carry out construction projects outside the United States
22 until the date on which the report is finally submitted.”.

1 **SEC. 2806. CLARIFICATION OF MORATORIUM ON CERTAIN**
2 **IMPROVEMENTS AT FORT BUCHANAN, PUER-**
3 **TO RICO.**

4 (a) *EXCEPTIONS TO MORATORIUM.*—Section 1507 of
5 the *Floyd D. Spence National Defense Authorization Act*
6 for Fiscal Year 2001 (as enacted into law by Public Law
7 106–398; 114 Stat. 1654A–355) is amended—

8 (1) in subsection (a), by striking “conversion, re-
9 habilitation, extension, or improvement” and insert-
10 ing “or extension”;

11 (2) in subsection (b)(1), by inserting “, repair,
12 or convert” after “maintain”; and

13 (3) in subsection (c), by striking “conversion, re-
14 habilitation, extension, or improvement” and insert-
15 ing “or extension”.

16 (b) *RULE OF CONSTRUCTION.*—The amendments made
17 by subsection (a) do not trigger the termination of the mor-
18 atorium on certain improvements at Fort Buchanan, Puer-
19 to Rico, as provided by subsection (c) of section 1507 of
20 the *Floyd D. Spence National Defense Authorization Act*
21 for Fiscal Year 2001.

1 ***Subtitle B—Real Property and***
2 ***Facilities Administration***

3 ***SEC. 2811. CONSOLIDATION OF DEPARTMENT OF DEFENSE***
4 ***LAND ACQUISITION AUTHORITIES AND LIMI-***
5 ***TATIONS ON USE OF SUCH AUTHORITIES.***

6 *(a) LAND ACQUISITION AUTHORITY.—Chapter 159 of*
7 *title 10, United States Code, is amended—*

8 *(1) in section 2663—*

9 *(A) by striking the section heading and in-*
10 *serting the following new section heading:*

11 ***“§ 2663. Land acquisition authorities”;***

12 *(B) in subsection (a)—*

13 *(i) by redesignating paragraphs (1),*
14 *(2), and (3) as subparagraphs (A), (B), and*
15 *(C), respectively;*

16 *(ii) in subparagraph (C), as so redesign-*
17 *ated, by striking “clause (2)” and insert-*
18 *ing “subparagraph (B)”;* and

19 *(iii) by inserting “ACQUISITION OF*
20 *LAND BY CONDEMNATION FOR CERTAIN*
21 *MILITARY PURPOSES.—(1)” before “The*
22 *Secretary” ;*

23 *(C) by redesignating subsection (b) as para-*
24 *graph (2) and, in such paragraph, by striking*
25 *“subsection (a)” and inserting “paragraph (1)”;*

1 (D) by redesignating subsection (c) as sub-
2 section (b) and, in such subsection, by inserting
3 “ACQUISITION BY PURCHASE IN LIEU OF CON-
4 DEMNATION.—” before “The Secretary”; and

5 (E) by striking subsection (d);

6 (2) by transferring subsections (a), (b), and (d)
7 of section 2672 to section 2663 and inserting such
8 subsections in that order after subsection (b), as reded-
9 ignated by paragraph (1)(D);

10 (3) in subsection (a), as transferred by para-
11 graph (2), by striking “(a) ACQUISITION AUTHORITY”
12 and inserting “(c) ACQUISITION OF LOW-COST INTER-
13 ESTS IN LAND”;

14 (4) in subsection (b), as transferred by para-
15 graph (2)—

16 (A) by striking “(b) ACQUISITION OF MUL-
17 TIPLE PARCELS.—This section” and inserting
18 “(3) This subsection”;

19 (B) by striking “subsection (a)(1)” and in-
20 serting “paragraph (1)”; and

21 (C) by striking “subsection (a)(2)” and in-
22 serting “paragraph (2)”;

23 (5) in subsection (d), as transferred by para-
24 graph (2)—

1 (A) by striking “(d) AVAILABILITY OF
2 FUNDS.—Appropriations” and inserting “(4)
3 Appropriations”; and

4 (B) by striking “this section” and inserting
5 “this subsection”;

6 (6) by transferring subsections (a), (c), and (b)
7 of section 2672a to section 2663 and inserting such
8 subsections in that order after subsection (c), as redesi-
9 gnated and amended by paragraphs (3), (4), and (5);
10 (7) in subsection (a), as transferred by para-
11 graph (6)—

12 (A) by redesignating paragraphs (1), (2),
13 and (3) as subparagraphs (A), (B), and (C), re-
14 spectively; and

15 (B) by striking “(a) The Secretary” and in-
16 serting “(d) ACQUISITION OF INTERESTS IN
17 LAND WHEN NEED IS URGENT.—(1) The Sec-
18 retary”;

19 (8) in subsection (c), as transferred by para-
20 graph (6)—

21 (A) by striking “(c)” and inserting “(2)”;
22 and

23 (B) by striking “this section” and inserting
24 “this subsection”;

1 (9) *in subsection (b), as transferred by para-*
2 *graph (6)—*

3 (A) *by striking “(b)” and inserting “(3)”;*

4 (B) *by striking “this section” in the first*
5 *sentence and inserting “this subsection”; and*

6 (C) *by striking the second sentence;*

7 (10) *by transferring subsection (b) of section*
8 *2676 to section 2663 and inserting such subsection*
9 *after subsection (d), as redesignated and amended by*
10 *paragraphs (7), (8), and (9); and*

11 (11) *in subsection (b), as transferred by para-*
12 *graph (10), by striking “(b) Authority” and inserting*
13 *“(e) SURVEY AUTHORITY; ACQUISITION METHODS.—*
14 *Authority”.*

15 (b) *LIMITATIONS ON ACQUISITION AUTHORITY.—Sec-*
16 *tion 2676 of such title, as amended by subsection (a)(10),*
17 *is further amended—*

18 (1) *in subsection (a)—*

19 (A) *by inserting “AUTHORIZATION FOR AC-*
20 *QUISITION REQUIRED.—” before “No military*
21 *department”; and*

22 (B) *by striking “, as amended”;*

23 (2) *in subsection (c)—*

24 (A) *in paragraph (1), by inserting “COST*
25 *LIMITATIONS.—” before “(1)”;*

1 (B) in paragraph (2)—

2 (i) by striking “A land” and inserting
3 “Until subsection (d) is complied with, a
4 land”; and

5 (ii) by striking “lesser,” and all that
6 follows through the period at the end and
7 inserting “lesser.”;

8 (3) in subsection (d), by inserting “CONGRES-
9 SIONAL NOTIFICATION.—” before “The limitations”;
10 and

11 (4) in subsection (e), by inserting “PAYMENT OF
12 JUDGEMENTS AND SETTLEMENTS.—” before “The
13 Secretary”.

14 (c) *TRANSFER AND REDESIGNATION OF REVISED LIMI-*
15 *TATION SECTION.—Section 2676 of such title, as amended*
16 *by subsections (a)(10) and (b)—*

17 (1) is inserted after section 2663 of such title, as
18 amended by subsection (a); and

19 (2) is amended by striking the section heading
20 and inserting the following new section heading:

21 “**§ 2664. Limitations on real property acquisition**”.

22 (d) *INCLUSION OF LIMITATION ON LAND ACQUISITION*
23 *COMMISSIONS.—Subsection (c) of section 2661 of such title*
24 *is transferred to section 2664 of such title, as redesignated*

1 *by subsection (c)(2), is inserted after subsection (a) of such*
 2 *redesignated section, and is redesignated as subsection (b).*

3 *(e) CONFORMING REPEALS.—Sections 2672 and 2672a*
 4 *of such title are repealed.*

5 *(f) CLERICAL AMENDMENTS.—The table of sections at*
 6 *the beginning of chapter 159 of such title is amended—*

7 *(1) by striking the items relating to sections*
 8 *2663, 2672, 2672a, and 2676; and*

9 *(2) by inserting after the item relating to section*
 10 *2662 the following new items:*

“2663. Land acquisition authorities.

“2664. Limitations on real property acquisition.”.

11 **SEC. 2812. REPORT ON USE OF UTILITY SYSTEM CONVEY-**
 12 **ANCE AUTHORITY AND TEMPORARY SUSPEN-**
 13 **SION OF AUTHORITY PENDING REPORT.**

14 *(a) REPORT ON USE OF AUTHORITY.—Subsection (e)*
 15 *of section 2688 of title 10, United States Code, is amend-*
 16 *ed—*

17 *(1) by redesignating paragraphs (1) and (2) as*
 18 *subparagraphs (A) and (B), respectively;*

19 *(2) by striking “QUARTERLY REPORT.—” and*
 20 *inserting “REPORTING REQUIREMENTS.—(1)”;* and

21 *(3) by adding at the end the following new para-*
 22 *graph:*

23 *“(2) Not later than March 15, 2006, the Secretary of*
 24 *Defense shall submit to Congress a report containing—*

1 “(A) a discussion of the methodology by which a
2 military department conducts the economic analyses
3 of proposed utility system conveyances under this sec-
4 tion, including the economic analysis referred to in
5 this subsection, and any guidance issued by the De-
6 partment of Defense related to conducting such eco-
7 nomic analyses;

8 “(B) a list of the steps taken to ensure the reli-
9 ability of completed economic analyses, including
10 post-conveyance reviews of actual costs and savings to
11 the United States versus the costs and savings antici-
12 pated in the economic analyses;

13 “(C) a review of the costs and savings to the
14 United States resulting from each utility system con-
15 veyance carried out under this section;

16 “(D) a discussion of the requirement for consid-
17 eration equal to the fair market value of a conveyed
18 utility system, as specified in subsection (c), and any
19 guidance issued by the Department of Defense related
20 to implementing that requirement, and the effect of
21 that requirement and guidance on the costs and sav-
22 ings to the United States resulting from procuring by
23 contract the utility services provided by the utility
24 system;

1 “(E) a discussion of the effects that permanent
2 conveyance of ownership in a utility system may have
3 on the ability of the Secretary concerned to renegotiate
4 contracts for utility services provided by the
5 utility system or to procure such services from another
6 source;

7 “(F) a discussion of the efforts and direction
8 within the Department of Defense to oversee the im-
9 plementation and use of the utility system conveyance
10 authority under this section and to ensure the ade-
11 quacy of utilities services for a military installation
12 after conveyance of a utility system; and

13 “(G) a discussion of the effect of utility system
14 conveyances on the operating budgets of military in-
15 stallations at which the conveyances were made.”.

16 (b) *SUSPENSION OF AUTHORITY*.—Such section is fur-
17 ther amended by adding at the end the following new sub-
18 section:

19 “(j) *TEMPORARY SUSPENSION OF CONVEYANCE AU-*
20 *THORITY*.—The Secretary concerned may not convey a util-
21 ity system, including any part of a utility system, under
22 subsection (a) or make a contribution under subsection (g)
23 toward the cost of construction, repair, or replacement of
24 a utility system by another entity until the later of the fol-
25 lowing dates:

1 “(1) The date of the enactment of an Act author-
2 izing funds for military construction for fiscal year
3 2007.

4 “(2) The date that is one year after the date of
5 the submission of the report required by subsection
6 (e)(2).”.

7 **SEC. 2813. AUTHORIZED MILITARY USES OF PAPAGO PARK**

8 **MILITARY RESERVATION, PHOENIX, ARIZONA.**

9 The Act of April 7, 1930 (Chapter 107; 46 Stat. 142),
10 is amended in the first designated paragraph, relating to
11 the Papago Park Military Reservation, by striking “as a
12 rifle range”.

13 **Subtitle C—Base Closure and**
14 **Realignment**

15 **SEC. 2821. ADDITIONAL REPORTING REQUIREMENTS RE-**

16 **GARDING BASE CLOSURE PROCESS AND USE**

17 **OF DEPARTMENT OF DEFENSE BASE CLO-**

18 **SURE ACCOUNTS.**

19 (a) **INFORMATION ON FUTURE RECEIPTS AND EX-**
20 **PENDITURES.**—

21 (1) **1990 ACCOUNT.**—Section 2906(c)(1) of the
22 **Defense Base Closure and Realignment Act of 1990**
23 **(part A of title XXIX of Public Law 101–510; 10**
24 **U.S.C. 2687 note) is amended—**

25 (A) in subparagraph (A)—

1 (i) by striking “committees of the
2 amount” and inserting “committees of—

3 “(i) the amount”;

4 (ii) by striking “such fiscal year and
5 of the amount” and inserting “such fiscal
6 year;

7 “(ii) the amount”; and

8 (iii) by striking “such fiscal year.”
9 and inserting “such fiscal year;

10 “(iii) the amount and nature of anticipated de-
11 posits to be made into, and the anticipated expendi-
12 tures to be made from, the Account during the first
13 fiscal year commencing after the submission of the re-
14 port; and

15 “(iv) the amount and nature of anticipated ex-
16 penditures to be made made pursuant to section
17 2905(a) during the first fiscal year commencing after
18 the submission of the report.”; and

19 (B) in subparagraph (B)—

20 (i) in clause (i), by inserting “and in-
21 stallation” after “subaccount”; and

22 (ii) by adding at the end the following
23 new clause:

24 “(v) An estimate of the net revenues to be re-
25 ceived from property disposals to be completed during

1 *the first fiscal year commencing after the submission*
2 *of the report at military installations the date of ap-*
3 *proval of closure or realignment of which is before*
4 *January 1, 2005.”.*

5 (2) 2005 ACCOUNT.—Section 2906A(c)(1) of such
6 Act is amended—

7 (A) in subparagraph (A)—

8 (i) by striking “committees of the
9 amount” and inserting “committees of—

10 “(i) the amount”;

11 (ii) by striking “such fiscal year and
12 of the amount” and inserting “such fiscal
13 year;

14 “(ii) the amount”; and

15 (iii) by striking “such fiscal year.”
16 and inserting “such fiscal year;

17 “(iii) the amount and nature of anticipated de-
18 posits to be made into, and the anticipated expendi-
19 tures to be made from, the Account during the first
20 fiscal year commencing after the submission of the re-
21 port; and

22 “(iv) the amount and nature of anticipated ex-
23 penditures to be made made pursuant to section
24 2905(a) during the first fiscal year commencing after
25 the submission of the report.”; and

1 (B) in subparagraph (B)—

2 (i) in clause (i), by inserting “and in-
3 stallation” after “subaccount”; and

4 (ii) by adding at the end the following
5 new clause:

6 “(v) An estimate of the net revenues to be re-
7 ceived from property disposals to be completed during
8 the first fiscal year commencing after the submission
9 of the report at military installations the date of ap-
10 proval of closure or realignment of which is after
11 January 1, 2005.”.

12 (b) INFORMATION ON BRAC PROCESS.—Section 2907
13 of such Act is amended—

14 (1) by striking “fiscal year 1993” and inserting
15 “fiscal year 2007”;

16 (2) by striking “and” at the end of paragraph
17 (1);

18 (3) by striking the period at the end of para-
19 graph (2) and inserting a semicolon; and

20 (4) by adding at the end the following new para-
21 graphs:

22 “(3) a description of the closure or realignment
23 actions already carried out at each military installa-
24 tion since the date of the installation’s approval for
25 closure or realignment under this part and the cur-

1 *rent status of the closure or realignment of the instal-*
2 *lation, including whether—*

3 “(A) a redevelopment authority has been
4 recognized by the Secretary for the installation;

5 “(B) the screening of property at the instal-
6 lation for other Federal use has been completed;
7 and

8 “(C) a redevelopment plan has been agreed
9 to by the redevelopment authority for the instal-
10 lation;

11 “(4) a description of redevelopment plans for
12 military installations approved for closure or realign-
13 ment under this part, the quantity of property re-
14 maining to be disposed of at each installation as part
15 of its closure or realignment, and the quantity of
16 property already disposed of at each installation;

17 “(5) a list of the Federal agencies that have re-
18 quested property during the screening process for each
19 military installation approved for closure or realign-
20 ment under this part, including the date of transfer
21 or anticipated transfer of the property to such agen-
22 cies, the acreage involved in such transfers, and an
23 explanation for any delays in such transfers;

24 “(6) a list of known environmental remediation
25 issues at each military installation approved for clo-

1 *sure or realignment under this part, including the*
2 *acreage affected by these issues, an estimate of the cost*
3 *to complete such environmental remediation, and the*
4 *plans (and timelines) to address such environmental*
5 *remediation; and*

6 *“(7) an estimate of the date for the completion*
7 *of all closure or realignment actions at each military*
8 *installation approved for closure or realignment*
9 *under this part.”.*

10 **SEC. 2822. TERMINATION OF PROJECT AUTHORIZATIONS**
11 **FOR MILITARY INSTALLATIONS APPROVED**
12 **FOR CLOSURE IN 2005 ROUND OF BASE RE-**
13 **ALIGNMENTS AND CLOSURES.**

14 *(a) PROJECT TERMINATION.—If a military installa-*
15 *tion is approved for closure in 2005 under the Defense Base*
16 *Closure and Realignment Act of 1990 (part A of title XXIX*
17 *of Public Law 101–510; 10 U.S.C. 2687 note), any author-*
18 *ization for a military construction project, land acquisi-*
19 *tion, or family housing project that is related to that instal-*
20 *lation and contained in title XXI, XXII, XXIII, or XXIV*
21 *of this Act or in an Act authorizing funds for a prior fiscal*
22 *year for military construction projects, land acquisition,*
23 *and family housing projects (and authorizations of appro-*
24 *priations therefor) shall terminate and no longer constitute*
25 *authority under section 2676, 2802, 2821, or 2822 of title*

1 10, United States Code, to carry out the military construc-
2 tion project, land acquisition, or family housing project.

3 (b) *EXCEPTION.*—Subsection (a) shall not apply to au-
4 thorizations for military construction projects, land acqui-
5 sition, or family housing projects (and authorizations of ap-
6 propriations therefor) for which appropriated funds have
7 been obligated before the date of approval of the military
8 installation for closure under the Defense Base Closure and
9 Realignment Act of 1990. In this subsection, the term “date
10 of approval” has the meaning given that term in section
11 2910(8) of such Act.

12 **SEC. 2823. EXPANDED AVAILABILITY OF ADJUSTMENT AND**
13 **DIVERSIFICATION ASSISTANCE FOR COMMU-**
14 **NITIES ADVERSELY AFFECTED BY MISSION**
15 **REALIGNMENTS IN BASE CLOSURE PROCESS.**

16 (a) *ELIGIBILITY REQUIREMENTS.*—Subsection (b)(3)
17 of section 2391 of title 10, United States Code, is amend-
18 ed—

19 (1) by striking “significantly reduced operations
20 of a defense facility” and inserting “realignment of a
21 military installation”;

22 (2) by striking “cancellation,” and inserting
23 “closure or realignment, cancellation or”; and

1 (3) by striking “community” and all that follows
2 through the period at the end and inserting “commu-
3 nity or its residents.”.

4 (b) *ADDITION OF DEFINITION OF REALIGNMENT.*—
5 Subsection (d) of such section is amended by adding at the
6 end the following new paragraph:

7 “(4) The term ‘realignment’ has the meaning
8 given that term in section 2910(5) of the Defense Base
9 Closure and Realignment Act of 1990 (part A of title
10 XXIX of Public Law 101–510; 10 U.S.C. 2687
11 note).”.

12 **SEC. 2824. SENSE OF CONGRESS REGARDING CONSIDER-**
13 **ATION OF NATIONAL DEFENSE INDUSTRIAL**
14 **BASE INTERESTS DURING BASE CLOSURE**
15 **AND REALIGNMENT COMMISSION REVIEW OF**
16 **DEPARTMENT OF DEFENSE BASE CLOSURE**
17 **AND REALIGNMENT RECOMMENDATIONS.**

18 *It is the sense of Congress that national defense indus-*
19 *trial base interests, including the relationships between*
20 *military installations and proximate commercial facilities*
21 *and the maintenance of, and accessibility to, skills and*
22 *knowledge critical to military installations and their oper-*
23 *ation, are an integral part of military value, and should*
24 *be given full consideration by the Base Closure and Realign-*
25 *ment Commission when it conducts its review and analysis*

1 of the recommendations made by the Secretary of Defense
2 regarding the closure or realignment of military installa-
3 tions.

4 **Subtitle D—Land Conveyances**
5 **PART 1—ARMY CONVEYANCES**

6 **SEC. 2831. MODIFICATION OF LAND CONVEYANCE, ENGI-**
7 **NEER PROVING GROUND, FORT BELVOIR, VIR-**
8 **GINIA.**

9 (a) *CONSIDERATION.*—Subsection (b)(4) of section
10 2836 of the Military Construction Authorization Act for
11 Fiscal Year 2002 (division B of Public Law 107–107; 115
12 Stat. 1314) is amended by striking “, jointly determined”
13 and all that follows through “Ground” and inserting “equal
14 to \$3,880,000”.

15 (b) *REPLACEMENT OF FIRE STATION.*—Subsection (d)
16 of such section is amended—

17 (1) in paragraph (1)—

18 (A) by striking “Building 5089” and insert-
19 ing “Building 191”; and

20 (B) by striking “paragraphs (2) and (3)”
21 and inserting “paragraph (2)”;

22 (2) in paragraph (2), by striking “Building
23 5089” and inserting “Building 191”; and

24 (3) by striking paragraph (3).

1 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**
2 **BOTHELL, WASHINGTON.**

3 (a) *CONVEYANCE AUTHORIZED.*—Subject to subsection
4 (c), the Secretary of the Army may convey to the Snohomish
5 County Fire Protection District #10 (in this section re-
6 ferred to as the “Fire District”) all right, title, and interest
7 of the United States in and to a parcel of real property
8 consisting of approximately one acre at the Army Reserve
9 Center in Bothell, Washington, and currently occupied, in
10 part, by the Queensborough Firehouse for the purpose of
11 supporting the provision of fire and emergency medical aid
12 services.

13 (b) *IN-KIND CONSIDERATION.*—As consideration for
14 the conveyance under subsection (a), the Fire District shall
15 provide in-kind consideration acceptable to the Secretary
16 with a total value equal to not less than the fair market
17 value of the conveyed real property, as determined by the
18 Secretary.

19 (c) *REVERSIONARY INTEREST.*—If the Secretary deter-
20 mines at any time that the real property conveyed under
21 subsection (a) is not being used in accordance with the pur-
22 pose of the conveyance specified in such subsection, all right,
23 title, and interest in and to all or any portion of the prop-
24 erty shall revert, at the option of the Secretary, to the
25 United States, and the United States shall have the right
26 of immediate entry onto the property. Any determination

1 *of the Secretary under this subsection shall be made on the*
2 *record after an opportunity for a hearing.*

3 *(d) PAYMENT OF COSTS OF CONVEYANCE.—*

4 *(1) PAYMENT REQUIRED.—The Secretary shall*
5 *require the Fire District to cover costs to be incurred*
6 *by the Secretary, or to reimburse the Secretary for*
7 *costs incurred by the Secretary, to carry out the con-*
8 *veyance under subsection (a), including survey costs,*
9 *costs related to environmental documentation, and*
10 *other administrative costs related to the conveyance.*
11 *If amounts are collected from the Fire District in ad-*
12 *vance of the Secretary incurring the actual costs, and*
13 *the amount collected exceeds the costs actually in-*
14 *curring by the Secretary to carry out the conveyance,*
15 *the Secretary shall refund the excess amount to the*
16 *Fire District.*

17 *(2) TREATMENT OF AMOUNTS RECEIVED.—*
18 *Amounts received as reimbursement under paragraph*
19 *(1) shall be credited to the fund or account that was*
20 *used to cover the costs incurred by the Secretary in*
21 *carrying out the conveyance. Amounts so credited*
22 *shall be merged with amounts in such fund or ac-*
23 *count, and shall be available for the same purposes,*
24 *and subject to the same conditions and limitations, as*
25 *amounts in such fund or account.*

1 *the purpose of removing the property from the boundaries*
2 *of the installation and permitting the County to preserve*
3 *the property as public open space and reopen the tract*
4 *known as the Stowe Trail to public use.*

5 (b) *CONSIDERATION.—*

6 (1) *IN-KIND CONSIDERATION.—As consideration*
7 *for the conveyance under subsection (a), the County*
8 *shall provide in-kind consideration with a total value*
9 *equal to not less than the fair market value of the*
10 *conveyed real property, as determined by the Sec-*
11 *retary.*

12 (2) *TYPES OF CONSIDERATION.—The in-kind*
13 *consideration provided by the County shall be in a*
14 *form and quantity that is acceptable to the Secretary,*
15 *and may include the following forms of in-kind con-*
16 *sideration:*

17 (A) *Maintenance, protection, alteration, re-*
18 *pair, improvement, or restoration (including en-*
19 *vironmental restoration) of property or facilities*
20 *under the control of the Secretary.*

21 (B) *Construction of new facilities for the*
22 *Secretary.*

23 (C) *Provision of facilities for use by the*
24 *Secretary.*

1 (D) *Facilities operation support for the Sec-*
2 *retary.*

3 (E) *Provision of such other services as the*
4 *Secretary considers appropriate.*

5 (3) *RELATION TO OTHER LAWS.—Sections 2662*
6 *and 2802 of title 10, United states Code, shall not*
7 *apply to any new facilities whose construction is ac-*
8 *cepted as in-kind consideration under this subsection.*

9 (c) *REVERSIONARY INTEREST.—If the Secretary deter-*
10 *mines at any time that the County is not using the property*
11 *conveyed under subsection (a) in accordance with the pur-*
12 *pose of the conveyance specified in such subsection, all right,*
13 *title, and interest in and to the property, including any*
14 *improvements thereon, shall revert, at the option of the Sec-*
15 *retary, to the United States, and the United States shall*
16 *have the right of immediate entry onto the property. Any*
17 *determination of the Secretary under this subsection shall*
18 *be made on the record after an opportunity for a hearing.*

19 (d) *RELEASE OF REVERSIONARY INTEREST.—The Sec-*
20 *retary shall release, without consideration, the reversionary*
21 *interest retained by the United States under subsection (c)*
22 *if—*

23 (1) *Marine Corps Air Station, Miramar, is no*
24 *longer being used for Department of Defense activi-*
25 *ties; or*

1 (2) *the Secretary determines that the rever-*
2 *sionary interest is otherwise unnecessary to protect*
3 *the interests of the United States.*

4 *(e) PAYMENT OF COSTS OF CONVEYANCE.—*

5 (1) *PAYMENT REQUIRED.—The Secretary shall*
6 *require the County to cover costs to be incurred by the*
7 *Secretary, or to reimburse the Secretary for costs in-*
8 *curring by the Secretary, to carry out the conveyance*
9 *under subsection (a) and implement the receipt of in-*
10 *kind consideration under subsection (b), including*
11 *appraisal costs, survey costs, costs related to environ-*
12 *mental documentation, and other administrative costs*
13 *related to the conveyance and receipt of in-kind con-*
14 *sideration.*

15 (2) *TREATMENT OF AMOUNTS RECEIVED.—Sec-*
16 *tion 2695(c) of title 10, United States Code, shall*
17 *apply to any amounts received by the Secretary*
18 *under paragraph (1). If amounts are received from*
19 *the County in advance of the Secretary incurring the*
20 *actual costs, and the amount received exceeds the costs*
21 *actually incurred by the Secretary under this section,*
22 *the Secretary shall refund the excess amount to the*
23 *County.*

24 (f) *DESCRIPTION OF PROPERTY.—The exact acreage*
25 *and legal description of the real property to be conveyed*

1 *by the Secretary under subsection (a) shall be determined*
2 *by a survey satisfactory to the Secretary.*

3 *(g) EXEMPTIONS.—Section 2696 of title 10, United*
4 *States Code, does not apply to the conveyance authorized*
5 *by subsection (a), and the authority to make the conveyance*
6 *shall not be considered to render the property excess or un-*
7 *derutilized.*

8 *(h) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
9 *retary may require such additional terms and conditions*
10 *in connection with the conveyance under this section as the*
11 *Secretary considers appropriate to protect the interests of*
12 *the United States.*

13 **PART 3—AIR FORCE**
14 **CONVEYANCES**

15 **SEC. 2851. PURCHASE OF BUILD-TO-LEASE FAMILY HOUS-**
16 **ING, EIELSON AIR FORCE BASE, ALASKA.**

17 *(a) AUTHORITY TO PURCHASE.—After the expiration*
18 *of the contract for the lease of a 300-unit military family*
19 *housing project at Eielson Air Force Base, Alaska, that was*
20 *entered into by the Secretary under the authority of former*
21 *subsection (g) of section 2828 of title 10, United States Code*
22 *(now section 2835 of such title), as added by section 801*
23 *of the Military Construction Authorization Act, 1984 (Pub-*
24 *lic Law 98–115; 97 Stat. 782), the Secretary of the Air*
25 *Force may purchase the entire interest of the developer in*

1 *the military family housing project if the Secretary deter-*
2 *mines that the purchase of the project is in the best economic*
3 *interests of the Air Force.*

4 (b) *CONSIDERATION.*—*The consideration paid by the*
5 *Secretary to purchase the interest of the developer in the*
6 *military family housing project under subsection (a) may*
7 *not exceed the fair market value of the military family hous-*
8 *ing project, as determined by the Secretary.*

9 (c) *CONGRESSIONAL NOTIFICATION.*—*If a decision is*
10 *made to purchase the interest of the developer in the mili-*
11 *tary family housing project under subsection (a), the Sec-*
12 *retary shall submit a report to the congressional defense*
13 *committees on that decision. The report shall include—*

14 (1) *the economic analyses used by the Secretary*
15 *to determine that purchase of the military family*
16 *housing project is in the best economic interests of the*
17 *Air Force, as required by subsection (a); and*

18 (2) *a schedule for, and an estimate of the costs*
19 *and nature of, any renovations or repairs that will*
20 *be necessary to ensure that all units in the military*
21 *family housing project meet current housing stand-*
22 *ards.*

23 (d) *PURCHASE DELAY.*—*A contract to effectuate the*
24 *purchase authorized by subsection (a) may be entered into*
25 *by the Secretary only after the end of the 30-day period*

1 *beginning on the date the report required by subsection (c)*
2 *is received by the congressional defense committees or, if*
3 *earlier, the end of the 21-day period beginning on the date*
4 *on which a copy of the report is provided in an electronic*
5 *medium pursuant to section 480 of title 10, United States*
6 *Code.*

7 **SEC. 2852. LAND CONVEYANCE, AIR FORCE PROPERTY,**
8 **JACKSONVILLE, ARKANSAS.**

9 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
10 *Air Force may convey to the City of Jacksonville, Arkansas*
11 *(in this section referred to as the “City”), all right, title,*
12 *and interest of the United States in and to real property*
13 *consisting of approximately 45.024 acres around an exist-*
14 *ing short line railroad in Pulaski County, Arkansas.*

15 (b) *CONSIDERATION.*—*As consideration for the convey-*
16 *ance under subsection (a), the City shall pay to the United*
17 *States an amount equal to the fair market value of the con-*
18 *veyed real property, as established by the assessment of the*
19 *property conducted under contract for the Corps of Engi-*
20 *neers and dated 15 September 2003.*

21 (c) *CONDITION OF CONVEYANCE.*—*The conveyance*
22 *under subsection (a) shall be subject to the lease agreement*
23 *dated October 29, 1982, as amended, between the Secretary*
24 *and the Missouri Pacific Railroad Company (and its suc-*
25 *cessors and assigns) and any other easement, lease, condi-*

1 *tion, or restriction of record, including streets, roads, high-*
2 *ways, railroads, pipelines, and public utilities, insofar as*
3 *the easement, lease, condition, or restriction is in existence*
4 *on the date of the enactment of this Act and lawfully affects*
5 *the conveyed property.*

6 *(d) PAYMENT OF COSTS OF CONVEYANCE.—*

7 *(1) PAYMENT REQUIRED.—The Secretary shall*
8 *require the City to cover costs to be incurred by the*
9 *Secretary, or to reimburse the Secretary for costs in-*
10 *curring by the Secretary, to carry out the conveyance*
11 *under subsection (a), including survey costs, costs re-*
12 *lated to environmental documentation, and other ad-*
13 *ministrative costs related to the conveyance. If*
14 *amounts are collected from the City in advance of the*
15 *Secretary incurring the actual costs, and the amount*
16 *collected exceeds the costs actually incurred by the*
17 *Secretary to carry out the conveyance, the Secretary*
18 *shall refund the excess amount to the City.*

19 *(2) TREATMENT OF AMOUNTS RECEIVED.—*
20 *Amounts received as reimbursement under paragraph*
21 *(1) shall be credited to the fund or account that was*
22 *used to cover the costs incurred by the Secretary in*
23 *carrying out the conveyance. Amounts so credited*
24 *shall be merged with amounts in such fund or ac-*
25 *count, and shall be available for the same purposes,*

1 *and subject to the same conditions and limitations, as*
2 *amounts in such fund or account.*

3 *(e) EXEMPTION FROM FEDERAL SCREENING.—The*
4 *conveyance authorized by subsection (a) is exempt from the*
5 *requirement to screen the property for other Federal use*
6 *pursuant to sections 2693 and 2696 of title 10, United*
7 *States Code.*

8 *(f) DESCRIPTION OF PROPERTY.—The exact acreage*
9 *and legal description of the real property to be conveyed*
10 *under subsection (a) shall be determined by a survey satis-*
11 *factory to the Secretary.*

12 *(g) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
13 *retary may require such additional terms and conditions*
14 *in connection with the conveyance under subsection (a) as*
15 *the Secretary considers appropriate to protect the interests*
16 *of the United States.*

17 ***Subtitle E—Other Matters***

18 ***SEC. 2861. LEASE AUTHORITY, ARMY HERITAGE AND EDU-***
19 ***CATION CENTER, CARLISLE, PENNSYLVANIA.***

20 *Section 2866 of the National Defense Authorization*
21 *Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.*
22 *1333) is amended—*

23 *(1) by redesignating subsection (e) as subsection*
24 *(f); and*

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

3 “(e) *LEASE OF FACILITY.*—(1) *Under such terms and*
4 *conditions as the Secretary considers appropriate, the Sec-*
5 *retary may lease portions of the facility to the Military*
6 *Heritage Foundation to be used by the Foundation, con-*
7 *sistent with the agreement referred to in subsection (a),*
8 *for—*

9 “(A) *generating revenue for activities of the fa-*
10 *cility through rental use by the public, commercial*
11 *and nonprofit entities, State and local governments,*
12 *and other Federal agencies; and*

13 “(B) *such administrative purposes as may be*
14 *necessary for the support of the facility.*

15 “(2) *The annual amount of consideration paid to the*
16 *Secretary by the Military Heritage Foundation for a lease*
17 *under paragraph (1) may not exceed an amount equal to*
18 *the actual cost, as determined by the Secretary, of the an-*
19 *nual operations and maintenance of the facility.*

20 “(3) *Amounts paid under paragraph (2) may be used*
21 *by the Secretary, in such amounts as provided in advance*
22 *in appropriation Acts, to cover the costs of operation of the*
23 *facility.”.*

1 **SEC. 2862. REDESIGNATION OF MCENTIRE AIR NATIONAL**
2 **GUARD STATION, SOUTH CAROLINA, AS**
3 **MCENTIRE JOINT NATIONAL GUARD BASE.**

4 *McEntire Air National Guard Station in Eastover,*
5 *South Carolina, shall be known and designated as*
6 *“McEntire Joint National Guard Base” in recognition of*
7 *the use of the installation to house both Air National Guard*
8 *and Army National Guard assets. Any reference to*
9 *McEntire Air National Guard Station in any law, regula-*
10 *tion, map, document, record, or other paper of the United*
11 *States shall be considered to be a reference to McEntire*
12 *Joint National Guard Base.*

13 **SEC. 2863. ASSESSMENT OF WATER NEEDS FOR PRESIDIO**
14 **OF MONTEREY AND ORD MILITARY COMMU-**
15 **NITY.**

16 *Not later than April 7, 2006, the Secretary of Defense*
17 *shall submit to Congress an interim assessment of the cur-*
18 *rent and reasonable future needs of the Department of the*
19 *Defense for water for the Presidio of Monterey and the Ord*
20 *Military Community.*

1 ***Division C—Department of Energy***
 2 ***National Security Authoriza-***
 3 ***tions and Other Authorizations***
 4 **TITLE XXXI—DEPARTMENT OF**
 5 ***ENERGY NATIONAL SECURITY***
 6 ***PROGRAMS***

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

3111. *Reliable Replacement Warhead program.*
 3112. *Report on assistance for a comprehensive inventory of Russian nonstrategic nuclear weapons.*

7 ***Subtitle A—National Security***
 8 ***Programs Authorizations***

9 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 10 ***TION.***

11 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 12 *hereby authorized to be appropriated to the Department of*
 13 *Energy for fiscal year 2006 for the activities of the National*
 14 *Nuclear Security Administration in carrying out programs*
 15 *necessary for national security in the amount of*
 16 *\$9,100,852,000, to be allocated as follows:*

- 17 *(1) For weapons activities, \$6,455,744,000.*
 18 *(2) For defense nuclear nonproliferation activi-*
 19 *ties, \$1,515,239,000.*

1 (3) *For naval reactors, \$786,000,000.*

2 (4) *For the Office of the Administrator for Nu-*
3 *clear Security, \$343,869,000.*

4 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*

5 *From funds referred to in subsection (a) that are available*
6 *for carrying out plant projects, the Secretary of Energy*
7 *may carry out, for weapons activities, the following new*
8 *plant projects:*

9 *Project 06–D–140, project engineering and de-*
10 *sign, various locations, \$14,113,000.*

11 *Project 06–D–160, Facilities and Infrastructure*
12 *Recapitalization Program, project engineering and*
13 *design, various locations, \$5,811,000.*

14 *Project 06–D–180, Defense Nuclear Nonprolifera-*
15 *tion Program project engineering and design, Na-*
16 *tional Security Laboratory, Pacific Northwest Na-*
17 *tional Laboratory, \$5,000,000.*

18 *Project 06–D–401, Central Office Building 2,*
19 *Bettis Atomic Power Laboratory, West Mifflin, Penn-*
20 *sylvania, \$7,000,000.*

21 *Project 06–D–402, replace fire stations no. 1 and*
22 *no. 2, Nevada Test Site, \$8,284,000.*

23 *Project 06–D–403, Tritium Facility Moderniza-*
24 *tion, Lawrence Livermore National Laboratory,*
25 *\$2,600,000.*

1 *Project 06–D–404, Building B–3 remediation,*
2 *restoration, and upgrade, Nevada Test Site*
3 *\$16,000,000.*

4 *Project 06–D–601, electrical distribution system*
5 *upgrade, Pantex Plant, Amarillo, Texas, \$4,000,000.*

6 *Project 06–D–602, gas main and distribution*
7 *system upgrade, Pantex Plant, Amarillo Texas,*
8 *\$3,700,000.*

9 *Project 06–D–603, steam plant life extension*
10 *project, Y–12 national security complex, Oak Ridge,*
11 *Tennessee, \$729,000.*

12 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

13 *Funds are hereby authorized to be appropriated to the*
14 *Department of Energy for fiscal year 2006 for environ-*
15 *mental management activities in carrying out programs*
16 *necessary for national security in the amount of*
17 *\$6,311,433,000, to be allocated as follows:*

18 (1) *For defense site acceleration completion,*
19 *\$5,480,102,000.*

20 (2) *For defense environmental services,*
21 *\$831,331,000.*

22 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

23 *Funds are hereby authorized to be appropriated to the*
24 *Department of Energy for fiscal year 2006 for other defense*

1 *activities in carrying out programs necessary for national*
 2 *security in the amount of \$635,998,000.*

3 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 *Funds are hereby authorized to be appropriated to the*
 5 *Department of Energy for fiscal year 2006 for defense nu-*
 6 *clear waste disposal for payment to the Nuclear Waste Fund*
 7 *established in section 302(c) of the Nuclear Waste Policy*
 8 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*
 9 *\$351,447,000.*

10 **Subtitle B—Program Authoriza-**
 11 **tions, Restrictions, and Limita-**
 12 **tions**

13 **SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.**

14 *(a) IN GENERAL.—Subtitle A (50 U.S.C. 2521 et seq.)*
 15 *of title XLVII of the Atomic Energy Defense Act is amended*
 16 *by adding at the end the following new section:*

17 **“SEC. 4214. RELIABLE REPLACEMENT WARHEAD PROGRAM.**

18 *“(a) PROGRAM REQUIRED.—The Secretary of Energy,*
 19 *in consultation with the Secretary of Defense, shall carry*
 20 *out a program, to be known as the Reliable Replacement*
 21 *Warhead program, to develop reliable replacement compo-*
 22 *nents that are producible and certifiable for the existing nu-*
 23 *clear weapons stockpile.*

24 *“(b) OBJECTIVES.—The objectives of the Reliable Re-*
 25 *placement Warhead program shall be—*

1 “(1) to increase the reliability, safety, and secu-
2 rity of the United States nuclear weapons stockpile;

3 “(2) to further reduce the likelihood of the re-
4 sumption of nuclear testing;

5 “(3) to remain consistent with basic design pa-
6 rameters by using, to the extent practicable, compo-
7 nents that are well understood or are certifiable with-
8 out the need to resume underground nuclear testing;

9 “(4) to ensure that the United States develops a
10 nuclear weapons infrastructure that can respond to
11 unforeseen problems, to include the ability to produce
12 replacement warheads that are safer to manufacture,
13 more cost-effective to produce, and less costly to main-
14 tain than existing warheads;

15 “(5) to achieve reductions in the future size of
16 the nuclear weapons stockpile based on increased reli-
17 ability of the reliable replacement warheads;

18 “(6) to use the design, certification, and produc-
19 tion expertise resident in the nuclear complex to de-
20 velop reliable replacement components to fulfill cur-
21 rent mission requirements of the existing stockpile;
22 and

23 “(7) to serve as a complement to, and potentially
24 a more cost-effective and reliable long-term replace-

1 *ment for, the current Stockpile Life Extension Pro-*
2 *grams.”.*

3 *(b) REPORT.—Not later than March 1, 2007, the Nu-*
4 *clear Weapons Council shall submit to the congressional de-*
5 *fense committees a report on the feasibility and implemen-*
6 *tation of the Reliable Replacement Warhead program re-*
7 *quired by section 4214 of the Atomic Energy Defense Act*
8 *(as added by subsection (a)). The report shall—*

9 *(1) identify existing warheads recommended for*
10 *replacement by 2035 with an assessment of the weap-*
11 *on performance and safety characteristics of the re-*
12 *placement warheads;*

13 *(2) discuss the relationship of the Reliable Re-*
14 *placement Warhead program within the Stockpile*
15 *Stewardship Program and its impact on the current*
16 *Stockpile Life Extension Programs;*

17 *(3) provide an assessment of the extent to which*
18 *a successful Reliable Replacement Warhead program*
19 *could lead to reductions in the nuclear weapons stock-*
20 *pile;*

21 *(4) discuss the criteria by which replacement*
22 *warheads under the Reliable Replacement Warhead*
23 *program will be designed to maximize the likelihood*
24 *of not requiring nuclear testing, as well as the cir-*
25 *cumstances that could lead to a resumption of testing;*

1 (1) *REPORT REQUIRED.*—Not later than Novem-
2 ber 1, 2005, the Secretary of Energy shall submit to
3 Congress a report containing—

4 (A) *the Secretary’s evaluation of past and*
5 *current efforts by the United States to encourage*
6 *or facilitate a proper accounting for and secur-*
7 *ing of the nonstrategic nuclear weapons of the*
8 *Russian Federation; and*

9 (B) *the Secretary’s recommendations re-*
10 *garding the actions by the United States that are*
11 *most likely to lead to progress in improving the*
12 *accounting for, and securing of, those weapons.*

13 (2) *CONSULTATION WITH SECRETARY OF DE-*
14 *FENSE.*—The report under paragraph (1) shall be
15 prepared in consultation with the Secretary of De-
16 fense.

17 (3) *CLASSIFICATION OF REPORT.*—The report
18 under paragraph (1) shall be in unclassified form,
19 but may be accompanied by a classified annex.

20 **TITLE XXXII—DEFENSE NU-**
21 **CLEAR FACILITIES SAFETY**
22 **BOARD**

3201. Authorization.

1 **SEC. 3201. AUTHORIZATION.**

2 *There are authorized to be appropriated for fiscal year*
3 *2006, \$22,032,000 for the operation of the Defense Nuclear*
4 *Facilities Safety Board under chapter 21 of the Atomic En-*
5 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

6 **TITLE XXXIII—NATIONAL**
7 **DEFENSE STOCKPILE**

3301. Authorized uses of National Defense Stockpile funds.

3302. Revision of fiscal year 1999 authority to dispose of certain materials in the National Defense Stockpile.

3303. Revision of fiscal year 2000 authority to dispose of certain materials in the National Defense Stockpile.

8 **SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE**
9 **STOCKPILE FUNDS.**

10 *(a) OBLIGATION OF STOCKPILE FUNDS.—During fis-*
11 *cal year 2006, the National Defense Stockpile Manager may*
12 *obligate up to \$52,132,000 of the funds in the National De-*
13 *fense Stockpile Transaction Fund established under sub-*
14 *section (a) of section 9 of the Strategic and Critical Mate-*
15 *rials Stock Piling Act (50 U.S.C. 98h) for the authorized*
16 *uses of such funds under subsection (b)(2) of such section,*
17 *including the disposal of hazardous materials that are envi-*
18 *ronmentally sensitive.*

19 *(b) ADDITIONAL OBLIGATIONS.—The National Defense*
20 *Stockpile Manager may obligate amounts in excess of the*
21 *amount specified in subsection (a) if the National Defense*
22 *Stockpile Manager notifies Congress that extraordinary or*

1 *emergency conditions necessitate the additional obligations.*
2 *The National Defense Stockpile Manager may make the ad-*
3 *ditional obligations described in the notification after the*
4 *end of the 45-day period beginning on the date on which*
5 *Congress receives the notification.*

6 (c) *LIMITATIONS.—The authorities provided by this*
7 *section shall be subject to such limitations as may be pro-*
8 *vided in appropriations Acts.*

9 **SEC. 3302. REVISION OF FISCAL YEAR 1999 AUTHORITY TO**
10 **DISPOSE OF CERTAIN MATERIALS IN THE NA-**
11 **TIONAL DEFENSE STOCKPILE.**

12 (a) *REQUIRED RECEIPTS FROM DISPOSALS.—Section*
13 *3303(a) of the Strom Thurmond National Defense Author-*
14 *ization Act for Fiscal Year 1999 (Public Law 105–261; 50*
15 *U.S.C. 98d note), as amended by section 3302 of the Ronald*
16 *W. Reagan National Defense Authorization Act for Fiscal*
17 *Year 2005 (Public Law 108–375; 118 Stat. 2193), is*
18 *amended by striking paragraph (5) and inserting the fol-*
19 *lowing new paragraph:*

20 “(5) \$1,000,000,000 by the end of fiscal year
21 2011.”

22 (b) *EFFECT OF AMENDMENT.—The amendment made*
23 *by subsection (a) will result in the continued disposal of*
24 *certain materials in the National Defense Stockpile after*
25 *September 30, 2005, pursuant to the disposal authority pro-*

1 *vided by section 3303 of the Strom Thurmond National De-*
 2 *fense Authorization Act for Fiscal Year 1999, and allow the*
 3 *National Defense Stockpile Manager to take advantage of*
 4 *favorable market conditions for the sales of several of the*
 5 *materials authorized for disposal, such as tungsten ferro,*
 6 *tungsten metal powder, and tungsten ores and concentrates.*

7 **SEC. 3303. REVISION OF FISCAL YEAR 2000 AUTHORITY TO**
 8 **DISPOSE OF CERTAIN MATERIALS IN THE NA-**
 9 **TIONAL DEFENSE STOCKPILE.**

10 *Section 3402(b) of the National Defense Authorization*
 11 *Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C.*
 12 *98d note), as amended by section 3302 of the National De-*
 13 *fense Authorization Act for Fiscal Year 2004 (Public Law*
 14 *108–136; 117 Stat. 1788), is amended by striking para-*
 15 *graph (4) and inserting the following new paragraph:*

16 *“(4) \$550,000,000 by the end of fiscal year*
 17 *2011.”.*

18 **TITLE XXXIV—NAVAL**
 19 **PETROLEUM RESERVES**

3401. Authorization of appropriations.

20 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

21 *(a) AMOUNT.—There are hereby authorized to be ap-*
 22 *propriated to the Secretary of Energy \$18,500,000 for fiscal*
 23 *year 2006 for the purpose of carrying out activities under*

1 *chapter 641 of title 10, United States Code, relating to the*
 2 *naval petroleum reserves.*

3 (b) *PERIOD OF AVAILABILITY.—Funds appropriated*
 4 *pursuant to the authorization of appropriations in sub-*
 5 *section (a) shall remain available until expended.*

6 ***TITLE XXXV—MARITIME***
 7 ***ADMINISTRATION***

3501. Authorization of appropriations for fiscal year 2006.

3502. Payments for State and regional maritime academies.

3503. Maintenance and repair reimbursement pilot program.

3504. Tank vessel construction assistance.

3505. Improvements to the Maritime Administration vessel disposal program.

8 ***SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-***
 9 ***CAL YEAR 2006.***

10 *Funds are hereby authorized to be appropriated for fis-*
 11 *cal year 2006, to be available without fiscal year limitation*
 12 *if so provided in appropriations Acts, for the use of the De-*
 13 *partment of Transportation for the Maritime Administra-*
 14 *tion as follows:*

15 (1) *For expenses necessary for operations and*
 16 *training activities, \$113,650,000, of which*
 17 *\$10,000,000 shall be available only for paying reim-*
 18 *bursement under section 3517 of the National Defense*
 19 *Authorization Act for Fiscal Year 2004, as amended*
 20 *by section 3503 of this Act.*

21 (2) *For administrative expenses related to loan*
 22 *guarantee commitments under the program author-*

1 *ized by title XI of the Merchant Marine Act, 1936 (46*
 2 *App. U.S.C. 1271 et seq.), \$3,526,000.*

3 *(3) For expenses to dispose of obsolete vessels in*
 4 *the National Defense Reserve Fleet, including provi-*
 5 *sion of assistance under section 7 of Public Law 92–*
 6 *402, \$21,000,000.*

7 **SEC. 3502. PAYMENTS FOR STATE AND REGIONAL MARITIME**
 8 **ACADEMIES.**

9 *(a) ANNUAL PAYMENT.—Section 1304(d)(1)(C)(ii) of*
 10 *the Merchant Marine Act, 1936 (46 App. U.S.C.*
 11 *1295c(d)(1)(C)(ii)) is amended by striking “\$200,000” and*
 12 *inserting “\$300,000 for fiscal year 2006, \$400,000 for fiscal*
 13 *year 2007, and \$500,000 for fiscal year 2008 and each fis-*
 14 *cal year thereafter”.*

15 *(b) SCHOOL SHIP FUEL PAYMENT.—Section*
 16 *1304(c)(2) of the Merchant Marine Act, 1936 (46 App.*
 17 *U.S.C. 1295c(c)(2)) is amended—*

18 *(1) by striking “The Secretary may pay to any*
 19 *State maritime academy” and inserting “(A) The*
 20 *Secretary shall, subject to the availability of appro-*
 21 *priations, pay to each State maritime academy”; and*

22 *(2) by adding at the end the following:*

23 *“(B) The amount of the payment to a State maritime*
 24 *academy under this paragraph shall not exceed—*

25 *“(i) \$100,000 for fiscal year 2006;*

1 “(ii) \$200,000 for fiscal year 2007; and

2 “(iii) \$300,000 for fiscal year 2008 and each fis-
3 cal year thereafter.”.

4 **SEC. 3503. MAINTENANCE AND REPAIR REIMBURSEMENT**
5 **PILOT PROGRAM.**

6 Section 3517 of the National Defense Authorization
7 Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amend-
8 ed—

9 (1) in subsection (a)(1) by striking “may” each
10 place it appears and inserting “shall”;

11 (2) in subsection (a)(2) by striking “LIMITA-
12 TION.—The Secretary may not” and inserting “RE-
13 QUIREMENT OF AGREEMENT.—The Secretary shall,
14 subject to the availability of appropriations,”;

15 (3) in subsection (d)(2) by striking “80 percent
16 of”; and

17 (4) by amending subsection (g) to read as fol-
18 lows:

19 “(g) ANNUAL REPORT.—The Secretary shall submit a
20 report to the Congress each year on the program under this
21 section. The report shall include a listing of future inspec-
22 tion schedules for all vessels included in the Maritime Secu-
23 rity Fleet established by chapter 531 of title 46, United
24 States Code.”.

1 **SEC. 3504. TANK VESSEL CONSTRUCTION ASSISTANCE.**

2 (a) *REQUIREMENT TO ENTER CONTRACTS.*—Section
3 3543(a) of the National Defense Authorization Act for Fis-
4 cal Year 2004 (46 U.S.C. 53101 note) is amended by strik-
5 ing “may” and inserting “shall, to the extent of the avail-
6 ability of appropriations,”.

7 (b) *AMOUNT OF ASSISTANCE.*—Section 3543(b) of the
8 National Defense Authorization Act for Fiscal Year 2004
9 (46 U.S.C. 53101 note) is amended by striking “up to 75
10 percent of”.

11 **SEC. 3505. IMPROVEMENTS TO THE MARITIME ADMINISTRA-**
12 **TION VESSEL DISPOSAL PROGRAM.**

13 (a) *COMPREHENSIVE MANAGEMENT PLAN.*—

14 (1) *REQUIREMENT TO DEVELOP PLAN.*—The Sec-
15 retary of Transportation shall prepare, publish, and
16 submit to the Congress by not later than 120 days
17 after the date of the enactment of this Act a com-
18 prehensive plan for management of the vessel disposal
19 program of the Maritime Administration in accord-
20 ance with the recommendations made in the Govern-
21 ment Accountability Office in report number GAO-
22 05-264, dated March 2005.

23 (2) *CONTENTS OF PLAN.*—The plan shall—

24 (A) include a strategy and implementation
25 plan for disposal of obsolete Maritime Adminis-
26 tration vessels (including vessels added to the

1 *fleet after the enactment of this Act) in a timely*
2 *manner, maximizing the use of all available dis-*
3 *posal methods, including dismantling, use for ar-*
4 *tificial reefs, donation, and Navy training exer-*
5 *cises;*

6 *(B) identify and describe the funding and*
7 *other resources necessary to implement the plan,*
8 *and specific milestones for disposal of vessels*
9 *under the plan;*

10 *(C) establish performance measures to track*
11 *progress toward achieving the goals of the pro-*
12 *gram, including the expeditious disposal of ships*
13 *commencing upon the date of the enactment of*
14 *this Act;*

15 *(D) develop a formal decisionmaking frame-*
16 *work for the program; and*

17 *(E) identify external factors that could im-*
18 *pede successful implementation of the plan, and*
19 *describe steps to be taken to mitigate the effects*
20 *of such factors.*

21 *(b) IMPLEMENTATION OF MANAGEMENT PLAN.—*

22 *(1) REQUIREMENT TO IMPLEMENT.—The Sec-*
23 *retary shall implement the vessel disposal program of*
24 *the Maritime Administration in accordance with—*

1 (A) the management plan submitted under
2 subsection (a); and

3 (B) the requirements set forth in paragraph
4 (2).

5 (2) *UTILIZATION OF DOMESTIC SOURCES.*—*In*
6 *the procurement of services under the vessel disposal*
7 *program of the Maritime Administration, the Sec-*
8 *retary shall—*

9 (A) use full and open competition; and

10 (B) utilize domestic sources to the max-
11 imum extent practicable.

12 (c) *FAILURE TO SUBMIT PLAN.*—

13 (1) *PRIVATE MANAGEMENT CONTRACT FOR DIS-*
14 *POSAL OF MARITIME ADMINISTRATION VESSELS.*—*The*
15 *Secretary of Transportation, subject to the avail-*
16 *ability of appropriations, shall promptly award a*
17 *contract using full and open competition to expedi-*
18 *tiously implement all aspects of disposal of obsolete*
19 *vessels of the Maritime Administration.*

20 (2) *APPLICATION.*—*This subsection shall apply*
21 *beginning 120 days after the date of the enactment of*
22 *this Act, unless the Secretary of Transportation has*
23 *submitted to the Congress the comprehensive plan re-*
24 *quired under subsection (a)*

1 (d) *TEMPORARY AUTHORITY TO TRANSFER OBSOLETE*
2 *COMBATANT VESSELS TO NAVY FOR DISPOSAL.*—*The Sec-*
3 *retary of Transportation shall, subject to the availability*
4 *of appropriations and consistent with section 1535 of title*
5 *31, United States Code, popularly known as the Economy*
6 *Act, transfer to the Secretary of the Navy during fiscal year*
7 *2006 for disposal by the Navy, no fewer than 4 combatant*
8 *vessels in the nonretention fleet of the Maritime Adminis-*
9 *tration that are acceptable to the Secretary of the Navy.*

Amend the title so as to read: “A bill 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.”.

Union Calendar No. 47

109TH CONGRESS
1ST Session

H. R. 1815

[Report No. 109-89]

A BILL

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes.

MAY 20, 2005

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed