

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1815

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## AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “National Defense Au-  
 5 thorization Act for Fiscal Year 2006”.

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

8        (a) DIVISIONS.—This Act is organized into three divi-  
 9 sions as follows:

10            (1) Division A—Department of Defense Au-  
 11 thorizations.

12            (2) Division B—Military Construction Author-  
 13 izations.

14            (3) Division C—Department of Energy Na-  
 15 tional Security Authorizations and Other Authoriza-  
 16 tions.

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

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

Sec. 3. Congressional defense committees.

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- Sec. 221. Limitation on systems development and demonstration of Personnel Recovery Vehicle.
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- Sec. 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.
- Sec. 1527. Availability of special pay for members during rehabilitation from combat-related injuries.
- Sec. 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

- Sec. 1531. Reimbursement of certain coalition nations for support provided to United States military operations.

TITLE XVI—CONTRACTORS ON THE BATTLEFIELD

- Sec. 1601. Short title.
- Sec. 1602. Findings.

- Sec. 1603. Definitions.
- Sec. 1604. Requirements for commanders of combatant commands relating to contractors accompanying and not accompanying the force.
- Sec. 1605. Requirements for contractors relating to possession of weapons.
- Sec. 1606. Battlefield accountability.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2004 project.

TITLE XXII—NAVY

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

TITLE XXIII—AIR FORCE

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

TITLE XXIV—DEFENSE AGENCIES

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

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF  
AUTHORIZATIONS



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

## TITLE XXVIII—GENERAL PROVISIONS

### Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. 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 AUTHORIZATIONSTITLE 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  
5 fiscal 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.

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

4 **SEC. 103. AIR FORCE.**

5 Funds are hereby authorized to be appropriated for  
6 fiscal year 2006 for procurement for the Air Force as fol-  
7 lows:

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

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

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

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

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

13 Funds are hereby authorized to be appropriated for  
14 fiscal year 2006 for Defense-wide procurement in the  
15 amount of \$2,715,446,000.

16 **Subtitle B—Army Programs**

17 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**  
18 **60/MH-60 HELICOPTERS.**

19 The Secretary of the Army may, in accordance with  
20 section 2306b of title 10, United States Code, enter into  
21 a multiyear contract, beginning with the fiscal year 2007  
22 program year, for procurement of up to 461 helicopters  
23 in the UH-60M configuration and, acting as executive  
24 agent for the Department of the Navy, in the MH-60S  
25 configuration.

1 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
2 **APACHE MODERNIZED TARGET ACQUISITION**  
3 **DESIGNATION SIGHT/PILOT NIGHT VISION**  
4 **SENSOR.**

5 The Secretary of the Army may, in accordance with  
6 section 2306b of title 10, United States Code, enter into  
7 a multiyear contract, beginning with the fiscal year 2006  
8 program year and for four program years, for procure-  
9 ment of 612 Apache Modernized Target Acquisition Des-  
10 ignation Sights/Pilot Night Vision Sensors.

11 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
12 **APACHE BLOCK II CONVERSION.**

13 The Secretary of the Army may, in accordance with  
14 section 2306b of title 10, United States Code, enter into  
15 a multiyear contract, beginning with the fiscal year 2006  
16 program year and for four program years, for procure-  
17 ment of conversion of 96 Apache helicopters to the Block  
18 II configuration.

19 **SEC. 114. ACQUISITION STRATEGY FOR TACTICAL**  
20 **WHEELED VEHICLE PROGRAMS.**

21 (a) ARMY.—If, in carrying out a program for mod-  
22 ernization and recapitalization of the fleet of tactical  
23 wheeled vehicles of the Army, the Secretary of the Army  
24 determines to award a contract for procurement of a new  
25 vehicle class for the next-generation tactical wheeled vehi-  
26 cle (other than a contract for modifications, upgrades, or

1 product improvements to the existing fleet of vehicles), the  
2 Secretary shall award and execute the acquisition program  
3 under that contract as a joint service program with the  
4 Marine Corps.

5 (b) MARINE CORPS.—If, in carrying out a program  
6 for modernization and recapitalization of the fleet of tac-  
7 tical wheeled vehicles of the Marine Corps, the Secretary  
8 of the Navy determines to award a contract for procure-  
9 ment of a new vehicle class for the next-generation tactical  
10 wheeled vehicle (other than a contract for modifications,  
11 upgrades, or product improvements to the existing fleet  
12 of vehicles), the Secretary shall award and execute the ac-  
13 quisition program under that contract as a joint service  
14 program with the Army.

15 **SEC. 115. LIMITATION ON ARMY MODULAR FORCE INITIA-**  
16 **TIVE.**

17 (a) LIMITATION.—From funds available to the Army  
18 for fiscal year 2006, not more than \$3,000,000,000 may  
19 be obligated or expended for acquisition programs for the  
20 Army Modular Force Initiative until the Secretary of the  
21 Army submits to the congressional defense committees a  
22 report described in subsection (b).

23 (b) REPORT.—A report under subsection (a) shall set  
24 forth the following:

1           (1) An outline of the full scope of acquisition  
2 programs that are considered part of the Modular  
3 Force Initiative and the acquisition objectives for  
4 each such program.

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

11          (3) A detailed accounting of the use of funds  
12 provided for the Modular Force Initiative in title I  
13 of division A of the Emergency Supplemental Appro-  
14 priations Act for Defense, the Global War on Ter-  
15 rorism, and Tsunami Relief Act, 2005.

16 **SEC. 116. CONTRACT REQUIREMENT FOR OBJECTIVE INDI-**  
17 **VIDUAL COMBAT WEAPON - INCREMENT 1.**

18          In awarding a contract for procurement of the Objec-  
19 tive Individual Combat Weapon - Increment 1, the Sec-  
20 retary of the Army shall ensure that the contractor is se-  
21 lected through a full and open competition process that  
22 allows potential offerors adequate time to prepare and  
23 submit qualifying proposals.



## 1           **Subtitle C—Navy Programs**

### 2   **SEC. 121. VIRGINIA-CLASS SUBMARINE PROGRAM.**

3           (a) LIMITATION OF COSTS.—Except as provided in  
4 subsection (b), the total amount obligated or expended for  
5 procurement of the five Virginia-class submarines des-  
6 igned as SSN–779, SSN–780, SSN–781, SSN–782, and  
7 SSN–783 may not exceed the following amounts (such  
8 amounts being the estimated total procurement end cost  
9 of those vessels in the fiscal year 2006 budget):

10           (1)   For    the    SSN–779    submarine,  
11           \$2,143,700,000.

12           (2)   For    the    SSN–780    submarine,  
13           \$2,238,800,000.

14           (3)   For    the    SSN–781    submarine,  
15           \$2,402,000,000.

16           (4)   For    the    SSN–782    submarine,  
17           \$2,581,300,000.

18           (5)   For    the    SSN–783    submarine,  
19           \$2,690,000,000.

20           (b) ADJUSTMENT OF LIMITATION AMOUNTS.—The  
21 Secretary of the Navy may adjust the amount set forth  
22 in subsection (a) for any Virginia-class submarine speci-  
23 fied in that subsection by the following:

1           (1) The amounts of increases or decreases in  
2 costs attributable to economic inflation after Sep-  
3 tember 30, 2005.

4           (2) The amounts of increases or decreases in  
5 costs attributable to compliance with changes in  
6 Federal, State, or local laws enacted after Sep-  
7 tember 30, 2005.

8           (c) NOTICE TO CONGRESS OF PROGRAM CHANGES.—  
9 The Secretary of the Navy shall annually submit to Con-  
10 gress, at the same time as the budget is submitted under  
11 section 1105(a) of title 31, United States Code, written  
12 notice of any change in any of the amounts set forth in  
13 subsection (a) during the preceding fiscal year that the  
14 Secretary has determined to be associated with a cost re-  
15 ferred to in subsection (b).

16 **SEC. 122. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP**  
17 **PROGRAM.**

18           (a) LIMITATION OF COSTS.—Except as provided in  
19 subsection (b), the total amount obligated or expended for  
20 procurement of each ship of the LHA Replacement  
21 (LHA(R)) amphibious assault ship program may not ex-  
22 ceed \$2,000,000,000.

23           (b) ADJUSTMENT OF LIMITATION AMOUNT.—The  
24 Secretary of the Navy may adjust the amount set forth

1 in subsection (a) for the program referred to in that sub-  
2 section by the following:

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

6           (2) The amounts of increases or decreases in  
7 costs attributable to compliance with changes in  
8 Federal, State, or local laws enacted after Sep-  
9 tember 30, 2005.

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

18       (d) LIMITATION ON PROCUREMENT FUNDS.—Funds  
19 available to the Navy for Shipbuilding and Conversion,  
20 Navy, may be obligated or expended for procurement for  
21 the LHA Replacement ship program only after the Sec-  
22 retary of Defense certifies in writing to the congressional  
23 defense committees that—

1           (1) the Joint Requirements Oversight Council  
2           has approved a detailed Operational Requirements  
3           Document for the program; and

4           (2) there exists a stable design for the LHA(R)  
5           class of vessels.

6           (e) STABLE DESIGN.—For purposes of this section,  
7           the design of a class of vessels shall be considered to be  
8           stable when no substantial change to the design is antici-  
9           pated.

10 **SEC. 123. FUTURE MAJOR SURFACE COMBATANT, DE-**  
11 **STROYER TYPE.**

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 future major surface  
15           combatant, destroyer type, may not exceed  
16           \$1,700,000,000 (such amount being the estimated total  
17           procurement end cost of that ship in the fiscal year 2006  
18           budget).

19           (b) ADJUSTMENT OF LIMITATION AMOUNT.—The  
20           Secretary of the Navy may adjust the amount set forth  
21           in subsection (a) for the ship type referred to in that sub-  
22           section by 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  
3           Federal, State, or local laws enacted after Sep-  
4           tember 30, 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) dur-  
10          ing the preceding fiscal year that the Secretary has deter-  
11          mined to be associated with a cost referred to in sub-  
12          section (b).

13          (d) AUTHORIZATION OF APPROPRIATIONS.—Of the  
14          amount provided in section 201(2) for Research and De-  
15          velopment, Navy, for fiscal year 2006, \$700,000,000 is  
16          available for technology development and demonstration  
17          for the ship referred to in subsection (a).

18          (e) ACQUISITION PLAN.—In developing the acquisi-  
19          tion plan for the future major surface combatant, de-  
20          stroyer type, the Secretary shall ensure that the resulting  
21          acquisition program—

22                 (1) uses technologies from the DD(X) and  
23                 CG(X) programs, as well as any other technology  
24                 the Secretary considers appropriate;

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

4           (3) would be ready for lead-ship procurement  
5           not later than fiscal year 2011.

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

7           (a) LIMITATION OF COSTS.—Except as provided in  
8           subsection (b), the total amount obligated or expended for  
9           procurement of each ship for the Littoral Combat Ship  
10          (LCS) program, including amounts for mission modules,  
11          may not exceed \$400,000,000 (such amount being the es-  
12          timated total procurement end cost of that ship in the fis-  
13          cal year 2006 budget).

14          (b) ADJUSTMENT OF LIMITATION AMOUNT.—The  
15          Secretary of the Navy may adjust the amount set forth  
16          in subsection (a) for the ships referred to in that sub-  
17          section by the following:

18               (1) The amounts of increases or decreases in  
19               costs attributable to economic inflation after Sep-  
20               tember 30, 2005.

21               (2) The amounts of increases or decreases in  
22               costs attributable to compliance with changes in  
23               Federal, State, or local laws enacted after Sep-  
24               tember 30, 2005.

1           (c) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The  
2 Secretary of the Navy shall annually submit to Congress,  
3 at the same time as the budget is submitted under section  
4 1105(a) of title 31, United States Code, written notice of  
5 any change in the amount set forth in subsection (a) dur-  
6 ing the preceding fiscal year that the Secretary has deter-  
7 mined to be associated with a cost referred to in sub-  
8 section (b).

9           (d) LIMITATION ON SHIPS AND MISSION MOD-  
10 ULES.—No funds available to the Navy may be used for  
11 the acquisition of Littoral Combat Ships, or Littoral Com-  
12 bat Ship mission modules until the Secretary of Defense  
13 submits to the congressional defense committees—

14                 (1) the results of an operational evaluation of  
15                 the first four Littoral Combat Ships conducted by  
16                 the Director of Operational Test and Evaluation  
17                 Force of the Department of Defense; and

18                 (2) the Secretary's certification in writing that  
19                 there exists a stable design for the Littoral Combat  
20                 Ship class of vessels.

21           (e) STABLE DESIGN.—For purposes of this section,  
22 the design of a class of vessels shall be considered to be  
23 stable when no substantial change to the design is antici-  
24 pated.

1 **SEC. 125. AUTHORIZATION OF TWO ADDITIONAL ARLEIGH**  
2 **BURKE CLASS DESTROYERS.**

3 Of the amount provided in section 102(a)(4) for  
4 Shipbuilding and Conversion, Navy, for fiscal year 2006,  
5 the amount of \$2,500,000,000 is available for construction  
6 of two additional Arleigh Burke class destroyers, to be  
7 constructed under a single contract which shall be com-  
8 petitively awarded.

9 **SEC. 126. REFUELING AND COMPLEX OVERHAUL OF THE**  
10 **U.S.S. CARL VINSON.**

11 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—  
12 Of the amount authorized to be appropriated by section  
13 102(a)(4), for fiscal year 2006, \$1,493,563,000 is avail-  
14 able for the commencement of the nuclear refueling and  
15 complex overhaul of the U.S.S. Carl Vinson (CVN-70).  
16 The amount made available in the preceding sentence is  
17 the first increment in the incremental funding planned for  
18 the nuclear refueling and complex overhaul of that vessel.

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

23 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
24 MENTS.—A contract entered into under subsection (b)  
25 shall provide that any obligation of the United States to  
26 make a payment under the contract for a fiscal year after



1 fiscal year 2006 is subject to the availability of appropria-  
2 tions for that purpose for that later fiscal year.

3 **SEC. 127. REPORT ON PROPULSION SYSTEM ALTERNATIVES**  
4 **FOR SURFACE COMBATANTS.**

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

13 (b) MATTERS TO BE INCLUDED.—The report of the  
14 Secretary of the Navy under subsection (a) shall include  
15 the following:

16 (1) The objectives and scope of the study re-  
17 ferred to in subsection (a) and the timeframes for  
18 analysis under the study and the key assumptions  
19 used in carrying out the study.

20 (2) The methodology and analysis techniques  
21 used to conduct the study.

22 (3) A description of current and future tech-  
23 nology relating to propulsion that has been incor-  
24 porated in recently-designed surface combatants or

1 is expected to be available within the next 10-to-20  
2 years.

3 (4) The propulsion alternatives for surface com-  
4 batants considered under the study and the analysis  
5 and evaluation under the study of each of those al-  
6 ternatives from an operational and cost-effectiveness  
7 standpoint.

8 (5) The conclusions and recommendations of  
9 the study, including those conclusions and rec-  
10 ommendations that could impact the design of fu-  
11 ture ships or lead to modifications of existing ships.

12 (6) The Secretary's intended actions and time-  
13 frames for implementation, if any, of the findings  
14 and conclusions of the study.

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

16 (a) REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT  
17 CARRIERS WITHIN THE NAVY.—Section 5062 of title 10,  
18 United States Code, is amended—

19 (1) by redesignating subsections (b) and (c) as  
20 subsections (c) and (d), respectively; and

21 (2) by inserting after subsection (a) the fol-  
22 lowing new subsection (b):

23 “(b) The naval combat forces of the Navy shall in-  
24 clude not less than 12 operational aircraft carriers. For  
25 purposes of this subsection, an operational aircraft carrier

1 includes an aircraft carrier that is temporarily unavailable  
2 for worldwide deployment due to routine or scheduled  
3 maintenance or repair.”.

4 (b) U.S.S. JOHN F. KENNEDY.—

5 (1) FULLY MISSION CAPABLE STATUS.—The  
6 Secretary of Defense shall take all necessary actions  
7 to ensure that the U.S.S. John F. Kennedy (CVN–  
8 67) is maintained in a fully mission capable status.

9 (2) MAINTENANCE.—From the amounts pro-  
10 vided under section 301 for operation and mainte-  
11 nance of the Navy for fiscal year 2006, \$60,000,000  
12 is authorized for the operation and routine mainte-  
13 nance of the U.S.S. John F. Kennedy.

14 **SEC. 129. CONTINGENT TRANSFER OF ADDITIONAL FUNDS**  
15 **FOR CVN-21 CARRIER REPLACEMENT PRO-**  
16 **GRAM.**

17 If the Director of Program Analysis and Evaluation  
18 of the Office of the Secretary of Defense certifies to Con-  
19 gress that an additional amount of \$86,700,000 for fiscal  
20 year 2006 for advance procurement for the CVN–21 Car-  
21 rier Replacement Program would allow construction of the  
22 CVN–21 vessel to begin in fiscal year 2007, then upon  
23 such certification the amount of \$86,700,000 shall, to the  
24 extent provided in advance in appropriations Acts, be  
25 transferred from amounts available for fiscal year 2006

1 for Defense-wide Operation and Maintenance, to be de-  
2 rived from amounts for Defense-wide Advisory and Assist-  
3 ance Services, to amounts available for fiscal year 2006  
4 for Shipbuilding and Conversion, Navy, to be available for  
5 advance procurement for the CVN-21 Carrier Replace-  
6 ment Program.

## 7 **Subtitle D—Air Force Programs**

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

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

## 15 **Subtitle E—Joint and Multiservice** 16 **Matters**

### 17 **SEC. 141. REQUIREMENT THAT ALL TACTICAL UNMANNED** 18 **AERIAL VEHICLES USE SPECIFIED STANDARD** 19 **DATA LINK.**

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

1           (1) the data link used by those vehicles is the  
2 Department of Defense standard tactical unmanned  
3 aerial vehicle data link known as the Tactical Com-  
4 mon Data Link (TCDL), until such time as the Tac-  
5 tical Common Data Link standard is replaced by an  
6 updated standard for use by those vehicles; and

7           (2) those vehicles use data formats consistent  
8 with the architectural standard for tactical un-  
9 manned aerial vehicles known as STANAG 4586,  
10 developed to facilitate multinational interoperability  
11 among NATO member nations.

12       (b) FUNDING LIMITATION.—After December 1,  
13 2006, no funds available to the Department of Defense  
14 may be used to equip a tactical unmanned aerial vehicle  
15 with data links other than as required by subsection  
16 (a)(1).

17       (c) REPORT.—Not later than February 1, 2006, the  
18 Secretary of each military department shall submit to  
19 Congress a report on the status of compliance by all tac-  
20 tical unmanned aerial vehicles under the jurisdiction of the  
21 Secretary with subsection (a).

22 **SEC. 142. LIMITATION ON INITIATION OF NEW UNMANNED**  
23 **AERIAL VEHICLE SYSTEMS.**

24       (a) LIMITATION.—Funds available to the Depart-  
25 ment of Defense may not be used to procure an unmanned

1 aerial vehicle (UAV) system, including any air vehicle,  
 2 data link, ground station, sensor, or other associated  
 3 equipment for any such system, or to modify any such sys-  
 4 tem to include any form of armament, unless such pro-  
 5 curement or modification is authorized in writing in ad-  
 6 vance by the Under Secretary of Defense for Acquisition,  
 7 Technology, and Logistics.

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

13 **TITLE II—RESEARCH, DEVELOP-**  
 14 **MENT, TEST, AND EVALUA-**  
 15 **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.
- Sec. 228. Funding for supersonic cruise missile engine qualification.

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  
 5 fiscal year 2006 for the use of the Department of Defense  
 6 for 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,  
 11           \$19,261,263,000, of which \$168,458,000 is author-  
 12           ized for the Director of Operational Test and Eval-  
 13           uation.

1 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**  
2 **NOLOGY.**

3 (a) FISCAL YEAR 2006.—Of the amounts authorized  
4 to be appropriated by section 201, \$11,418,146,000 shall  
5 be available for the Defense Science and Technology Pro-  
6 gram, including basic research, applied research, and ad-  
7 vanced technology development projects.

8 (b) BASIC RESEARCH, APPLIED RESEARCH, AND AD-  
9 VANCED TECHNOLOGY DEVELOPMENT DEFINED.—For  
10 purposes of this section, the term “basic research, applied  
11 research, and advanced technology development” means  
12 work funded in program elements for defense research and  
13 development under Department of Defense category 6.1,  
14 6.2, or 6.3.

15 **Subtitle B—Program Require-**  
16 **ments, Restrictions, and Limita-**  
17 **tions**

18 **SEC. 211. ANNUAL COMPTROLLER GENERAL REPORT ON**  
19 **FUTURE COMBAT SYSTEMS PROGRAM.**

20 (a) ANNUAL GAO REVIEW.—The Comptroller Gen-  
21 eral shall conduct an annual review of the Future Combat  
22 Systems program and shall, not later than March 15 of  
23 each year, submit to Congress a report on the results of  
24 the most recent review. With each such report, the Comp-  
25 troller General shall submit a certification as to whether  
26 the Comptroller General has had access to sufficient infor-



1 mation to enable the Comptroller General to make in-  
2 formed judgments on the matters covered by the report.

3 (b) MATTERS TO BE INCLUDED.—Each report on the  
4 Future Combat Systems program under subsection (a)  
5 shall include the following with respect to research and  
6 development under the program:

7 (1) The extent to which systems development  
8 and demonstration under the program is meeting es-  
9 tablished goals, including the goals established for  
10 performance, key performance parameters, tech-  
11 nology readiness levels, cost, and schedule.

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

20 (3) The plan for such systems development and  
21 demonstration (leading to production) for the fiscal  
22 year that begins in the year in which the report is  
23 submitted.

24 (4) The Comptroller General's conclusion re-  
25 garding whether such systems development and dem-

1 onstration (leading to production) is likely to be  
2 completed at a total cost not in excess of the amount  
3 specified (or to be specified) for such purpose in the  
4 Selected Acquisition report for the Future Combat  
5 Systems program under section 2432 of title 10,  
6 United States Code, for the first quarter of the fis-  
7 cal year during which the report of the Comptroller  
8 General is submitted.

9 (c) TERMINATION.—No report is required under this  
10 section after systems development and demonstration  
11 under the Future Combat Systems program is completed.

12 **SEC. 212. OBJECTIVE REQUIREMENTS FOR NON-LINE-OF-**  
13 **SIGHT CANNON SYSTEM NOT TO BE DIMIN-**  
14 **ISHED TO MEET WEIGHT REQUIREMENTS.**

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

1 **SEC. 213. INDEPENDENT ANALYSIS OF FUTURE COMBAT**  
2 **SYSTEMS MANNED GROUND VEHICLE TRANS-**  
3 **PORTABILITY REQUIREMENT.**

4 (a) ANALYSIS REQUIRED.—The Secretary of Defense  
5 shall ensure that an independent analysis is carried out  
6 with respect to the transportability requirement for the  
7 manned ground vehicles under the Future Combat Sys-  
8 tems program. The purpose of the analysis shall be to de-  
9 termine whether—

10 (1) the requirement can be supported by the  
11 projected extended planning period inter-theater and  
12 intra-theater airlift force structure;

13 (2) the requirement is justified by any likely de-  
14 ployment scenario envisioned by current operational  
15 plans;

16 (3) mature technologies have been dem-  
17 onstrated that allow the requirement to be met while  
18 demonstrating at least equal lethality and surviv-  
19 ability compared with the manned ground vehicles  
20 intended to be replaced by such manned ground ve-  
21 hicles; and

22 (4) the projected unit procurement cost war-  
23 rants the investment required to deploy such  
24 manned ground vehicles.

25 (b) REPORT.—Not later than February 1, 2006, the  
26 Secretary shall submit to the congressional defense com-

1 mitted a report on the results of the analysis required  
2 by subsection (a).

3 **SEC. 214. AMOUNTS FOR ARMORED SYSTEMS MODERNIZA-**  
4 **TION PROGRAM.**

5 Of the amounts appropriated or otherwise made  
6 available pursuant to the authorization of appropriations  
7 in section 201 for the Armored Systems Modernization  
8 program—

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

12 (2) \$2,322,197,000 may be made available for  
13 future combat systems common operating environ-  
14 ment in systems development and demonstration;

15 (3) \$47,203,000 may be made available for re-  
16 connaissance platforms and sensors in advanced  
17 component development and prototypes;

18 (4) \$58,130,000 may be made available for re-  
19 connaissance platforms and sensors in advanced  
20 technology development;

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

1           (6) \$86,445,000 may be made available for  
2           robotic ground systems in advanced component de-  
3           velopment and prototypes.

4 **SEC. 215. LIMITATION ON SYSTEMS DEVELOPMENT AND**  
5                   **DEMONSTRATION OF MANNED GROUND VE-**  
6                   **HICLES UNDER ARMORED SYSTEMS MOD-**  
7                   **ERNIZATION PROGRAM.**

8           Of the amounts appropriated or otherwise made  
9           available pursuant to the authorization of appropriations  
10          in section 201 for the Armored Systems Modernization  
11          program, no funds may be obligated for systems develop-  
12          ment and demonstration of manned ground vehicles until  
13          the objective requirements for those vehicles with respect  
14          to lethality and survivability have been met and dem-  
15          onstrated in a relevant environment to be at least equal  
16          to the lethality and survivability for the manned ground  
17          vehicles to be replaced by those vehicles.

18 **SEC. 216. TESTING OF INTERNET PROTOCOL VERSION 6 BY**  
19                   **NAVAL RESEARCH LABORATORY.**

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

24                  (1) by redesignating subsection (d) as sub-  
25          section (e);

1           (2) by inserting after subsection (c) the fol-  
2           lowing new subsection:

3           “(d) TESTING AND EVALUATION BY NAVAL RE-  
4 SEARCH LABORATORY.—In each of fiscal years 2006  
5 through 2008, the Secretary of Defense shall carry out  
6 subsection (c) through the Naval Research Laboratory.”;  
7 and

8           (3) in subsection (e) (as so redesignated) by  
9           adding at the end the following new paragraph:

10          “(3) For each of fiscal years 2006 through 2008, the  
11 Secretary of Defense shall, not later than the end of that  
12 fiscal year, submit to the congressional defense committees  
13 a report on the testing and evaluation carried out pursu-  
14 ant to subsection (d).”.

15          (b) FUNDING.—Of the amount authorized to be ap-  
16 propriated by section 201(2), \$10,000,000 shall be avail-  
17 able in program element 63727D8Z only to carry out sec-  
18 tion 331 of the Ronald W. Reagan National Defense Au-  
19 thorization Act for Fiscal Year 2005.

20 **SEC. 217. PROGRAM TO DESIGN AND DEVELOP NEXT-GEN-**  
21 **ERATION NUCLEAR SUBMARINE.**

22          (a) PROGRAM REQUIRED.—The Secretary of the  
23 Navy shall carry out a program to design and develop a  
24 class of nuclear submarines that will serve as a successor  
25 to the Virginia class of nuclear submarines.

1 (b) OBJECTIVE.—The objective of the program re-  
2 quired by subsection (a) is to develop, for procurement be-  
3 ginning with fiscal year 2014, a nuclear submarine that  
4 meets or exceeds the warfighting capability of a submarine  
5 of the Virginia class at a cost dramatically lower than the  
6 cost of a submarine of the Virginia class.

7 (c) REPORT.—

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

14 (2) CONTENTS.—The report shall include—

15 (A) an outline of the management ap-  
16 proach to be used in carrying out the program;

17 (B) the goals for the program; and

18 (C) a schedule for the program.

19 **SEC. 218. EXTENSION OF REQUIREMENTS RELATING TO**  
20 **MANAGEMENT RESPONSIBILITY FOR NAVAL**  
21 **MINE COUNTERMEASURES PROGRAMS.**

22 (a) IN GENERAL.—Section 216 of the National De-  
23 fense Authorization Act for Fiscal Years 1992 and 1993  
24 (Public Law 102–190; 105 Stat. 1317), as most recently  
25 amended by section 212 of the Bob Stump National De-

1 fense Authorization Act for Fiscal Year 2003 (Public Law  
2 107–314; 116 Stat. 2480), is amended—

3 (1) in subsection (a), by striking “2008” and  
4 inserting “2011”;

5 (2) in subsection (b)(1) by inserting after “Sec-  
6 retary of Defense” the following: “, and the Sec-  
7 retary of Defense has forwarded to the congressional  
8 defense committees,”;

9 (3) in subsection (b)(2) by inserting before the  
10 semicolon at the end the following: “and, in so certi-  
11 fying, shall ensure that the budget meets the re-  
12 quirements of section 2437 of title 10, United States  
13 Code”; and

14 (4) by striking subsection (c) and inserting the  
15 following new subsection (c):

16 “(c) NOTIFICATION OF CERTAIN PROPOSED  
17 CHANGES.—

18 “(1) IN GENERAL.—With respect to a fiscal  
19 year, the Secretary may not carry out any change to  
20 the naval mine countermeasures master plan or the  
21 budget resources for mine countermeasures with re-  
22 spect to that fiscal year until after the Under Sec-  
23 retary of Defense for Acquisition, Technology, and  
24 Logistics submits to the congressional defense com-  
25 mittees a notification of the proposed change. Such



1 notification shall describe the nature of the proposed  
2 change and the effect of the proposed change on the  
3 naval mine countermeasures program or related pro-  
4 grams with respect to that fiscal year.

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

7 “(A) the amount of the change is below  
8 the applicable reprogramming threshold; and

9 “(B) the effect of the change does not af-  
10 fect the validity of the decision to certify.”.

11 (b) SUSTAINMENT PLAN.—Not later than December  
12 31, 2005, the Secretary of Defense shall submit to the  
13 congressional defense committees a plan for sustaining the  
14 MHC–51 class mine countermeasures ships and sup-  
15 porting dedicated mine countermeasures systems until the  
16 Littoral Combat Ship and next-generation mine counter-  
17 measures systems are deployed and capable of assuming  
18 the mission of the MHC–51 class mine countermeasures  
19 ships.

20 **SEC. 219. SINGLE JOINT REQUIREMENT FOR HEAVY LIFT**  
21 **ROTORCRAFT.**

22 (a) JOINT REQUIREMENT.—The Secretary of the  
23 Army and the Secretary of the Navy shall develop a single  
24 joint requirement for a next-generation heavy lift rotor-  
25 craft for the Army and the Marine Corps.

1 (b) APPROVAL BY JROC REQUIRED.—The Secretary  
2 of Defense may not authorize a new program start for  
3 the next-generation heavy lift rotocraft until the single  
4 joint requirement required by subsection (a) has been ap-  
5 proved by the Joint Requirements Oversight Council.

6 **SEC. 220. REQUIREMENTS FOR DEVELOPMENT OF TAC-**  
7 **TICAL RADIO COMMUNICATIONS SYSTEMS.**

8 (a) INTERIM TACTICAL RADIO COMMUNICATIONS.—  
9 The Secretary of Defense shall—

10 (1) assess the immediate requirements of the  
11 military departments for tactical radio communica-  
12 tions systems; and

13 (2) ensure that the military departments rap-  
14 idly acquire tactical radio communications systems  
15 utilizing existing technology or mature systems read-  
16 ily available in the commercial marketplace.

17 (b) JOINT TACTICAL RADIO SYSTEM.—

18 (1) MILESTONE B.—The Secretary of Defense  
19 shall apply Department of Defense Instruction  
20 5000.2 to the Joint Tactical Radio System in a  
21 manner that does not permit the Milestone B en-  
22 trance requirements to be waived.

23 (2) MANAGEMENT OF FUNDS.—The head of the  
24 single joint program office designated under section  
25 213 of the National Defense Authorization Act for

1 Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
2 1416) shall manage and control all research and de-  
3 velopment funds for the entire Joint Tactical Radio  
4 System, including all waveform development.

5 (c) REPORT ON IMPLEMENTATION REQUIRED.—Not  
6 later than February 14, 2006, the Secretary of Defense  
7 shall submit to the Committee on Armed Services of the  
8 Senate and the Committee on Armed Services of the  
9 House of Representatives a report on the implementation  
10 of this section.

11 **SEC. 221. LIMITATION ON SYSTEMS DEVELOPMENT AND**  
12 **DEMONSTRATION OF PERSONNEL RECOVERY**  
13 **VEHICLE.**

14 None of the amounts made available pursuant to the  
15 authorization of appropriations in section 201 for systems  
16 development and demonstration of the Personnel Recovery  
17 Vehicle may be obligated until 30 days after the Secretary  
18 of Defense submits to the congressional defense commit-  
19 tees each of the following:

20 (1) The Secretary's certification that the re-  
21 quirements and schedule for the Personnel Recovery  
22 Vehicle have been validated by the Under Secretary  
23 of Defense for Acquisition, Technology, and Logis-  
24 tics.

1           (2) The Secretary’s certification that all tech-  
2 nologies required to meet the requirements (as vali-  
3 dated under paragraph (1)) for the Personnel Recov-  
4 ery Vehicle are mature and demonstrated in a rel-  
5 evant environment.

6           (3) The Secretary’s certification that no other  
7 aircraft, and no other modification of an aircraft, in  
8 the inventory of the Department of Defense can  
9 meet the requirements (as validated under para-  
10 graph (1)) for the Personnel Recovery Vehicle.

11           (4) A statement setting forth the independent  
12 cost estimate and manpower estimate (as required  
13 by section 2434 of title 10, United States Code) for  
14 the Personnel Recovery Vehicle.

15 **SEC. 222. SEPARATE PROGRAM ELEMENT REQUIRED FOR**  
16 **EACH SIGNIFICANT RESEARCH, DEVELOP-**  
17 **MENT, TEST, AND EVALUATION PROJECT.**

18           (a) PROGRAM ELEMENTS SPECIFIED.—The Sec-  
19 retary of Defense shall ensure that a project is assigned  
20 a separate, dedicated program element if—

21           (1) the project is carried out or proposed to be  
22 carried out using amounts for research, develop-  
23 ment, test, and evaluation activities; and

1           (2) the estimated expenditures and proposed  
2           appropriations for that project in the future-years  
3           defense program are \$100,000,000 or more.

4           (b) **DISPLAY IN BUDGET JUSTIFICATION MATE-**  
5 **RIALS.**—In the budget justification materials submitted to  
6 Congress in support of the Department of Defense budget  
7 for any fiscal year (as submitted with the budget of the  
8 President under section 1105(a) of title 31, United States  
9 Code), the amount requested for research, development,  
10 test, and evaluation activities shall be set forth in a man-  
11 ner that complies with subsection (a).

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

14 **SEC. 223. SMALL BUSINESS INNOVATION RESEARCH PHASE**  
15 **III ACCELERATION PILOT PROGRAM.**

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

18           (1) **PILOT PROGRAM.**—The Secretary of De-  
19 fense shall designate the Secretary of a military de-  
20 partment to carry out a pilot program, to be known  
21 as the “Small Business Innovation Research Phase  
22 III Acceleration Pilot Program” to expand the role  
23 of small business concerns in the defense acquisition  
24 process by designating certain Department of De-  
25 fense research or research and development projects

1 for accelerated transition under the Small Business  
2 Innovation Research Program (in this section re-  
3 ferred to as the SBIR program), as defined in sec-  
4 tion 9(e)(4) of the Small Business Act (15 U.S.C.  
5 638(e)(4)).

6 (2) ACCELERATED TRANSITION.—In this sec-  
7 tion, the term “accelerated transition” means the ex-  
8 peditious transfer under existing authority from the  
9 second phase of the SBIR program (as described in  
10 section 9(e)(4)(B) of the Small Business Act (15  
11 U.S.C. 638(e)(4)(B))) to the third phase, in which  
12 applications of research or research and development  
13 projects are funded (as described in section  
14 9(e)(4)(C)(i) of such Act).

15 (b) DESIGNATION OF PROJECTS FOR ACCELERATED  
16 TRANSITION.—For each of fiscal years 2006 through  
17 2008, the Secretary designated under subsection (a)(1)  
18 shall designate for accelerated transition under the pilot  
19 program under this section at least 10 research or re-  
20 search and development projects for which funds have  
21 been provided by that Secretary through a second phase  
22 award under the SBIR program.

23 (c) REPORT.—Not later than September 30, 2008,  
24 the Secretary of Defense shall submit to the congressional  
25 defense committees a report which contains the following:

1           (1) The name of each research or research and  
2           development project designated for accelerated tran-  
3           sition under subsection (b).

4           (2) The rationale behind the selection of each  
5           such project.

6           (3) A recommendation as to whether the pilot  
7           program under this section should be extended.

8           (d) DEFINITION.—In this section, the term “re-  
9           search” or “research and development” has the same  
10          meaning as in section 9(e)(5) of the Small Business Act  
11          (15 U.S.C. 638(e)(5)).

12       **SEC. 224. REVISED REQUIREMENTS RELATING TO SUBMIS-**  
13                                       **SION OF JOINT WARFIGHTING SCIENCE AND**  
14                                       **TECHNOLOGY PLAN.**

15          (a) BIENNIAL SUBMITTAL.—Section 270 of the Na-  
16          tional Defense Authorization Act for Fiscal Year 1997  
17          (Public Law 104–201; 10 U.S.C. 2501 note) is amend-  
18          ed—

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

21               (2) by striking “(a) **ANNUAL PLAN RE-**  
22               **QUIRED.**—On March 1 of each year” and inserting  
23               “Not later than March 1 of each even-numbered  
24               year,”.

1 (b) REPEAL OF REQUIREMENT FOR INCLUSION OF  
2 TECHNOLOGY AREA REVIEW AND ASSESSMENT SUM-  
3 MARIES.—Subsection (b) of such section is repealed.

4 **SEC. 225. SHIPBUILDING INDUSTRIAL BASE IMPROVEMENT**  
5 **PROGRAM FOR DEVELOPMENT OF INNOVA-**  
6 **TIVE SHIPBUILDING TECHNOLOGIES, PROC-**  
7 **ESSES, AND FACILITIES.**

8 (a) PROGRAM FOR UNITED STATES PRIVATE SHIP-  
9 YARDS.—The Secretary of the Navy shall establish a pro-  
10 gram under which the Secretary shall provide funds, in  
11 such amounts as are made available to carry out this pro-  
12 gram—

13 (1) to qualified applicants to facilitate the de-  
14 velopment of innovative design and production tech-  
15 nologies and processes for naval vessels and the de-  
16 velopment of modernized shipbuilding infrastructure;  
17 and

18 (2) to private shipyards to facilitate their acqui-  
19 sition of such technologies, processes, and infrastruc-  
20 ture.

21 (b) PURPOSES OF PROGRAM.—The purposes of the  
22 program referred to in subsection (a) are—

23 (1) to improve the efficiency and cost-effective-  
24 ness of the construction of naval vessels for the  
25 United States;



1           (2) to enhance the quality of naval vessel con-  
2           struction; and

3           (3) to promote the international competitiveness  
4           of United States shipyards for the construction of  
5           commercial ships and naval ships intended for sale  
6           to foreign governments.

7           (c) APPLICATION FOR DEVELOPMENT FUNDING.—

8           An entity requesting assistance under the program re-  
9           ferred to in subsection (a) to develop new design or pro-  
10          duction technologies or processes for naval vessels or to  
11          improve shipbuilding infrastructure shall submit to the  
12          Secretary of the Navy an application that describes the  
13          proposal of the entity and provides evidence of its capa-  
14          bility to develop one or more of the following:

15           (1) Numerically controlled machine tools, ro-  
16           bots, automated process control equipment, comput-  
17           erized flexible manufacturing systems, associated  
18           computer software, and other technology designed to  
19           improve shipbuilding and related industrial produc-  
20           tivity.

21           (2) Novel techniques and processes designed to  
22           improve shipbuilding quality, productivity, and prac-  
23           tice on a broad and sustained basis, including in  
24           such areas as engineering design, quality assurance,  
25           concurrent engineering, continuous process produc-

1       tion technology, employee skills enhancement, and  
2       management of customers and suppliers.

3           (3) Technology, techniques, and processes ap-  
4       propriate to enhancing the productivity of shipyard  
5       infrastructure.

6       (d) SELECTION OF PARTICIPATING ENTITIES.—  
7       Using the applications submitted under subsection (c), the  
8       Secretary of the Navy shall select entities to receive funds  
9       under subsection (a)(1) based on their ability to research  
10      and develop innovative technologies, processes, and infra-  
11      structure to alleviate areas of shipyard construction ineffi-  
12      ciencies discovered under the assessment described in sub-  
13      section (f).

14      (e) SHIPYARD USE OF DEVELOPED TECHNOLOGIES,  
15      PROCESSES, AND INFRASTRUCTURE.—Upon making a de-  
16      termination that a technology, process, or infrastructure  
17      improvement developed using funds provided under sub-  
18      section (a)(1) will improve the productivity and cost-effec-  
19      tiveness of naval vessel construction, the Secretary of the  
20      Navy may provide funds under subsection (a)(2) to a ship-  
21      yard to facilitate the purchase of such technology, process,  
22      or infrastructure improvement.

23      (f) ASSESSMENTS OF NAVAL VESSEL CONSTRUCTION  
24      INEFFICIENCIES.—

1           (1) PERIODIC ASSESSMENTS REQUIRED.—The  
2 Secretary of the Navy shall conduct, in the third  
3 quarter of each fiscal year or as often as necessary,  
4 an assessment of the following aspects of naval ves-  
5 sel construction to determine where and to what ex-  
6 tent inefficiencies exist and to what extent innovative  
7 design and production technologies, processes, and  
8 infrastructure can be developed to alleviate such in-  
9 efficiencies:

10                   (A) Program design, engineering, and pro-  
11                   duction engineering.

12                   (B) Organization and operating systems.

13                   (C) Steelwork production.

14                   (D) Ship construction and outfitting.

15           (2) RELATION TO INDEPENDENT NAVY SHIP  
16 CONSTRUCTION ASSESSMENT.—The assessments re-  
17 quired by paragraph (1) shall occur subsequent to,  
18 and take into consideration the results of, the study  
19 of the cost effectiveness of the ship construction pro-  
20 gram of the Navy required by section 1014 of the  
21 Ronald W. Reagan National Defense Authorization  
22 Act for Fiscal Year 2005 (Public Law 108–375; 118  
23 Stat. 2041).

24           (g) AVAILABILITY OF FUNDS.—Of the amount au-  
25 thorized to be appropriated pursuant to section 201(2) for

1 research, development, test, and evaluation for the Navy,  
2 \$100,000,000 shall be available to the Secretary of the  
3 Navy only to provide assistance under this section.

4 (h) DEFINITIONS.—In this section:

5 (1) The term “shipyard” means a private ship-  
6 yard located in the United States whose business in-  
7 cludes the construction, repair, and maintenance of  
8 United States naval vessels.

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

11 **SEC. 226. RENEWAL OF UNIVERSITY NATIONAL OCEANO-**  
12 **GRAPHIC LABORATORY SYSTEM FLEET.**

13 (a) PROGRAM PLAN.—The Secretary of the Navy  
14 shall develop a plan for a program to renew the University  
15 National Oceanographic Laboratory System (UNOLS)  
16 fleet. The Secretary shall include in the plan provisions  
17 for the construction of up to four Ocean-class ships.

18 (b) FUNDING FOR PRELIMINARY DESIGN AND FEASI-  
19 BILITY STUDIES.—Of the amount provided in section 201  
20 for fiscal year 2006 for the Navy, \$4,000,000 is available,  
21 through Program Element PE 63564N (Ship Preliminary  
22 Design and Feasibility Studies), to conduct feasibility as-  
23 sessments and initiate design of the first Ocean-class ship  
24 that would be constructed under the program referred to  
25 in subsection (a).

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

2 No funds available to the Department of Defense for  
3 research, development, test, and evaluation, or for pro-  
4 curement, may be obligated for acquisition of pilot produc-  
5 tion helicopters for the VXX helicopter program until the  
6 Secretary of the Navy certifies to the congressional de-  
7 fense committees that the results of tests conducted by  
8 the fleet of test article helicopters for the VXX program  
9 demonstrate that VXX helicopters in the VXX mission  
10 configuration can be produced without significant further  
11 design modification.

12 **SEC. 228. FUNDING FOR SUPERSONIC CRUISE MISSILE EN-**  
13 **GINE QUALIFICATION.**

14 (a) IN GENERAL.—The amount in section 201(3) for  
15 research, development, test, and evaluation, Air Force, is  
16 hereby increased by \$10,000,000, to be available for su-  
17 personic cruise missile engine qualification, program ele-  
18 ment 0603216F, project 4921.

19 (b) OFFSET.—The amount in section 104 for pro-  
20 curement, Defense-wide, is hereby reduced by  
21 \$10,000,000, to be derived from the chemical demilitariza-  
22 tion program.

1           **Subtitle C—Missile Defense**  
2                           **Programs**

3   **SEC. 231. REPORT ON CAPABILITIES AND COSTS FOR OPER-**  
4                           **ATIONAL BOOST/ASCENT-PHASE MISSILE DE-**  
5                           **FENSE SYSTEMS.**

6           (a) SECRETARY OF DEFENSE ASSESSMENT.—The  
7 Secretary of Defense shall conduct an assessment of the  
8 United States missile defense programs that are designed  
9 to provide capability against threat ballistic missiles in the  
10 boost/ascent phase of flight.

11          (b) PURPOSE.—The purpose of the assessment shall  
12 be to compare and contrast—

13               (1) capabilities of those programs (if oper-  
14 ational) to defeat, while in the boost/ascent phase of  
15 flight, ballistic missiles launched from North Korea  
16 or a location in the Middle East against the conti-  
17 nental United States, Alaska, or Hawaii; and

18               (2) asset requirements and costs for those pro-  
19 grams to become operational with the capabilities re-  
20 ferred to in paragraph (1).

21          (c) REPORT.—Not later than October 1, 2006, the  
22 Secretary shall submit to Congress a report providing the  
23 results of the assessment.

1 **SEC. 232. REQUIRED FLIGHT-INTERCEPT TEST OF BAL-**  
 2 **LISTIC MISSILE DEFENSE GROUNDBASED**  
 3 **MIDCOURSE SYSTEM.**

4 Of the amount provided for the Missile Defense  
 5 Agency in section 201(4) for defense-wide research, devel-  
 6 opment, test, and evaluation, the amount of  
 7 \$100,000,000, in addition to amounts otherwise available  
 8 for the Ballistic Missile Defense Midcourse Defense Seg-  
 9 ment, shall be provided to conduct one flight-intercept test  
 10 of the Ballistic Missile Defense Groundbased Midcourse  
 11 system in addition to the flight tests planned for that sys-  
 12 tem as of the submission of the President's budget for fis-  
 13 cal year 2006. The interceptor for such additional flight-  
 14 intercept test shall be launched from an operational silo,  
 15 and the test shall be conducted as soon as practicable.

16 **TITLE III—OPERATION AND**  
 17 **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.
- Sec. 315. Study on use of biodiesel and ethanol fuel.

Subtitle C—Workplace and Depot Issues





1 expenses, not otherwise provided for, for operation and  
2 maintenance, in amounts as follows:

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

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

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

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

7 (5) For Defense-wide activities,  
8 \$18,375,781,000.

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

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

11 (8) For the Marine Corps Reserve,  
12 \$207,434,000.

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

14 (10) For the Army National Guard,  
15 \$4,521,119,000.

16 (11) For the Air National Guard,  
17 \$4,727,091,000.

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

20 (13) For Environmental Restoration, Army,  
21 \$407,865,000.

22 (14) For Environmental Restoration, Navy,  
23 \$305,275,000.

24 (15) For Environmental Restoration, Air Force,  
25 \$406,461,000.

1           (16) For Environmental Restoration, Defense-  
2           wide, \$28,167,000.

3           (17) For Environmental Restoration, Formerly  
4           Used Defense Sites, \$221,921,000.

5           (18) For Overseas Humanitarian, Disaster, and  
6           Civic Aid programs, \$61,546,000.

7           (19) For Cooperative Threat Reduction pro-  
8           grams, \$415,549,000.

9           (20) For the Overseas Contingency Operations  
10          Transfer Fund, \$20,000,000.

11 **SEC. 302. WORKING CAPITAL FUNDS.**

12          Funds are hereby authorized to be appropriated for  
13          fiscal year 2006 for the use of the Armed Forces and other  
14          activities and agencies of the Department of Defense for  
15          providing capital for working capital and revolving funds  
16          in amounts as follows:

17               (1) For the Defense Working Capital Funds,  
18               \$316,340,000.

19               (2) For the National Defense Sealift Fund,  
20               \$1,697,023,000.

21               (3) For the Defense Working Capital Fund,  
22               Defense Commissary, \$1,155,000,000.

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

24          (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
25          by authorized to be appropriated for the Department of

1 Defense for fiscal year 2006 for expenses, not otherwise  
2 provided for, for the Defense Health Program, in the  
3 amount of \$19,756,194,000, of which—

4 (1) \$19,204,219,000 is for Operation and  
5 Maintenance;

6 (2) \$176,656,000 is for Research, Development,  
7 Test, and Evaluation; and

8 (3) \$375,319,000 is for Procurement.

9 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
10 TION, DEFENSE.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—

12 Funds are hereby authorized to be appropriated for  
13 the Department of Defense for fiscal year 2006 for  
14 expenses, not otherwise provided for, for Chemical  
15 Agents and Munitions Destruction, Defense, in the  
16 amount of \$1,405,827,000, of which—

17 (A) \$1,241,514,000 is for Operation and  
18 Maintenance;

19 (B) \$116,527,000 is for Research, Devel-  
20 opment, Test, and Evaluation; and

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

22 (2) USE.—Amounts authorized to be appro-  
23 priated under paragraph (1) are authorized for—

24 (A) the destruction of lethal chemical  
25 agents and munitions in accordance with sec-

1           tion 1412 of the Department of Defense Au-  
2           thorization Act, 1986 (50 U.S.C. 1521); and

3           (B) the destruction of chemical warfare  
4           materiel of the United States that is not cov-  
5           ered by section 1412 of such Act.

6           (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
7           TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
8           to be appropriated for the Department of Defense for fis-  
9           cal year 2006 for expenses, not otherwise provided for, for  
10          Drug Interdiction and Counter-Drug Activities, Defense-  
11          wide, in the amount of \$895,741,000.

12          (d) DEFENSE INSPECTOR GENERAL.—Funds are  
13          hereby authorized to be appropriated for the Department  
14          of Defense for fiscal year 2006 for expenses, not otherwise  
15          provided for, for the Office of the Inspector General of  
16          the Department of Defense, in the amount of  
17          \$174,487,000, of which—

18                 (1) \$173,487,000 is for Operation and Mainte-  
19                 nance; and

20                 (2) \$1,000,000 is for Procurement.

1                   **Subtitle B—Environmental**  
2                   **Provisions**

3 **SEC. 311. REVISION OF REQUIRED CONTENT OF ENVIRON-**  
4                   **MENTAL QUALITY ANNUAL REPORT.**

5           Section 2706(b)(2) of title 10, United States Code,  
6 is amended—

7           (1) by striking subparagraphs (D), (E), and  
8           (F); and

9           (2) by inserting after subparagraph (C) the fol-  
10          lowing new subparagraph (D):

11           “(D) A statement of the amounts expended,  
12          and anticipated to be expended, during the period  
13          covered by the report for any activities overseas re-  
14          lated to the environment, including amounts for ac-  
15          tivities relating to environmental remediation, com-  
16          pliance, conservation, and pollution prevention.”.

17 **SEC. 312. PILOT PROJECT ON COMPATIBLE USE BUFFERS**  
18                   **ON REAL PROPERTY BORDERING FORT CAR-**  
19                   **SON, COLORADO.**

20          (a) **PILOT PROJECT REQUIRED.**—The Secretary of  
21 Defense shall carry out a pilot project at Fort Carson,  
22 Colorado, for purposes of evaluating the feasibility and ef-  
23 fectiveness of utilizing conservation easements and leases  
24 granted by one or more willing eligible entity to limit de-

1 velopment on real property in the vicinity of military in-  
2 stallations in the United States.

3 (b) PHASES.—The Secretary shall carry out the pilot  
4 project in four phases, as specified in the Fort Carson  
5 Army Compatible Use Buffer Project.

6 (c) LEASE AND EASEMENT AGREEMENTS; PUR-  
7 POSE.—Under the pilot project, the Secretary shall enter  
8 into agreements with one or more willing eligible entities  
9 to purchase from the entity or entities one or more con-  
10 servation easements, or to lease from the entity or entities  
11 one or more conservation leases, on real property in the  
12 vicinity of Fort Carson for the purposes of limiting any  
13 development or use of the property that would be incom-  
14 patible with the current and anticipated future missions  
15 of Fort Carson.

16 (d) ENCROACHMENTS AND OTHER CONSTRAINTS ON  
17 USE.—In entering into agreements under the pilot  
18 project, the Secretary may utilize, subject to this section,  
19 the authority for agreements under subsection (c) to limit  
20 encroachments and other constraints on military training,  
21 testing, and operations under section 2684a of title 10,  
22 United States Code.

23 (e) EXPIRATION.—The authority of the Secretary to  
24 enter into agreements under the pilot project shall expire  
25 on the earlier of—

1           (1) the date of the completion of phase IV of  
2 the Fort Carson Army Compatible Use Buffer  
3 Project; or

4           (2) the date that is five years after the date of  
5 the enactment of this Act.

6 (f) DEFINITIONS.—In this section:

7           (1) The term “eligible entity” means any of the  
8 following:

9                 (A) The State of Colorado or a political  
10 subdivision of the State.

11                 (B) A private entity that has as its stated  
12 principal organizational purpose or goal the  
13 conservation, restoration, or preservation of  
14 land and natural resources, or a similar purpose  
15 or goal, as determined by the Secretary.

16           (2) The term “Fort Carson Army Compatible  
17 Use Buffer Project” means the plan developed for  
18 Fort Carson to use conservation easements and  
19 leases on property in the vicinity of Fort Carson to  
20 create a land buffer to accommodate current and fu-  
21 ture missions at Fort Carson, while also conserving  
22 sensitive natural resources.

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

3 Section 315 of the Ronald W. Reagan National De-  
4 fense Authorization Act for Fiscal Year 2005 (Public Law  
5 108–375; 118 Stat. 1843) is repealed.

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

9 (a) **ACTIVITIES AT FORMER DEFENSE PROPERTY**  
10 **SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL AC-**  
11 **TION.**—Section 2701(d) of title 10, United States Code,  
12 is amended—

13 (1) in paragraph (1)—

14 (A) by inserting “any owner of covenant  
15 property,” after “any Indian tribe,”; and

16 (B) by inserting “owner,” after “, Indian  
17 tribe,”;

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

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

25 “(C) The term ‘owner of covenant prop-  
26 erty’ means an owner of property subject to a



1 covenant provided by the United States in ac-  
2 cordance with the requirements of paragraphs  
3 (3) and (4) of section 120(h) of CERCLA (42  
4 U.S.C. 9620(h)), so long as the covenant prop-  
5 erty is the site at which the services procured  
6 under paragraph (1) are to be performed.”; and  
7 (4) by adding at the end the following new  
8 paragraph:

9 “(5) SAVINGS CLAUSE.—Nothing in this sub-  
10 section affects the applicability of section 120 of  
11 CERCLA (42 U.S.C. 6920) to the Department of  
12 Defense or the obligations and responsibilities of the  
13 Department of Defense under subsection (h) of such  
14 section.”.

15 (b) SOURCE OF FUNDS FOR FORMER BRAC PROP-  
16 erty SUBJECT TO COVENANT FOR ADDITIONAL REME-  
17 dial ACTION.—Section 2703 of such title is amended—

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

21 (2) by adding at the end the following new sub-  
22 section:

23 “(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL  
24 REMEDIATION AT CERTAIN BASE REALIGNMENT AND  
25 CLOSURE SITES.—In the case of property disposed of pur-

1 suant to a base closure law and subject to a covenant that  
2 was required to be provided by paragraphs (3) and (4)  
3 of section 120(h) of CERCLA (42 U.S.C. 9620(h)), the  
4 sole source of funds for services procured under subsection  
5 2701(d)(1) of this title shall be the applicable Department  
6 of Defense base closure account.”.

7 **SEC. 315. STUDY ON USE OF BIODIESEL AND ETHANOL**  
8 **FUEL.**

9 (a) IN GENERAL.—The Secretary of Defense shall  
10 conduct a study on the use of biodiesel and ethanol fuel  
11 by the Armed Forces and the Defense Agencies and any  
12 measures that can be taken to increase such use.

13 (b) ELEMENTS.—The study shall include—

14 (1) a review and assessment of potential re-  
15 quirements for increased use of biodiesel and ethanol  
16 fuel within the Department of Defense and research  
17 and development efforts required to meet those in-  
18 creased requirements;

19 (2) based on the review in subparagraph (1), a  
20 forecast of the requirements of the Armed Forces  
21 and the Defense Agencies for biodiesel and ethanol  
22 fuels for each of fiscal years 2007 through 2012;

23 (3) an assessment of the current and future  
24 commercial availability of biodiesel and ethanol fuel,  
25 including facilities for the production, storage, trans-

1 portation, distribution, and commercial sale of such  
2 fuel;

3 (4) a review of the actions of the Department  
4 of Defense to coordinate with State, local, and pri-  
5 vate entities to support the expansion and use of al-  
6 ternative fuel refueling stations that are accessible to  
7 the public; and

8 (5) an assessment of the fueling infrastructure  
9 on military installations in the United States, includ-  
10 ing storage and distribution facilities, that could be  
11 adapted or converted for the delivery of biodiesel and  
12 ethanol fuel.

13 (c) REPORT.—Not later than February 1, 2006, the  
14 Secretary shall submit to the congressional defense com-  
15 mittees a report on the study conducted under subsection  
16 (a).

17 (d) DEFINITIONS.—In this section:

18 (1) The term “ethanol fuel” means fuel that is  
19 85 percent ethyl alcohol.

20 (2) The term “biodiesel” means a diesel fuel  
21 substitute produced from nonpetroleum renewable  
22 resources that meets the registration requirements  
23 for fuels and fuel additives established by the Envi-  
24 ronmental Protection Agency under section 7545 of  
25 title 42, United States Code.

1     **Subtitle C—Workplace and Depot**  
2                     **Issues**

3     **SEC. 321. PROCEEDS FROM COOPERATIVE ACTIVITIES**  
4                     **WITH NON-ARMY ENTITIES.**

5             Section 4544 of title 10, United States Code, is  
6 amended—

7                     (1) by redesignating subsections (h) through (j)  
8             as subsections (i) through (k), respectively; and

9                     (2) by inserting after subsection (g) the fol-  
10             lowing new subsection:

11             “(h) PROCEEDS CREDITED TO WORKING CAPITAL  
12 FUND.—Proceeds received from the sale of an article or  
13 service pursuant to a contract or other cooperative ar-  
14 rangement under this section shall be credited to the work-  
15 ing capital fund that incurs the cost of manufacturing the  
16 article or performing the service.”.

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

18             Section 2461(b) of title 10, United States Code, is  
19 amended by adding at the end the following new para-  
20 graph:

21                     “(5)(A) A function of the Department of De-  
22 fense performed by 10 or more civilian employees  
23 may not be converted, in whole or in part, to per-  
24 formance by a contractor unless the conversion is

1 based on the results of a public-private competition  
2 process that—

3 “(i) formally compares the cost of civilian  
4 employee performance of the function with the  
5 costs of performance by a contractor;

6 “(ii) creates an agency tender, including a  
7 most efficient organization plan, in accordance  
8 with Office of Management and Budget Cir-  
9 cular A-76, as implemented on May 29, 2003;

10 “(iii) determines whether the submitted of-  
11 fers meet the needs of the Department of De-  
12 fense with respect to factors other than cost, in-  
13 cluding quality and reliability; and

14 “(iv) requires continued performance of  
15 the function by civilian employees if the dif-  
16 ference in the cost of performance of the func-  
17 tion by a contractor compared to the civilian  
18 employees would, over all performance periods  
19 required by the solicitation, be less than—

20 “(I) 10 percent of the personnel-re-  
21 lated costs for performance of that activity  
22 or function in the agency tender; or

23 “(II) \$10,000,000.

24 “(B) An activity that is performed by the De-  
25 partment of Defense and is reengineered, reorga-

1 nized, modernized, upgraded, expanded, or changed  
2 to become more efficient, but still essentially pro-  
3 vides the same service, shall not be considered a new  
4 requirement.

5 “(C) In no case may a commercial or industrial  
6 type function being performed by Department of De-  
7 fense personnel be modified, reorganized, divided, or  
8 in any way changed for the purpose of exempting  
9 from the requirements of subsection (a) the change  
10 of all or any part of such function to performance  
11 by a private contractor.

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

14 “(i) the written waiver is prepared by the  
15 Secretary of Defense, or the relevant Assistant  
16 Secretary or agency head; and

17 “(ii) the written waiver is accompanied by  
18 a detailed determination that national security  
19 interests are so compelling as to preclude com-  
20 pliance with the requirement for a public-pri-  
21 vate competition.”.

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

23 (a) ESTABLISHMENT.—The Secretary of Defense  
24 shall establish a pilot program to examine the use of the  
25 public-private competition process of Office of Manage-

1 ment and Budget Circular A-76, as defined by such Cir-  
2 cular, and functions currently being performed by contrac-  
3 tors that could be performed by civilian employees of the  
4 Department of Defense.

5 (b) PROCESS AND CRITERIA.—

6 (1) The process and criteria for competition  
7 under the pilot program established in subsection (a)  
8 shall be consistent with the criteria for conducting a  
9 similar competition for work performed by the public  
10 sector.

11 (2) The pilot program shall include not less  
12 than four competitions.

13 (c) REPORT.—The Secretary of Defense shall submit  
14 a report to Congress on the results of the competitions  
15 conducted under the pilot program and any potential ben-  
16 efit or detriment of expanding the pilot program.

17 (d) TERMINATION.—The pilot program established  
18 under this subsection shall terminate on the date that is  
19 three years after the date of the enactment of this Act.

20 **SEC. 324. SENSE OF CONGRESS ON EQUITABLE LEGAL**  
21 **STANDING FOR CIVILIAN EMPLOYEES.**

22 It is the sense of Congress that, in order to ensure  
23 that when public-private competitions are held, they are  
24 conducted as fairly, effectively, and efficiently as possible,  
25 competing parties, both Department of Defense civilian

1 employees (or their representatives) and contractors (or  
2 their representatives), should receive comparable treat-  
3 ment throughout the competition regarding access to rel-  
4 evant information and legal standing to challenge the way  
5 a competition has been conducted at all appropriate fo-  
6 rums.

## 7 **Subtitle D—Extension of Program** 8 **Authorities**

### 9 **SEC. 331. EXTENSION OF AUTHORITY TO PROVIDE LOGIS-** 10 **TICS SUPPORT AND SERVICES FOR WEAPONS** 11 **SYSTEMS CONTRACTORS.**

12 Section 365(g)(1) of the Bob Stump National De-  
13 fense Authorization Act for Fiscal Year 2003 (Public Law  
14 107–314; 116 Stat. 2521; 10 U.S.C. 2302 note) is amend-  
15 ed by striking “2007” and inserting “2010”.

### 16 **SEC. 332. EXTENSION AND REVISION OF TEMPORARY AU-** 17 **THORITY FOR CONTRACTOR PERFORMANCE** 18 **OF SECURITY GUARD FUNCTIONS.**

19 Section 332(c) of the Bob Stump National Defense  
20 Authorization Act for Fiscal Year 2003 (Public Law 107–  
21 314; 116 Stat. 2513) is amended—

22 (1) by striking “2006” each place it appears  
23 and inserting “2008”; and

24 (2) by adding at the end the following new  
25 paragraphs:



1 “(3) No contract, subcontract, or task order for the  
2 performance of security-guard functions at a military in-  
3 stallation or facility in the United States awarded before  
4 September 30, 2006, shall be extended beyond September  
5 30, 2006.

6 “(4) A contract for the performance of security-guard  
7 functions at a military installation or facility in the United  
8 States awarded on or after September 30, 2006, shall be  
9 awarded using full and open competition, as authorized  
10 under section 2304 of title 10, United States Code. Sec-  
11 tion 602 of the Business Opportunity Development Re-  
12 form Act of 1988 (Public Law 100–656; 15 U.S.C. 637  
13 note) shall not apply to such a contract.”.

## 14 **Subtitle E—Utah Test and Training** 15 **Range**

### 16 **SEC. 341. DEFINITIONS.**

17 In this subtitle:

18 (1) The term “covered wilderness” means the  
19 wilderness area designated by this subtitle and wil-  
20 derness study areas located near lands withdrawn  
21 for military use and beneath special use airspace  
22 critical to the support of military test and training  
23 missions at the Utah Test and Training Range, in-  
24 cluding the Deep Creek, Fish Springs, Swasey  
25 Mountain, Howell Peak, Notch Peak, King Top,

1 Wah Wah Mountain, and Conger Mountain units  
2 designated by the Department of the Interior.

3 (2) The term “Tribe” means the Skull Valley  
4 Band of Goshute Indians.

5 (3) The term “Utah Test and Training Range”  
6 means those portions of the military operating area  
7 of the Utah Test and Training Area located solely  
8 in the State of Utah. The term includes the Dugway  
9 Proving Ground.

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

13 **SEC. 342. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH**  
14 **TEST AND TRAINING RANGE.**

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

16 (1) The testing and development of military  
17 weapons systems and the training of military forces  
18 are critical to ensuring the national security of the  
19 United States.

20 (2) The Utah Test and Training Range in the  
21 State of Utah is a unique and irreplaceable national  
22 asset at the core of the test and training mission of  
23 the Department of Defense.

24 (3) The Cedar Mountain Wilderness Area des-  
25 igned by section 344, as well as several wilderness

1 study areas, are located near lands withdrawn for  
2 military use or are beneath special use airspace crit-  
3 ical to the support of military test and training mis-  
4 sions at the Utah Test and Training Range.

5 (4) The Utah Test and Training Range and  
6 special use airspace withdrawn for military uses cre-  
7 ate unique management circumstances for the cov-  
8 ered wilderness in this subtitle, and it is not the in-  
9 tent of Congress that passage of this subtitle shall  
10 be construed as establishing a precedent with respect  
11 to any future national conservation area or wilder-  
12 ness designation.

13 (5) Continued access to the special use airspace  
14 and lands that comprise the Utah Test and Training  
15 Range, under the terms and conditions described in  
16 this section, is a national security priority and is not  
17 incompatible with the protection and proper manage-  
18 ment of the natural, environmental, cultural, and  
19 other resources of such lands.

20 (b) OVERFLIGHTS.—Nothing in this subtitle or the  
21 Wilderness Act shall preclude low-level overflights and op-  
22 erations of military aircraft, helicopters, missiles, or un-  
23 manned aerial vehicles over the covered wilderness, includ-  
24 ing military overflights and operations that can be seen  
25 or heard within the covered wilderness.

1           (c) SPECIAL USE AIRSPACE AND TRAINING  
2 ROUTES.—Nothing in this subtitle or the Wilderness Act  
3 shall preclude the designation of new units of special use  
4 airspace, the expansion of existing units of special use air-  
5 space, or the use or establishment of military training  
6 routes over the covered wilderness.

7           (d) COMMUNICATIONS AND TRACKING SYSTEMS.—  
8 Nothing in this subtitle shall prevent any required mainte-  
9 nance of existing communications, instrumentation, or  
10 electronic tracking systems (or infrastructure supporting  
11 such systems) or prevent the installation of new commu-  
12 nication, instrumentation, or other equipment necessary  
13 for effective testing and training to meet military require-  
14 ments in wilderness study areas located beneath special  
15 use airspace comprising the Utah Test and Training  
16 Range, including the Deep Creek, Fish Springs, Swasey  
17 Mountain, Howell Peak, Notch Peak, King Top, Wah Wah  
18 Mountain, and Conger Mountain units designated by the  
19 Department of Interior, so long as the Secretary of the  
20 Interior, after consultation with the Secretary of the Air  
21 Force, determines that the installation and maintenance  
22 of such systems, when considered both individually and  
23 collectively, comply with section 603 of the Federal Land  
24 Policy and Management Act of 1976 (43 U.S.C. 1782).

1 (e) EMERGENCY ACCESS AND RESPONSE.—Nothing  
2 in this subtitle or the Wilderness Act shall preclude the  
3 continuation of the memorandum of understanding in ex-  
4 istence as of the date of enactment of this Act between  
5 the Department of the Interior and the Department of the  
6 Air Force with respect to emergency access and response.

7 (f) PROHIBITION ON GROUND MILITARY OPER-  
8 ATIONS.—Except as provided in subsections (d) and (e),  
9 nothing in this section shall be construed to permit a mili-  
10 tary operation to be conducted on the ground in covered  
11 wilderness in the Utah Test and Training Range unless  
12 such ground operation is otherwise permissible under Fed-  
13 eral law and consistent with the Wilderness Act.

14 **SEC. 343. PLANNING PROCESS FOR FEDERAL LANDS IN**  
15 **UTAH TEST AND TRAINING RANGE.**

16 (a) ANALYSIS OF MILITARY READINESS AND OPER-  
17 ATIONAL IMPACTS.—The Secretary of the Interior shall  
18 develop, maintain, and revise land use plans pursuant to  
19 section 202 of the Federal Land Policy and Management  
20 Act of 1976 (43 U.S. C. 1712) for Federal lands located  
21 in the Utah Test and Training Range in consultation with  
22 the Secretary of Defense. As part of the required consulta-  
23 tion in connection with a proposed revision of a land use  
24 plan, the Secretary of Defense shall prepare and transmit  
25 to the Secretary of the Interior an analysis of the military

1 readiness and operational impacts of the proposed revision  
2 within six months of a request from the Secretary of the  
3 Interior.

4 (b) **LIMITATION ON RIGHTS-OF-WAYS.**—The Sec-  
5 retary of the Interior shall not grant or issue any author-  
6 izations for rights-of-way under section 501(a)(6) of the  
7 Federal Land Policy and Management Act of 1976 (43  
8 U.S.C. 1761(a)(6)) upon Federal lands identified as in-  
9 ventory units UTU-020-086, UTU-020-088, UTU-020-  
10 095, UTU-020-096, UTU-020-100, UTU-020-101,  
11 UTU-020-103, UTU-020-104, UTU-020-105, and  
12 UTU-020-110, as generally depicted on the map entitled  
13 “Wilderness Inventory, State of Utah” and dated August  
14 1979, until the later of the following:

15 (1) The completion of a full revision of the  
16 Pony Express Area Resource Management Plan,  
17 dated January 12, 1990, by the Salt Lake Field Of-  
18 fice of the Bureau of Land Management.

19 (2) January 1, 2015.

20 **SEC. 344. DESIGNATION AND MANAGEMENT OF CEDAR**  
21 **MOUNTAIN WILDERNESS, UTAH.**

22 (a) **DESIGNATION.**—Certain Federal lands in Tooele  
23 County, Utah, as generally depicted on the map entitled  
24 “Cedar Mountain Wilderness” and dated March 7, 2004,  
25 are hereby designated as wilderness and, therefore, as a

1 component of the National Wilderness Preservation Sys-  
2 tem to be known as the Cedar Mountain Wilderness Area.

3 (b) WITHDRAWAL.—Subject to valid existing rights,  
4 the Federal lands in the Cedar Mountain Wilderness Area  
5 are hereby withdrawn from all forms of entry, appropria-  
6 tion, or disposal under the public land laws, from location,  
7 entry, and patent under the United States mining laws,  
8 and from disposition under all laws pertaining to mineral  
9 and geothermal leasing, and mineral materials, and all  
10 amendments to such laws.

11 (c) MAP AND DESCRIPTION.—

12 (1) TRANSMITTAL.—As soon as practicable  
13 after the date of the enactment of this Act, the Sec-  
14 retary of the Interior shall transmit a map and legal  
15 description of the Cedar Mountain Wilderness Area  
16 to the Committee on Resources of the House of Rep-  
17 resentatives and the Committee on Energy and Nat-  
18 ural Resources of the Senate.

19 (2) LEGAL EFFECT.—The map and legal de-  
20 scription shall have the same force and effect as if  
21 included in this Act, except that the Secretary of the  
22 Interior may correct clerical and typographical er-  
23 rors in the map and legal description.

24 (3) AVAILABILITY.—The map and legal descrip-  
25 tion shall be on file and available for public inspec-

1           tion in the office of the Director of the Bureau of  
2           Land Management and the office of the State Direc-  
3           tor of the Bureau of Land Management in the State  
4           of Utah.

5           (d) ADMINISTRATION.—Subject to valid existing  
6 rights and this subtitle, the Cedar Mountain Wilderness  
7 Area shall be administered by the Secretary of the Interior  
8 in accordance with the provisions of the Wilderness Act,  
9 except that any reference in such provisions to the effec-  
10 tive date of the Wilderness Act (or any similar reference)  
11 shall be deemed to be a reference to the date of the enact-  
12 ment of this Act.

13          (e) LAND ACQUISITION.—Any lands or interest in  
14 lands within the boundaries of the Cedar Mountain Wil-  
15 derness Area acquired by the United States after the date  
16 of the enactment of this Act shall be added to and admin-  
17 istered as part of the Cedar Mountain Wilderness Area.

18          (f) FISH AND WILDLIFE MANAGEMENT.—As pro-  
19 vided in section 4(d)(7) of the Wilderness Act (16 U.S.C.  
20 1133(d)(7)), nothing in this subtitle shall be construed as  
21 affecting the jurisdiction of the State of Utah with respect  
22 to fish and wildlife on the Federal lands located in that  
23 State.

24          (g) GRAZING.—Within the Cedar Mountain Wilder-  
25 ness Area, the grazing of livestock, where established be-



1 fore the date of the enactment of this Act, shall be per-  
2 mitted to continue subject to such reasonable regulations,  
3 policies, and practices as the Secretary of the Interior con-  
4 siderers necessary, as long as such regulations, policies, and  
5 practices fully conform with and implement the intent of  
6 Congress regarding grazing in such areas, as such intent  
7 is expressed in the Wilderness Act, section 101(f) of Pub-  
8 lic Law 101–628 (104 Stat. 4473), and appendix A of the  
9 Report of the Committee on Interior and Insular Affairs  
10 to accompany H.R. 2570 of the 101st Congress (H. Rept.  
11 101–405).

12 (h) BUFFER ZONES.—Congress does not intend for  
13 the designation of the Cedar Mountain Wilderness Area  
14 to lead to the creation of protective perimeters or buffer  
15 zones around the wilderness area. The fact that nonwilder-  
16 ness activities or uses can be seen or heard within the wil-  
17 derness area shall not, of itself, preclude such activities  
18 or uses up to the boundary of the wilderness area.

19 (i) RELEASE FROM WILDERNESS STUDY AREA STA-  
20 TUS.—The lands identified as the Browns Spring  
21 Cherrystem on the map entitled “Proposed Browns Spring  
22 Cherrystem” and dated May 11, 2004, are released from  
23 their status as a wilderness study area, and shall no longer  
24 be subject to the requirements of section 603(c) of the  
25 Federal Land Policy and Management Act of 1976 (43

1 U.S.C. 1782(c)) pertaining to the management of wilder-  
2 ness study areas in a manner that does not impair the  
3 suitability of those areas for preservation of wilderness.

4 **SEC. 345. IDENTIFICATION OF ADDITIONAL BUREAU OF**  
5 **LAND MANAGEMENT LAND IN UTAH AS**  
6 **TRUST LAND FOR SKULL VALLEY BAND OF**  
7 **GOSHUTES.**

8 (a) IDENTIFICATION OF TRUST LAND.—The Sec-  
9 retary of the Interior shall identify approximately 640 ad-  
10 ditional acres of Bureau of Land Management land in the  
11 State of Utah to be administered in trust for the benefit  
12 of the Skull Valley Band of Goshutes.

13 (b) SPECIAL CONSIDERATIONS.—In identifying the  
14 land under subsection (a), the Secretary of the Interior  
15 shall—

16 (1) consult with leaders of the Tribe and the  
17 Governor of Utah; and

18 (2) ensure that the land has ready access to  
19 State or Federal highways and, in the judgment of  
20 the Secretary, provides the best opportunities for  
21 commercial economic development in closest prox-  
22 imity to other lands of the Tribe.

23 (c) PLACEMENT IN TRUST.—Not later than Decem-  
24 ber 31, 2005, the Secretary of the Interior shall place the  
25 land identified pursuant to subsection (a) into trust for

1 the purposes of economic development for the Tribe. At  
2 least 30 days before placing the land in trust for the Tribe,  
3 the Secretary shall publish in the Federal Register legal  
4 descriptions of the land to be placed in trust.

5 (d) MANAGEMENT OF TRUST LAND.—The land  
6 placed into trust for the Tribe under subsection (c) shall  
7 be administered in accordance with laws generally applica-  
8 ble to property held in trust by the United States for In-  
9 dian Tribes, except that the land shall immediately revert  
10 to the administrative control of the Bureau of Land Man-  
11 agement if the Tribe sells, or attempts to sell, any part  
12 of the land.

13 (e) EFFECT.—Nothing in this section—

14 (1) affects any valid right-of-way, lease, permit,  
15 mining claim, grazing permit, water right, or other  
16 right or interest of any person or entity (other than  
17 the United States) in or to the trust land that exists  
18 before the date on which the land is placed in trust  
19 for the Tribe under subsection (c);

20 (2) enlarges, impairs, or otherwise affects a  
21 right or claim of the Tribe to any land or interest  
22 in land based on Aboriginal or Indian title that ex-  
23 ists before the date of the enactment of this Act;

1           (3) constitutes an express or implied reservation  
2           of water or water right for any purpose with respect  
3           to the trust land; or

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

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

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

10          (b) CONFORMING REPEAL.—Section 2815 of the Na-  
11          tional Defense Authorization Act for Fiscal Year 2000  
12          (Public Law 106–65; 113 Stat. 852) is amended by strik-  
13          ing subsection (d).

14                           **Subtitle F—Other Matters**

15 **SEC. 351. CODIFICATION AND REVISION OF LIMITATION ON**  
16                           **MODIFICATION OF MAJOR ITEMS OF EQUIP-**  
17                           **MENT SCHEDULED FOR RETIREMENT OR DIS-**  
18                           **POSAL.**

19          (a) IN GENERAL.—Chapter 134 of title 10, United  
20          States Code, is amended by inserting after section 2244  
21          the following new section:

1 **“§ 2244a. Equipment scheduled for retirement or dis-**  
2 **posal: limitation on expenditures for**  
3 **modifications**

4 “(a) PROHIBITION.—Except as otherwise provided in  
5 this section, the Secretary of a military department may  
6 not carry out a significant modification of an aircraft,  
7 weapon, vessel, or other item of equipment that the Sec-  
8 retary plans to retire or otherwise dispose of within five  
9 years after the date on which the modification, if carried  
10 out, would be completed.

11 “(b) SIGNIFICANT MODIFICATION DEFINED.—In this  
12 section, a significant modification is any modification for  
13 which the cost is in an amount equal to or greater than  
14 \$1,000,000.

15 “(c) EXCEPTION FOR SAFETY MODIFICATIONS.—The  
16 prohibition in subsection (a) does not apply to a safety  
17 modification.

18 “(d) WAIVER AUTHORITY.—The Secretary concerned  
19 may waive the prohibition in subsection (a) in the case  
20 of any modification otherwise subject to that subsection  
21 if the Secretary determines that carrying out the modifica-  
22 tion is in the national security interest of the United  
23 States. Whenever the Secretary issues such a waiver, the  
24 Secretary shall notify the congressional defense commit-  
25 tees in writing.”.

1 (b) CLERICAL AMENDMENT.—The table of section at  
2 the beginning of such chapter is amended by inserting  
3 after the item relating to section 2244 the following new  
4 item:

“2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications.”.

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

8 **SEC. 352. LIMITATION ON PURCHASE OF INVESTMENT**  
9 **ITEMS WITH OPERATION AND MAINTENANCE**  
10 **FUNDS.**

11 (a) LIMITATION ON USE OF OPERATION AND MAIN-  
12 TENANCE FUNDS.—Chapter 134 of title 10, United States  
13 Code, is amended by inserting after section 2245 the fol-  
14 lowing new section:

15 **“§ 2245a. Use of operation and maintenance funds for**  
16 **purchase of investment items: limitation**

17 “Funds appropriated to the Department of Defense  
18 for operation and maintenance may not be used to pur-  
19 chase any item (including any item to be acquired as a  
20 replacement for an item) that has an investment item unit  
21 cost that is greater than \$250,000.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of such chapter is amended by inserting

1 after the item relating to section 2245 the following new  
2 item:

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

3 **SEC. 353. PROVISION OF DEPARTMENT OF DEFENSE SUP-**  
4 **PORT FOR CERTAIN PARALYMPIC SPORTING**  
5 **EVENTS.**

6 Section 2564 of title 10, United States Code, is  
7 amended—

8 (1) in subsection (c), by adding at the end the  
9 following new paragraphs:

10 “(4) A sporting event sanctioned by the United  
11 States Olympic Committee through the Paralympic  
12 Military Program.

13 “(5) A national or international paralympic  
14 sporting event (other than one covered by paragraph  
15 (3) or (4))—

16 “(A) which is—

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

19 “(ii) governed by the International  
20 Paralympic Committee; and

21 “(iii) sanctioned by the United States  
22 Olympic Committee; and

23 “(B) for which participation exceeds 500  
24 amateur athletes.”; and

1 (2) in subsection (d)—

2 (A) by inserting “(1)” before “The Sec-  
3 retary”; and

4 (B) by adding at the end the following new  
5 paragraph:

6 “(2) No more than \$1,000,000 may be ex-  
7 pended in any fiscal year to provide support for  
8 events specified under paragraph (5) of subsection  
9 (c).”.

10 **SEC. 354. DEVELOPMENT AND EXPLANATION OF BUDGET**  
11 **MODELS FOR BASE OPERATIONS SUPPORT,**  
12 **SUSTAINMENT, AND FACILITIES RECAPITAL-**  
13 **IZATION.**

14 (a) **REPORTS ON MODELS USED.**—The Secretary of  
15 Defense shall include with the defense budget materials  
16 for fiscal years 2007 through 2011 a report describing the  
17 models used to prepare the budget requests for base oper-  
18 ations support, sustainment, and facilities recapitalization.

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

21 (1) An explanation of the methodology used to  
22 develop each model and, if there have been any  
23 changes to the methodology since the previous re-  
24 port, an explanation of the changes and the reasons  
25 therefor.



1           (2) A description of the items contained in each  
2 model.

3           (3) An explanation of whether the models are  
4 being applied to each military department and De-  
5 fense Agencies under common definitions of base op-  
6 erations support, sustainment, and facilities recapiti-  
7 talization and, if common definitions are not being  
8 used, an explanation of the differences and the rea-  
9 sons therefor.

10          (4) A description of the requested funding levels  
11 for base operations support, sustainment, and facili-  
12 ties recapitalization for the fiscal year covered by the  
13 defense budget materials and the funding goals es-  
14 tablished for base operations support, sustainment,  
15 and facilities recapitalization for at least the four  
16 succeeding fiscal years.

17          (5) If the requested funding levels for base op-  
18 erations support, sustainment, and facilities recapiti-  
19 talization for the fiscal year covered by the defense  
20 budget materials deviate from the goals for that fis-  
21 cal year contained in the preceding report, or the  
22 funding goals established for succeeding fiscal years  
23 deviate from the goals for those fiscal years con-  
24 tained in the preceding report, a justification for the

1 funding levels and goals and an explanation of the  
2 reasons for the changes from the preceding report.

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

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

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

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

24 (2) Any significant shortfalls that exist in those  
25 stocks, particularly in combat and support equip-

1       ment, spare parts, and munitions, and how the  
2       Army would mitigate those shortfalls in the event of  
3       a new conflict.

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

9               (4) The percentage of required cyclic mainte-  
10       nance performed on all stocks for each of fiscal  
11       years 2003, 2004, and 2005 and the quality control  
12       procedures used to ensure that such maintenance  
13       was completed according to Army standards.

14              (5) Whether the oversight mechanisms and in-  
15       ternal management reports of the Army with respect  
16       to those stocks are adequate and ensure an accurate  
17       portrayal of the readiness of stocks covered by the  
18       report.

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

24              (7) The facilities used to store and maintain  
25       brigade sets and whether those facilities provide ade-

1       quate (or excess) capacity, by region, for the current  
2       and future mission.

3           (8) The current funding for the war reserve,  
4       the sufficiency of the war reserve inventory, and the  
5       effect of the war reserve on the ability of the Army  
6       to conduct operations.

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

12      (c) COMPTROLLER GENERAL REVIEW.—Not later  
13      than 120 days after the date of receipt of the report under  
14      subsection (b), the Comptroller General shall submit to  
15      Congress an independent review of the assessment con-  
16      ducted by the Secretary of the Army under subsection (a).  
17      The review under this subsection shall include the fol-  
18      lowing:

19           (1) The Comptroller General's assessment of  
20      whether the assessment by the Secretary of the  
21      Army under subsection (a) comprehensively address-  
22      es each of the matters specified in paragraphs (1)  
23      through (7) of that subsection.

24           (2) The status of the Army in addressing any  
25      shortfalls or other issues reported by the Depart-

1 ment of the Army or identified by the Government  
2 Accountability Office.

3 **SEC. 356. REPORT REGARDING EFFECT ON MILITARY**  
4 **READINESS OF UNDOCUMENTED IMMI-**  
5 **GRANTS TRESPASSING UPON OPERATIONAL**  
6 **RANGES.**

7 (a) REPORT CONTAINING ASSESSMENT AND RE-  
8 SPONSE PLAN.—Not later than March 15, 2006, the Sec-  
9 retary of Defense and the Secretary of Homeland Security  
10 shall submit to Congress a report containing—

11 (1) an assessment, conducted jointly by the  
12 Secretaries, of the impact on military readiness  
13 caused by undocumented immigrants whose entry  
14 into the United States involves trespassing upon  
15 operational ranges of the Department of Defense;  
16 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  
21 required by subsection (a) shall include the following:

22 (1) A listing of the operational ranges adversely  
23 affected by the trespass of undocumented immi-  
24 grants 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  
11 States.

12           (6) A description of measures currently in place  
13 to prevent such trespass, including the use of bar-  
14 riers to vehicles and persons, military patrols, border  
15 patrols, and sensors.

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

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

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

1 (d) IMPLEMENTATION REPORTS.—Not later than  
2 September 15, 2006, March 15, 2007, September 15,  
3 2007, and March 15, 2008, the Secretary of Defense shall  
4 submit to Congress a report detailing the progress made  
5 by the Department of Defense, during the six-month pe-  
6 riod covered by the report, in implementing measures rec-  
7 ommended in the plan required by subsection (a) to pre-  
8 vent undocumented immigrants from trespassing upon  
9 operational ranges. Each report shall include the number  
10 and types of mitigation measures implemented and the  
11 success of such 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  
15 States 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  
21 days before the Secretary of Defense or the Secretary of  
22 a military department issues a final approval or dis-  
23 approval or a formal opinion regarding the placement of  
24 any liquefied natural gas facility, pipeline, or related struc-  
25 ture on or in the vicinity of a military installation, range,

1 or other lands under the jurisdiction of the Department  
2 of Defense, the Secretary shall submit to Congress a re-  
3 port detailing the justification for the approval, dis-  
4 approval, or opinion.

5 (b) CONTENT OF REPORT.—A report under sub-  
6 section (a) shall include consideration of the potential  
7 long-term effects of the liquefied natural gas facility, pipe-  
8 line, or related structure that is the subject of the ap-  
9 proval, disapproval, or opinion on military readiness, par-  
10 ticularly the effects on the use of operational ranges.

11 (c) DEFINITIONS.—In this section:

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

15 (2) The terms “range” and “operational range”  
16 have the meanings given those terms in section  
17 101(e) of such title.

18 **SEC. 358. REPORT REGARDING ARMY AND AIR FORCE EX-**  
19 **CHANGE SYSTEM MANAGEMENT OF ARMY**  
20 **LODGING.**

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



1           (1) Whether current lodging agreements with  
2 the Army and Air Force Exchange System to pro-  
3 vide hospitality telecommunication services would be  
4 impacted 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 lodg-  
11 ing as a nonprofit organization versus a partnership  
12 with 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  
16 of such lodging if it is determined that management  
17 of such lodging is not a profitable marketing ven-  
18 ture.

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

23           (b) LIMITATION PENDING SUBMISSION OF RE-  
24 PORT.—Until the Secretary of Defense submits the report  
25 required by subsection (a) to Congress, the Department

1 of the Army may not solicit or consider any request for  
 2 qualifications that would privatize Army lodging beyond  
 3 the level of privatization identified for inclusion in Group  
 4 A of the Privatization of Army Lodging Initiative.

5 **TITLE IV—MILITARY**  
 6 **PERSONNEL 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.

7 **Subtitle A—Active Forces**

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

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

- 11 (1) The Army, 482,400.  
 12 (2) The Navy, 352,700.  
 13 (3) The Marine Corps, 175,000.  
 14 (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)  
5 through (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  
11 subsection (a) shall take effect on October 1, 2005, or 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  
17 components 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 com-  
3 ponent 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  
6 such component which are on active duty (other  
7 than for 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  
17 Reserve of such reserve component shall be increased pro-  
18 portionately by the total authorized strengths of such  
19 units and 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  
23 411(a), the reserve components of the Armed Forces are  
24 authorized, as of September 30, 2006, the following num-  
25 ber of Reserves to be serving on full-time active duty or

1 full-time duty, in the case of members of the National  
2 Guard, for the purpose of organizing, administering, re-  
3 cruiting, instructing, or training the reserve components:

4 (1) The Army National Guard of the United  
5 States, 27,345.

6 (2) The Army Reserve, 15,270.

7 (3) The Naval Reserve, 13,392.

8 (4) The Marine Corps Reserve, 2,261.

9 (5) The Air National Guard of the United  
10 States, 13,089.

11 (6) The Air Force Reserve, 2,290.

12 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

13 **(DUAL STATUS).**

14 The minimum number of military technicians (dual  
15 status) as of the last day of fiscal year 2006 for the re-  
16 serve components of the Army and the Air Force (notwith-  
17 standing section 129 of title 10, United States Code) shall  
18 be the following:

19 (1) For the Army Reserve, 7,649.

20 (2) For the Army National Guard of the United  
21 States, 25,563.

22 (3) For the Air Force Reserve, 9,853.

23 (4) For the Air National Guard of the United  
24 States, 22,971.

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  
10 United 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  
19 90.

20 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
21 this section, the term “non-dual status technician” has the  
22 meaning given that term in section 10217(a) of title 10,  
23 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  
6 who may be serving at any time on full-time operational  
7 support duty under section 115(b) of title 10, United  
8 States 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  
22 year 2006 a total of \$108,824,292,000. The authorization  
23 in the preceding sentence supersedes any other authoriza-  
24 tion of appropriations (definite or indefinite) for such pur-  
25 pose for fiscal year 2006.

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

2       There is hereby authorized to be appropriated for fis-  
3 cal year 2006 from the Armed Forces Retirement Home  
4 Trust Fund the sum of \$58,281,000 for the operation of  
5 the Armed 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.
- Sec. 575. Eligibility of certain persons for space-available travel on military aircraft.
- Sec. 576. Comptroller general study of military recruiting.
- Sec. 577. Addition of information concerning mental health services and treatment to subjects required to be covered in mandatory preseparation counseling.
- Sec. 578. Improvement to Department of Defense response to sexual assault affecting members of the Armed Forces.
- Sec. 579. Report on employment matters for members of the National Guard and Reserve.
- Sec. 580. Sense of Congress that colleges and universities give equal access to military recruiters and ROTC in accordance with the Solomon amendment and requirement for report to Congress.

1           **Subtitle A—Officer Personnel**  
2                           **Policy**

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

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

10           “(F) Notwithstanding subparagraph (E), during the  
11 period beginning on October 1, 2005, and ending on De-  
12 cember 31, 2007, the number of lieutenant colonels and  
13 colonels of the Army, Marine Corps, and Air Force, and  
14 the number of commanders and captains of the Navy, for  
15 whom a reduction is made under this section during any  
16 fiscal year in the period of service-in-grade otherwise re-  
17 quired under this paragraph may not exceed four percent  
18 of the authorized active-duty strength for that fiscal year  
19 for officers of that armed force in that grade.”.

20   **SEC. 502. TWO-YEAR RENEWAL OF AUTHORITY TO REDUCE**  
21                           **MINIMUM COMMISSIONED SERVICE RE-**  
22                           **QUIREMENT FOR VOLUNTARY RETIREMENT**  
23                           **AS AN OFFICER.**

24           Sections 3911(b), 6323(a)(2), and 8911(b) of title  
25 10, United States Code, are amended by striking “during

1 the period beginning on October 1, 1990, and ending on  
2 December 31, 2001” and inserting “during the period be-  
3 ginning on October 1, 2005, and ending on December 31,  
4 2007”.

5 **SEC. 503. SEPARATION AT AGE 64 FOR RESERVE COMPO-**  
6 **NENT SENIOR OFFICERS.**

7 Section 14512(a) of title 10, United States Code, is  
8 amended—

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

10 (2) by striking “who is Chief” and all that fol-  
11 lows through “of a State,” and inserting “who is  
12 specified in paragraph (2)”;

13 (3) by adding at the end the following new  
14 paragraph:

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

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

18 “(B) The Chief of the Army Reserve, Chief of  
19 the Air Force Reserve, Director of the Army Na-  
20 tional Guard, or Director of the Air National Guard.

21 “(C) An adjutant general.

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

1 **SEC. 504. IMPROVED ADMINISTRATION OF TRANSITIONS**  
2 **INVOLVING OFFICERS IN SENIOR GENERAL**  
3 **AND FLAG OFFICER POSITIONS.**

4 (a) EXCLUSION FROM GRADE DISTRIBUTION LIM-  
5 TATIONS FOR SENIOR OFFICERS TRANSITIONING BE-  
6 TWEEN POSITIONS OR AWAITING RETIREMENT.—Section  
7 525(d) of title 10, United States Code, is amended to read  
8 as follows:

9 “(d) An officer continuing to hold the grade of gen-  
10 eral, admiral, lieutenant general, or vice admiral under  
11 paragraph (2) or (4) of section 601(b) of this title shall  
12 not be counted for purposes of this section.”.

13 (b) APPOINTMENTS TO POSITIONS OF IMPORTANCE  
14 AND RESPONSIBILITY.—Section 601 of such title is  
15 amended—

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

19 (2) by adding at the end the following new sub-  
20 section:

21 “(e)(1) If a transition period for an officer under sub-  
22 section (b)(2) or (b)(4) exceeds the maximum period speci-  
23 fied in that subsection, the officer shall revert to the offi-  
24 cer’s permanent grade, effective on the day after the date  
25 on which that period is exceeded.

1       “(2) In each case in which the transition period for  
2 an officer under subsection (b)(2) exceeds 30 days, the  
3 Secretary of Defense shall promptly submit to the Com-  
4 mittee on Armed Services of the Senate and the Com-  
5 mittee on Armed Services of the House of Representatives  
6 a report on the matter. The report shall include the fol-  
7 lowing:

8               “(A) The officer’s name.

9               “(B) The date on which the transition period  
10 began and the date on which the 30-day limit was  
11 exceeded.

12              “(C) The former position of the officer and the  
13 position to which the officer has been ordered trans-  
14 ferred.

15              “(D) The reason for extended transition to the  
16 position to which ordered transferred.

17              “(E) The date on which the officer reverted to  
18 the officer’s permanent grade pursuant to paragraph  
19 (1).”.

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

1 **SEC. 505. CONSOLIDATION OF GRADE LIMITATIONS ON OF-**  
2 **FICER ASSIGNMENT AND INSIGNIA PRACTICE**  
3 **KNOWN AS FROCKING.**

4 Section 777(d) of title 10, United States Code, is  
5 amended—

6 (1) in paragraph (1)—

7 (A) by striking “brigadier generals and  
8 Navy rear admirals (lower half)” and inserting  
9 “colonels, Navy captains, brigadier generals,  
10 and rear admirals (lower half)”;

11 (B) by striking “the grade of” and all that  
12 follows through “30” and inserting “the next  
13 higher grade may not exceed 85”;

14 (2) by striking paragraph (2); and

15 (3) by redesignating paragraph (3) as para-  
16 graph (2).

17 **SEC. 506. AUTHORITY FOR DESIGNATION OF A GENERAL/**  
18 **FLAG OFFICER POSITION ON THE JOINT**  
19 **STAFF TO BE HELD BY RESERVE COMPO-**  
20 **NENT GENERAL OR FLAG OFFICER ON AC-**  
21 **TIVE DUTY.**

22 Section 526(b)(2)(A) of title 10, United States Code,  
23 is amended by inserting “, and a general and flag officer  
24 position on the Joint Staff,” after “combatant com-  
25 mands”.

1 **SEC. 507. AUTHORITY TO RETAIN PERMANENT PROFES-**  
2 **SORS AT THE NAVAL ACADEMY BEYOND 30**  
3 **YEARS OF ACTIVE COMMISSIONED SERVICE.**

4 (a) WAIVER OF MANDATORY RETIREMENT FOR  
5 YEARS OF SERVICE.—

6 (1) LIEUTENANT COLONELS AND COM-  
7 MANDERS.—Section 633 of title 10, United States  
8 Code, is amended—

9 (A) by striking “Except an” and all that  
10 follows through “except as provided” and in-  
11 sserting “(a) 28 YEARS OF ACTIVE COMMIS-  
12 SIONED SERVICE.—Except as provided in sub-  
13 section (b) 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 or Marine Corps  
18 who is an officer designated for limited duty to  
19 whom section 5596(e) or 6383 of this title applies.

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

23 (2) COLONELS AND NAVY CAPTAINS.—Section  
24 634 of title 10, United States Code, is amended—

25 (A) by striking “Except an” and all that  
26 follows through “except as provided” and in-



1           serting “(a) 30 YEARS OF ACTIVE COMMIS-  
2           SIONED SERVICE.—Except as provided in sub-  
3           section (b) and as provided”;

4                   (B) by adding at the end the following:

5           “(b) EXCEPTIONS.—Subsection (a) does not apply to  
6 the following:

7                   “(1) An officer of the Navy who is designated  
8           for limited duty to whom section 6383(a)(4) of this  
9           title applies.

10                   “(2) An officer of the Navy or Marine Corps  
11           who is a permanent professor at the United States  
12           Naval Academy.”.

13           (b) AUTHORITY FOR RETENTION OF PERMANENT  
14 PROFESSORS BEYOND 30 YEARS.—

15                   (1) AUTHORITY.—Chapter 573 of such title is  
16           amended by inserting after section 6371 the fol-  
17           lowing new section:

18           “§ 6372. **Permanent professors of the United States**  
19                   **Naval Academy: retirement for years of**  
20                   **service; authority for deferral**

21                   “(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Ex-  
22           cept as provided in subsection (b), an officer of the Navy  
23           or Marine Corps serving as a permanent professor at the  
24           Naval Academy in the grade of commander or lieutenant  
25           colonel who is not on a list of officers recommended for

1 promotion to the grade of captain or colonel, as the case  
2 may be, shall, if not earlier retired, be retired on the first  
3 day of the month after the month in which the officer com-  
4 pletes 28 years of active commissioned service.

5       “(2) Except as provided in subsection (b), an officer  
6 of the Navy or Marine Corps serving as a permanent pro-  
7 fessor at the Naval Academy in the grade of captain or  
8 colonel who is not on a list of officers recommended for  
9 promotion to the grade of rear admiral (lower half) or  
10 brigadier general, as the case may be, shall, if not earlier  
11 retired, be retired on the first day of the month after the  
12 month in which the officer completes 30 years of active  
13 commissioned service.

14       “(b) CONTINUATION ON ACTIVE DUTY.—(1) An offi-  
15 cer subject to retirement under subsection (a) may have  
16 his retirement deferred and be continued on active duty  
17 by the Secretary of the Navy.

18       “(2) Subject to section 1252 of this title, the Sec-  
19 retary of the Navy shall determine the period of any con-  
20 tinuation on active duty under this section.

21       “(c) ELIGIBILITY FOR PROMOTION.—A permanent  
22 professor at the Naval Academy in the grade of com-  
23 mander or lieutenant colonel who is continued on active  
24 duty as a permanent professor under subsection (b) re-

1 mains eligible for consideration for promotion to the grade  
2 of captain or colonel, as the case may be.

3 “(d) RETIRED GRADE AND RETIRED PAY.—Each of-  
4 ficer retired under this section—

5 “(1) unless otherwise entitled to a higher grade,  
6 shall be retired in the grade determined under sec-  
7 tion 1370 of this title; and

8 “(2) is entitled to retired pay computed under  
9 section 6333 of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-  
11 tions at the beginning of such chapter is amended  
12 by inserting after the item relating to section 6371  
13 the following new item:

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

14 (c) MANDATORY RETIREMENT AT AGE 64.—

15 (1) REORGANIZATION AND STANDARDIZA-  
16 TION.—Chapter 63 of such title is amended by in-  
17 serting after section 1251 the following new section:

18 **“§ 1252. Age 64: permanent professors at academies**

19 “(a) MANDATORY RETIREMENT FOR AGE.—Unless  
20 retired or separated earlier, each regular commissioned of-  
21 ficer of the Army, Navy, Air Force, or Marine Corps cov-  
22 ered by subsection (b) shall be retired on the first day  
23 of the month following the month in which the officer be-  
24 comes 64 years of age.

1       “(b) COVERED OFFICERS.—This section applies to  
2 the following officers:

3               “(1) An officer who is a permanent professor or  
4 the director of admissions of the United States Military  
5 Academy.

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

8               “(3) An officer who is a permanent professor or  
9 the registrar of the United States Air Force Academy.”  
10

11               (2) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of such chapter is amended  
13 by inserting after the item relating to section 1251  
14 the following new item:

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

15               (3) CONFORMING AMENDMENT.—Section  
16 1251(a) of such title is amended by striking the second  
17 sentence.

18               (d) CONFORMING AMENDMENTS RELATING TO COMPUTATION  
19 OF RETIRED PAY.—

20               (1) AGE 64 RETIREMENT.—Chapter 71 of such  
21 title is amended—

22                       (A) in the table in section 1401(a), by inserting  
23 at the bottom of the column under the heading “For sections”,  
24 in the entry for Formula Number 5, the following: “1252”; and  
25

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

4 (2) YEARS-OF-SERVICE RETIREMENT.—Section  
 5 6333(a) of such title is amended—

6 (A) in the matter preceding the table, by  
 7 inserting “6372 or” after “section”; and

8 (B) in the table, by inserting “6372” im-  
 9 mediately below “6325(b)” in the column under  
 10 the heading “For sections”, in the entry for  
 11 Formula B.

12 **SEC. 508. AUTHORITY FOR APPOINTMENT OF COAST**  
 13 **GUARD FLAG OFFICER AS CHIEF OF STAFF**  
 14 **TO THE PRESIDENT.**

15 (a) AUTHORITY.—Chapter 3 of title 14, United  
 16 States Code, is amended by adding at the end the fol-  
 17 lowing new section:

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

19 “The President, by and with the advice and consent  
 20 of the Senate, may appoint a flag officer of the Coast  
 21 Guard as the Chief of Staff to the President.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
 23 at the beginning of such chapter is amended by adding  
 24 at the end the following new item:

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

1 **SEC. 509. CLARIFICATION OF TIME FOR RECEIPT OF STAT-**  
2 **UTORY SELECTION BOARD COMMUNICA-**  
3 **TIONS.**

4 (a) OFFICERS ON ACTIVE-DUTY LIST.—Section  
5 614(b) of title 10, United States Code, is amended in the  
6 first sentence by inserting “11:59 p.m. on the day before”  
7 after “to arrive not later than”.

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

12 **SEC. 510. STANDARDIZATION OF GRADE OF SENIOR DEN-**  
13 **TAL OFFICER OF THE AIR FORCE WITH THAT**  
14 **OF SENIOR DENTAL OFFICER OF THE ARMY.**

15 (a) AIR FORCE ASSISTANT SURGEON GENERAL FOR  
16 DENTAL SERVICES.—Section 8081 of title 10, United  
17 States Code, is amended by striking “brigadier general”  
18 in the second sentence and inserting “major general”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall take effect on the date of the occur-  
21 rence of the next vacancy in the position of Assistant Sur-  
22 geon General for Dental Services in the Air Force that  
23 occurs after the date of the enactment of this Act or, if  
24 earlier, on the date of the appointment to the grade of  
25 major general of the officer who is the incumbent in that  
26 position on the date of the enactment of the Act.

1       **Subtitle B—Reserve Component**  
2                               **Management**

3       **SEC. 511. USE OF RESERVE MONTGOMERY GI BILL BENE-**  
4                               **FITS AND BENEFITS FOR MOBILIZED MEM-**  
5                               **BERS OF THE SELECTED RESERVE AND NA-**  
6                               **TIONAL GUARD FOR PAYMENTS FOR LICENS-**  
7                               **ING OR CERTIFICATION TESTS.**

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

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

16           “(2) The number of months of entitlement charged  
17 in the case of any individual for such licensing or certifi-  
18 cation test is equal to the number (including any fraction)  
19 determined by dividing the total amount of educational as-  
20 sistance paid such individual for such test by the full-time  
21 monthly institutional rate of educational assistance which,  
22 but for paragraph (1), such individual would otherwise be  
23 paid under subsection (b).

24           “(3) In no event shall payment of educational assist-  
25 ance under this subsection for such a test exceed the

1 amount of the individual’s available entitlement under this  
2 chapter.”.

3 (b) CHAPTER 1607.—Section 16162 of such title is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(e) The provisions of section 16131(j) of this title  
7 shall apply to the provision of educational assistance under  
8 this chapter, except that, in applying such section under  
9 this chapter, the reference to subsection (b) in paragraph  
10 (2) of such section is deemed to be a reference to sub-  
11 section (c) of this section.”.

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

15 **SEC. 512. MODIFICATIONS TO NEW RESERVE EDUCATIONAL**  
16 **BENEFIT FOR CERTAIN ACTIVE SERVICE IN**  
17 **SUPPORT OF CONTINGENCY OPERATIONS.**

18 (a) ELIGIBILITY CRITERIA.—Subsection (a) of sec-  
19 tion 16163 of title 10, United States Code, is amended—

20 (1) in the matter preceding paragraph (1), by  
21 striking “On or after September 11, 2001, a mem-  
22 ber” and inserting “A member”;

23 (2) in paragraph (1), by striking “served on ac-  
24 tive duty in support of a contingency operation” and  
25 inserting “was called or ordered to active duty on or



1 after September 11, 2001, in support of a contin-  
2 gency operation and served on active duty in support  
3 of that contingency operation”; and

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

6 (b) ADMINISTRATION OF SPECIFIED BENEFITS  
7 ELECTION.—Subsection (e) of such section is amended by  
8 striking “Secretary concerned” and inserting “Secretary  
9 of Veterans Affairs”.

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

12 (1) by striking “Educational assistance” and  
13 inserting “(a) TERMINATION.—Except as provided  
14 in subsection (b), educational assistance”; and

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

17 “(b) EXCEPTION FOR SELECTED RESERVE MEM-  
18 BERS CONTINUING IN READY RESERVE.—Under regula-  
19 tions prescribed by the Secretary of Defense, educational  
20 assistance may be provided under this chapter to a mem-  
21 ber of the Selected Reserve when the member incurs a  
22 break in service in the Selected Reserve of not more than  
23 90 days, if the member continues to serve in the Ready  
24 Reserve.”.

1 **SEC. 513. MILITARY TECHNICIANS (DUAL STATUS) MANDA-**  
2 **TORY SEPARATION.**

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

6 “(f) DEFERRAL OF MANDATORY SEPARATION.—The  
7 Secretary of the Army shall implement personnel policies  
8 so as to allow a military technician (dual status) who con-  
9 tinues to meet the requirements of this section for dual  
10 status to continue to serve beyond a mandatory removal  
11 date for officers, and any applicable maximum years of  
12 service limitation, until the military technician (dual sta-  
13 tus) reaches age 60 and attains eligibility for an unre-  
14 duced annuity (as defined in section 10218(c) of this  
15 title).”.

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

20 **SEC. 514. MILITARY RETIREMENT CREDIT FOR CERTAIN**  
21 **SERVICE BY NATIONAL GUARD MEMBERS**  
22 **PERFORMED WHILE IN A STATE DUTY STA-**  
23 **TUS IMMEDIATELY AFTER THE TERRORIST**  
24 **ATTACKS OF SEPTEMBER 11, 2001.**

25 (a) RETIREMENT CREDIT.—Service of a member of  
26 the Ready Reserve of the Army National Guard or Air

1 National Guard described in subsection (b) shall be  
2 deemed to be service creditable under section  
3 12732(a)(2)(A)(i) of title 10, United States Code.

4 (b) COVERED SERVICE.—Service referred to in sub-  
5 section (a) is full-time State active duty service that a  
6 member of the National Guard performed on or after Sep-  
7 tember 11, 2001, and before October 1, 2002, in any of  
8 the counties specified in subsection (c) to support a Fed-  
9 eral declaration of emergency following the terrorist at-  
10 tacks on the United States of September 11, 2001.

11 (c) COVERED COUNTIES.—The counties referred to  
12 in subsection (b) are the following:

13 (1) In the State of New York: Bronx, Kings,  
14 New York (boroughs of Brooklyn and Manhattan),  
15 Queens, Richmond, Delaware, Dutchess, Nassau,  
16 Orange, Putnam, Rockland, Suffolk, Sullivan, Ul-  
17 ster, and Westchester.

18 (2) In the State of Virginia: Arlington.

19 (d) APPLICABILITY.—Subsection (a) shall take effect  
20 as of September 11, 2001.

1 **SEC. 515. USE OF NATIONAL GUARD TO PROVIDE MILITARY**  
2 **SUPPORT TO CIVILIAN LAW ENFORCEMENT**  
3 **AGENCIES FOR DOMESTIC COUNTER-TER-**  
4 **RORISM ACTIVITIES.**

5 (a) IN GENERAL.—Title 32, United States Code, is  
6 amended by adding the following new section:

7 **“§ 116. Use of National Guard to provide military sup-**  
8 **port to civilian law enforcement agencies**  
9 **for domestic counter-terrorism activities**

10 “(a) PROVISION OF SUPPORT.—The Governor of a  
11 State may order the National Guard of such State to per-  
12 form full-time National Guard duty under section 502(f)  
13 of this title for the purpose of providing, on a reimbursable  
14 basis, military support to a civilian law enforcement agen-  
15 cy for domestic counter-terrorism activities. Members of  
16 the National Guard performing full-time National Guard  
17 duty in the Active Guard and Reserve Program may sup-  
18 port or execute military support to civilian law enforce-  
19 ment agencies for domestic counter-terrorism activities  
20 performed by the National Guard under this section.

21 “(b) REIMBURSEMENT.—Notwithstanding any other  
22 provision of law, the Chief of the National Guard Bureau,  
23 or the designee of the Chief in the State concerned, shall  
24 accept monetary reimbursements for the costs incurred by  
25 the National Guard to provide support under subsection  
26 (a). Such monetary reimbursements will be deposited into

1 the appropriations used to fund activities under this title  
2 and may be used in the fiscal year in which received. The  
3 Secretary of Defense may waive the reimbursement re-  
4 quirement under this section.

5       “(c) CONDITION OF PROVISION OF SUPPORT.—Mili-  
6 tary support to civilian law enforcement agencies for do-  
7 mestic counter-terrorism activities may not be provided  
8 under subsection (a) if the provision of such support will  
9 affect adversely the military preparedness of the United  
10 States. To ensure that the use of units and personnel of  
11 the National Guard under such subsection does not de-  
12 grade training and readiness, the following requirements  
13 shall apply in determining the activities that units and  
14 personnel of the National Guard of a State may perform:

15               “(1) The performance of the activities may not  
16 affect adversely the quality of training or otherwise  
17 interfere with the ability of a member or unit of the  
18 National Guard to perform the military functions of  
19 the member or unit.

20               “(2) The performance of the activities will not  
21 degrade the military skills of the members of the  
22 National Guard performing those activities.

23       “(d) STATUTORY CONSTRUCTION.—Nothing in this  
24 section shall be construed as a limitation on the authority  
25 of any unit or member of the National Guard of a State,

1 when not in Federal service, to perform functions author-  
2 ized to be performed by the National Guard by the laws  
3 of the State concerned. Nothing in this section shall be  
4 construed as a limitation on the authority of any unit or  
5 member of the National Guard of a State, when not in  
6 Federal service, to provide military assistance or support  
7 to civil authority in the normal course of military training  
8 or operations on a non-reimbursable basis.

9 “(e) DEFINITIONS.—In this section:

10 “(1) The term ‘State’ means each of the several  
11 States, the District of Columbia, the Commonwealth  
12 of Puerto Rico, or a territory or possession of the  
13 United States.

14 “(2) The term ‘domestic counter-terrorism’  
15 means measures taken to prevent, deter, and re-  
16 spond to terrorism within a State.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of chapter 1 of such title is amended by  
19 adding 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.”.

20 (c) CONFORMING AMENDMENT TO TITLE 10.—Sec-  
21 tion 115(i) of title 10, United States Code, is amended  
22 by inserting “or providing military support to civilian law  
23 enforcement agencies for domestic counter-terrorism ac-  
24 tivities under section 116 of such title” after “title 32”.

1                   **Subtitle C—Education and**  
2                   **Training**

3 **SEC. 521. REPEAL OF LIMITATION ON AMOUNT OF FINAN-**  
4                   **CIAL ASSISTANCE UNDER ROTC SCHOLAR-**  
5                   **SHIP PROGRAMS.**

6           (a) GENERAL ROTC PROGRAM.—Section 2107(c) of  
7 title 10, United States Code, is amended—

8                   (1) by striking paragraph (4); and

9                   (2) in paragraph (5)(B), by striking “, (3), or  
10                   (4)” and inserting “or (3)”.

11           (b) ARMY RESERVE AND ARMY NATIONAL GUARD  
12 PROGRAM.—Section 2107a(c) of such title is amended by  
13 striking paragraph (3).

14           (c) EFFECTIVE DATE.—Paragraph (4) of section  
15 2107(c) of title 10, United States Code, and paragraph  
16 (3) of section 2107a(c) of such title, as in effect on the  
17 day before the date of the enactment of this Act, shall  
18 continue to apply in the case of any individual selected  
19 before the date of the enactment of this Act for appoint-  
20 ment as a cadet or midshipman under section 2107 or  
21 2107a of such title.

1 **SEC. 522. INCREASED ENROLLMENT FOR ELIGIBLE DE-**  
2 **FENSE INDUSTRY EMPLOYEES IN THE DE-**  
3 **FENSE PRODUCT DEVELOPMENT PROGRAM**  
4 **AT NAVAL POSTGRADUATE SCHOOL.**

5 Section 7049(a) of title 10, United States Code, is  
6 amended—

7 (1) by inserting “and systems engineering”  
8 after “curriculum related to defense product develop-  
9 ment”; and

10 (2) by striking “10” and inserting “25”.

11 **SEC. 523. PAYMENT OF EXPENSES TO OBTAIN PROFES-**  
12 **SIONAL CREDENTIALS.**

13 (a) IN GENERAL.—Chapter 101 of title 10, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing new section:

16 **“§ 2015. Payment of expenses to obtain professional**  
17 **credentials**

18 “(a) AUTHORITY.—The Secretary of Defense and the  
19 Secretary of Homeland Security, with respect to the Coast  
20 Guard when it is not operating as a service in the Navy,  
21 may pay for—

22 “(1) expenses for members of the armed forces  
23 to obtain professional credentials, including expenses  
24 for professional accreditation, State-imposed and  
25 professional licenses, and professional certification;  
26 and



1           “(2) examinations to obtain such credentials.

2           “(b) LIMITATION.—The authority under subsection  
3 (a) may not be used to pay the expenses of a member  
4 to obtain professional credentials that are a prerequisite  
5 for appointment in the armed forces.”.

6           (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of such chapter is amended by adding  
8 at the end the following new item:

“2015. Payment of expenses to obtain professional credentials.”.

9   **SEC. 524. AUTHORITY FOR NATIONAL DEFENSE UNIVER-**  
10                   **SITY AWARD OF DEGREE OF MASTER OF**  
11                   **SCIENCE IN JOINT CAMPAIGN PLANNING**  
12                   **AND STRATEGY.**

13           (a) JOINT FORCES STAFF COLLEGE PROGRAM.—  
14 Section 2163 of title 10, United States Code, is amended  
15 to read as follows:

16   **“§ 2163. National Defense University: master of**  
17                   **science degrees**

18           “(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—  
19 The President of the National Defense University, upon  
20 the recommendation of the faculty of the respective college  
21 or other school within the University, may confer the mas-  
22 ter of science degrees specified in subsection (b).

23           “(b) AUTHORIZED DEGREES.—The following degrees  
24 may be awarded under subsection (a):

1           “(1) MASTER OF SCIENCE IN NATIONAL SECUR-  
2           RITY STRATEGY.—The degree of master of science in  
3           national security strategy, to graduates of the Uni-  
4           versity who fulfill the requirements of the program  
5           of the National War College.

6           “(2) MASTER OF SCIENCE IN NATIONAL RE-  
7           SOURCE STRATEGY.—The degree of master of  
8           science in national resource strategy, to graduates of  
9           the University who fulfill the requirements of the  
10          program of the Industrial College of the Armed  
11          Forces.

12          “(3) MASTER OF SCIENCE IN JOINT CAMPAIGN  
13          PLANNING AND STRATEGY.—The degree of master  
14          of science in joint campaign planning and strategy,  
15          to graduates of the University who fulfill the re-  
16          quirements of the program of the Joint Advanced  
17          Warfighting School at the Joint Forces Staff Col-  
18          lege.

19          “(c) REGULATIONS.—The authority provided by this  
20          section shall be exercised under regulations prescribed by  
21          the Secretary of Defense.”.

22          (b) CLERICAL AMENDMENT.—The item relating to  
23          section 2163 in the table of sections at the beginning of  
24          chapter 108 of such title is amended to read as follows:

“2163. National Defense University: master of science degrees.”.

1 (c) EFFECTIVE DATE.—Paragraph (3) of section  
2 2163(b) of title 10, United States Code, as amended by  
3 subsection (a), shall take effect for degrees awarded after  
4 May 2005.

5 **SEC. 525. ONE-YEAR EXTENSION OF AUTHORITY TO USE AP-**  
6 **PROPRIATED FUNDS TO PROVIDE RECOGNI-**  
7 **TION ITEMS FOR RECRUITMENT AND RETEN-**  
8 **TION OF CERTAIN RESERVE COMPONENT**  
9 **PERSONNEL.**

10 Section 18506(d) of title 10, United States Code, and  
11 section 717(e) of title 32, United States Code, are each  
12 amended by striking “December 31, 2005” and inserting  
13 “December 31, 2006”.

14 **SEC. 526. REPORT ON RATIONALE AND PLANS OF THE**  
15 **NAVY TO PROVIDE ENLISTED MEMBERS AN**  
16 **OPPORTUNITY TO OBTAIN GRADUATE DE-**  
17 **GREES.**

18 (a) REPORT.—The Secretary of the Navy shall sub-  
19 mit to the Committee on Armed Services of the Senate  
20 and the Committee on Armed Services of the House of  
21 Representatives a report on the plans, if any, of the Sec-  
22 retary, and the rationale for those plans, for a program  
23 to provide enlisted members of the Navy with opportuni-  
24 ties to pursue graduate degree programs either through  
25 Navy schools or paid for by the Navy in return for an

1 additional service obligation. The report shall include the  
2 following:

3 (1) The underlying philosophy and objectives  
4 supporting a decision to provide opportunities for  
5 graduate degrees to enlisted members of the Navy.

6 (2) An overall description of how the award of  
7 a graduate degree to an enlisted member would fit  
8 in an integrated, progressive, coordinated, and sys-  
9 tematic way into the goals and requirements of the  
10 Navy for enlisted career development and for profes-  
11 sional education, together with a discussion of a  
12 wider requirement, if any, for programs for the  
13 award of associate and baccalaureate degrees to en-  
14 listed members, particularly in the career fields  
15 under consideration for the pilot program referred to  
16 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 Sec-  
2           retary of the Navy for the process and mechanism  
3           of providing graduate degrees to enlisted members,  
4           including, as a minimum, the Secretary's plan for  
5           whether the degree programs would be provided  
6           through civilian or military degree-granting institu-  
7           tions and whether through in-resident or distance  
8           learning or some combination thereof.

9           (6) A description of the plan to ensure proper  
10          and effective utilization of enlisted members fol-  
11          lowing 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  
14          may submit a plan for a pilot program to make available  
15          opportunities to pursue graduate degree programs to a  
16          limited number of Navy enlisted members in a specific,  
17          limited set of critical career fields. Such a plan shall in-  
18          clude, as a minimum, 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  
2 the degrees, described in the same manner as speci-  
3 fied under subsection (a)(5), and a general descrip-  
4 tion of course content.

5           (4) An analysis of the cost effectiveness of  
6 using Navy, other service, or civilian degree granting  
7 institutions 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  
22 amended by adding at the end the following new sub-  
23 section:

24           “(c) OVERSEAS FIELD STUDIES TO CHINA AND TAI-  
25 WAN.—The Secretary of Defense shall direct the National

1 Defense University to ensure that visits to China and Tai-  
2 wan are an integral part of the field study programs con-  
3 ducted by the university as part of the military education  
4 course carried out pursuant to subsection (a) and that  
5 such field study programs include annually at least one  
6 class field study trip to the People’s Republic of China  
7 and at least one class field study trip to the Republic of  
8 China on Taiwan.”.

9 **SEC. 529. SENSE OF CONGRESS CONCERNING ESTABLISH-**  
10 **MENT OF NATIONAL COLLEGE OF HOMELAND**  
11 **SECURITY.**

12 It is the sense of Congress that the Secretary of De-  
13 fense, in consultation with the Secretary of Homeland Se-  
14 curity, should establish within the National Defense Uni-  
15 versity an educational institution, to be known as the Na-  
16 tional College of Homeland Security, to have the mission  
17 of providing strategic-level homeland security and home-  
18 land defense education and related research to civilian and  
19 military leaders from all agencies of government in order  
20 to contribute to the development of a common under-  
21 standing of core homeland security principles and of effec-  
22 tive interagency and multijurisdictional homeland security  
23 strategies, policies, 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 de-  
15 fined in section 101(a)(22) of the Immigration and  
16 Nationality 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)  
19 of the Immigration and Nationality Act (8 U.S.C.  
20 1101(a)(20)).

21                   “(C) A person described in section 341 of one  
22 of the following:

23                           “(i) The Compact of Free Association be-  
24 tween the Federated States of Micronesia and  
25 the United States (section 201(a) of Public



1 Law 108–188 (117 Stat. 2784; 48 U.S.C. 1921  
2 note)).

3 “(ii) The Compact of Free Association be-  
4 tween the Republic of the Marshall Islands and  
5 the United States (section 201(b) of Public  
6 Law 108–188 (117 Stat. 2823; 48 U.S.C. 1921  
7 note)).

8 “(iii) The Compact of Free Association be-  
9 tween Palau and the United States (section 201  
10 of Public Law 99–658 (100 Stat. 3678; 48  
11 U.S.C. 1931 note)).

12 “(2) The Secretary concerned may authorize the en-  
13 listment of persons not described in paragraph (1) when  
14 the Secretary determines that such enlistment is vital to  
15 the national interest.”.

16 (b) CONFORMING REPEAL OF SERVICE-SPECIFIC  
17 PROVISIONS.—

18 (1) REPEAL.—Sections 3253 and 8253 of such  
19 title are repealed.

20 (2) CLERICAL AMENDMENTS.—The table of sec-  
21 tions at the beginning of chapter 333 is amended by  
22 striking the item relating to section 3253. The table  
23 of sections at the beginning of chapter 833 is  
24 amended by striking the item relating to section  
25 8253.

1 **SEC. 532. INCREASE IN MAXIMUM TERM OF ORIGINAL EN-**  
2 **LISTMENT IN REGULAR COMPONENT.**

3 Section 505(e) 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**  
7 **MILITARY 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  
12 commencing that person’s initial period of service as a  
13 member of the armed forces, shall be provided the date  
14 on which the initial military service obligation of that per-  
15 son under this section ends.”.

16 (b) NOTIFICATION TO INDIVIDUAL READY RESERVE  
17 MEMBERS.—Section 10144 of such title is amended by  
18 adding at the end the following new subsection:

19 “(c) In the case of a member of the armed forces  
20 who is serving in the Individual Ready Reserve to complete  
21 the initial military service obligation of that member under  
22 section 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  
22           service obligation, issue the member an order for an action  
23           specified in subsection (b) unless the member, before the  
24           end of that period, has entered into a service agreement

1 that commits the member to military service beyond the  
2 end of that period.

3 “(b) COVERED ACTIONS.—Subsection (a) applies to  
4 an involuntary mobilization in accordance with section  
5 12301(a), 12301(b), 12302, or 12304 of this title, or a  
6 recall to active duty, that commences after the date of the  
7 end of the period of the military service obligation or a  
8 transfer to the Selected Reserve.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
10 tions at the beginning of such chapter is amended  
11 by adding at the end the following new item:

“12553. Members of Individual Ready Reserve completing initial military serv-  
ice obligation: prohibition of certain involuntary personnel ac-  
tions.”.

12 (3) EFFECTIVE DATE.—Section 12533 of title  
13 10, United States Code, as added by paragraph (1),  
14 shall apply with respect to orders issued by the Sec-  
15 retary concerned after the date of the enactment of  
16 this Act.

17 **SEC. 534. EXTENSION OF QUALIFYING SERVICE FOR INI-**  
18 **TIAL MILITARY SERVICE UNDER NATIONAL**  
19 **CALL TO SERVICE PROGRAM.**

20 Section 510(d) of title 10, United States Code, is  
21 amended by inserting before the period at the end the fol-  
22 lowing: “and shall include military occupational specialties  
23 for enlistments for officer training and subsequent service  
24 as an officer, in cases in which the reason for the enlist-

1 ment and entry into an agreement under subsection (b)  
2 is to enter 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 sub-  
12               section (c); and

13               (2) by inserting after subsection (a) the fol-  
14               lowing 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,  
23               or modified, by the member.”.

1 (b) CHANGE IN DESIGNATION.—Subsection (c) of  
2 such section, as redesignated by subsection (a)(1), is  
3 amended by 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  
9 this title shall be considered for all purposes to be the per-  
10 son designated under this subsection to direct disposition  
11 of the remains of a decedent covered by this chapter. If  
12 the person so designated is not available, or if there was  
13 no such designation under that section, one of the fol-  
14 lowing persons, in the order specified, shall be the person  
15 designated to direct 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  
19 655 of title 10, United States Code, as added by sub-  
20 section (a)(2), shall take effect at the end of the 30-day  
21 period beginning on the date of the enactment of this Act  
22 and shall be applied to persons enlisted or appointed in  
23 the Armed Forces after the end of such period. In the  
24 case of persons who are members of the Armed Forces  
25 as of the end of such 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 cov-  
5           ered under paragraph (1), shall be applied before the  
6           end of the 180-day period beginning on the date of  
7           the enactment 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  
18          making the designation that was made before the  
19          date of the enactment of this Act and in accordance  
20          with regulations and procedures of the Department  
21          of Defense 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  
2 of title 10, United States Code, is amended by add-  
3 ing 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  
7 of the Army, Navy, Air Force, or Marine Corps dies while  
8 on active duty or otherwise under circumstances for which  
9 a death gratuity under section 1475 or 1476 of this title  
10 is 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 de-  
13 ceased member.

14 “(b) ASSIGNMENT OF SIAOS.—Whenever a member  
15 of the Army, Navy, Air Force, or Marine Corps is seriously  
16 injured or becomes seriously ill while on active duty or  
17 otherwise under circumstances for which, if the member  
18 died, a death gratuity under section 1475 or 1476 of this  
19 title would be paid, the Secretary of the military depart-  
20 ment concerned shall provide for the assignment of a Seri-  
21 ously Injured/Ill Assistance Officer to assist the member  
22 and the 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 mem-



1 ber of the armed forces who is an officer or a noncommis-  
2 sioned officers in pay grade E-7 or above or a person who  
3 is a Federal civilian employee.

4 “(d) DUTIES AND FUNCTIONS .—The Secretary of  
5 Defense shall prescribe the duties and functions of Cas-  
6 ualty Assistance Officers and Seriously Injured/Ill Assist-  
7 ance Officers. Such functions shall include the following  
8 functions 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.—  
17 Once a family is assigned a Casualty Assistance Officer  
18 or Seriously Injured/Ill Assistance Officer, the Secretary  
19 concerned shall ensure that such an officer is continuously  
20 assigned to that family, regardless of family location, until  
21 the Secretary determines that the family is no longer in  
22 need of assistance from such an officer.

23 “(f) TRAINING AND OVERSIGHT.—(1) The Secretary  
24 of Defense shall establish standards for performance of  
25 the duties of Casualty Assistance Officers and Seriously

1 Injured/Ill Assistance Officers, and shall monitor the  
2 training programs of the military departments for persons  
3 assigned to duty as such officers, in order to ensure that  
4 Casualty Assistance Officers and Seriously Injured/Ill As-  
5 sistance Officers 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  
15 INJURY OR ILLNESS.—The Secretary of Defense shall  
16 specify criteria for determination for purposes of this sec-  
17 tion of whether a member is seriously injured or seriously  
18 ill.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-  
20 tions at the beginning of such chapter is amended  
21 by adding at the end the following new item:

“1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers.”.

22 (b) IMPLEMENTATION.—The Secretary of Defense  
23 shall prescribe regulations for the implementation of sec-  
24 tion 1790 of title 10, United States Code, as added by

1 subsection (a), not later than 180 days after the date of  
2 the enactment of this Act.

3 **SEC. 543. STANDARDS AND GUIDELINES FOR DEPARTMENT**  
4 **OF DEFENSE PROGRAMS TO ASSIST WOUND-**  
5 **ED AND INJURED MEMBERS.**

6 The Secretary of Defense shall examine the programs  
7 of the Army, Navy, Air Force, and Marine Corps that pro-  
8 vide assistance to members of the Armed Forces who incur  
9 severe wounds or injuries in the line of duty, including  
10 the Army Disabled Soldier Support Program and the Ma-  
11 rine for Life Injured Support Program, and (based on  
12 such examination) shall develop standards and guidelines  
13 as necessary to coordinate and standardize those programs  
14 with the activities of the Severely Injured Joint Support  
15 Operations Center of the Department of Defense, estab-  
16 lished as of February 1, 2005. The Secretary shall publish  
17 regulations to implement the standards and guidelines de-  
18 veloped pursuant to the preceding sentence not later than  
19 180 days after the date of the enactment of this Act.

20 **SEC. 544. AUTHORITY FOR MEMBERS ON ACTIVE DUTY**  
21 **WITH DISABILITIES TO PARTICIPATE IN**  
22 **PARALYMPIC GAMES.**

23 Section 717(a) of title 10, United States Code, is  
24 amended by striking “participate in—” and all that fol-

1 lows through “(2) any other” and inserting “participate  
2 in any of the following sports competitions:

3 “(1) The Pan-American Games and the Olym-  
4 pic Games, and qualifying events and preparatory  
5 competition for those games.

6 “(2) The Paralympic Games, if eligible to par-  
7 ticipate in those games, and qualifying events and  
8 preparatory competition for those games.

9 “(3) Any other”.

## 10 **Subtitle F—Military Justice and** 11 **Legal Assistance Matters**

### 12 **SEC. 551. CLARIFICATION OF AUTHORITY OF MILITARY** 13 **LEGAL ASSISTANCE COUNSEL TO PROVIDE** 14 **MILITARY LEGAL ASSISTANCE WITHOUT RE-** 15 **GARD TO LICENSING REQUIREMENTS.**

16 Section 1044 of title 10, United States Code, is  
17 amended by adding at the end the following new sub-  
18 section:

19 “(e)(1) Notwithstanding any law regarding the licen-  
20 sure of attorneys, a judge advocate or civilian attorney  
21 who is authorized to provide military legal assistance is  
22 authorized to provide that assistance in any jurisdiction,  
23 subject to such regulations as may be prescribed by the  
24 Secretary concerned.

1 “(2) In this subsection, the term ‘military legal as-  
2 sistance’ includes—

3 “(A) legal assistance provided under this sec-  
4 tion; and

5 “(B) legal assistance contemplated by sections  
6 1044a, 1044b, 1044c, and 1044d of this title.”.

7 **SEC. 552. USE OF TELECONFERENCING IN ADMINISTRA-**  
8 **TIVE SESSIONS OF COURTS-MARTIAL.**

9 Section 839 of title 10, United States Code (article  
10 39 of the Uniform Code of Military Justice), is amended—

11 (1) by redesignating subsection (b) as sub-  
12 section (c);

13 (2) by designating the matter following para-  
14 graph (4) of subsection (a) as subsection (b); and

15 (3) in subsection (b), as so redesignated—

16 (A) by striking “These proceedings shall be  
17 conducted” and inserting “Proceedings under  
18 subsection (a) shall be conducted”; and

19 (B) by adding at the end the following new  
20 sentence: “If authorized by regulations of the  
21 Secretary concerned, and if the defense counsel  
22 is physically in the presence of the accused, the  
23 presence required by this subsection may other-  
24 wise be established by audiovisual technology  
25 (such as videoteleconferencing technology).”.

1 **SEC. 553. EXTENSION OF STATUTE OF LIMITATIONS FOR**  
2 **MURDER, RAPE, AND CHILD ABUSE OF-**  
3 **FENSES UNDER THE UNIFORM CODE OF MILI-**  
4 **TARY JUSTICE.**

5 (a) NO LIMITATION FOR MURDER, RAPE, OR RAPE  
6 OF A CHILD.—Section 843 of title 10, United States Code  
7 (article 43 of the Uniform Code of Military Justice), is  
8 amended in subsection (a) by inserting after “in a time  
9 of war,” the following: “with murder, rape, or rape of a  
10 child,”.

11 (b) SPECIAL RULES FOR CHILD ABUSE OF-  
12 FENSES.—Such section is further amended in subsection  
13 (b)(2)—

14 (1) in subparagraph (A), by striking “before  
15 the child attains the age of 25 years” and inserting  
16 “during the life of the child or within five years  
17 after the date on which the offense was committed,  
18 whichever provides a longer period,”;

19 (2) In subparagraph (B)—

20 (A) in the matter preceding clause (i), by  
21 striking “sexual or physical”;

22 (B) in clause (i), by striking “Rape or car-  
23 nal knowledge” and inserting “Any offense”;  
24 and

1 (C) in clause (v), by striking “Indecent as-  
2 sault,” and inserting “Kidnapping; indecent as-  
3 sault;”; and

4 (3) by adding at the end the following new sub-  
5 paragraph:

6 “(C) In subparagraph (A), the term ‘child  
7 abuse offense’ includes an act that involves abuse of  
8 a person who has not attained the age of 18 years  
9 and would constitute an offense under chapter 110  
10 or 117, or under section 1591, of title 18.”.

11 **SEC. 554. OFFENSE OF STALKING UNDER THE UNIFORM**  
12 **CODE OF MILITARY JUSTICE.**

13 (a) IN GENERAL.—(1) Subchapter X of chapter 47  
14 of title 10, United States Code (the Uniform Code of Mili-  
15 tary Justice), is amended by inserting after section 928  
16 (article 128) the following new section:

17 **“§ 928a. Art. 128a. Stalking**

18 “Any person subject to this chapter who, on two or  
19 more occasions, engages in one or more threatening acts  
20 with respect to a specific person—

21 “(1) that the person knows or should know  
22 would place the specific person in emotional distress  
23 or in reasonable fear of death or bodily harm to the  
24 specific person or to an immediate family member or  
25 intimate partner of the specific person; and





1 **“§ 920. Art. 120. Rape, sexual assault, and other sex-**  
2 **ual misconduct**

3 “(a) RAPE.—Any person subject to this chapter who  
4 causes another person of any age to engage in a sexual  
5 act by—

6 “(1) using force against that other person;

7 “(2) causing grievous bodily harm to any per-  
8 son;

9 “(3) threatening or placing that other person in  
10 fear that any person will be subjected to death,  
11 grievous bodily harm, or kidnapping;

12 “(4) rendering another person unconscious; or

13 “(5) administering to another person by force  
14 or threat of force, or without the knowledge or per-  
15 mission of that person, a drug, intoxicant, or other  
16 similar substance and thereby substantially impairs  
17 the ability of that other person to appraise or con-  
18 trol conduct,

19 is guilty of rape and shall be punished as a court-martial  
20 may direct.

21 “(b) RAPE OF A CHILD.—Any person subject to this  
22 chapter who—

23 “(1) engages in a sexual act with a child who  
24 has not attained the age of twelve years; or

1           “(2) engages in a sexual act under the cir-  
2           cumstances described in subsection (a) with a child  
3           who has attained the age of twelve years,  
4 is guilty of rape of a child and shall be punished as a  
5 court-martial may direct.

6           “(c) AGGRAVATED SEXUAL ASSAULT.—Any person  
7 subject to this chapter who—

8           “(1) causes another person of any age to en-  
9           gage in a sexual act by—

10           “(A) threatening or placing that other per-  
11           son in fear (other than by threatening or plac-  
12           ing that other person in fear that any person  
13           will be subjected to death, grievous bodily harm,  
14           or kidnapping); or

15           “(B) causing bodily harm; or

16           “(2) engages in a sexual act with another per-  
17           son of any age if that other person is substantially  
18           incapacitated or substantially incapable of—

19           “(A) appraising the nature of the sexual  
20           act;

21           “(B) declining participation in the sexual  
22           act; or

23           “(C) communicating unwillingness to en-  
24           gage in the sexual act,

1 is guilty of aggravated sexual assault and shall be pun-  
2 ished as a court-martial may direct.

3 “(d) AGGRAVATED SEXUAL ASSAULT OF A CHILD.—  
4 Any person subject to this chapter who engages in a sexual  
5 act with a child who has attained the age of twelve years  
6 is guilty of aggravated sexual assault of a child and shall  
7 be punished as a court-martial may direct.

8 “(e) AGGRAVATED SEXUAL CONTACT.—Any person  
9 subject to this chapter who engages in or causes sexual  
10 contact with or by another person, if to do so would violate  
11 subsection (a) (rape) had the sexual contact been a sexual  
12 act, is guilty of aggravated sexual contact and shall be  
13 punished as a court-martial may direct.

14 “(f) AGGRAVATED SEXUAL ABUSE OF A CHILD.—  
15 Any person subject to this chapter who engages in a lewd  
16 act with a child is guilty of aggravated sexual abuse of  
17 a child and shall be punished as a court-martial may di-  
18 rect.

19 “(g) AGGRAVATED SEXUAL CONTACT WITH A  
20 CHILD.—Any person subject to this chapter who engages  
21 in or causes sexual contact with or by another person, if  
22 to do so would violate subsection (b) (rape of a child) had  
23 the sexual contact been a sexual act, is guilty of aggra-  
24 vated sexual contact with a child and shall be punished  
25 as a court-martial may direct.

1       “(h) ABUSIVE SEXUAL CONTACT.—Any person sub-  
2 ject to this chapter who engages in or causes sexual con-  
3 tact with or by another person, if to do so would violate  
4 subsection (c) (aggravated sexual assault) had the sexual  
5 contact been a sexual act, is guilty of abusive sexual con-  
6 tact and shall be punished as a court-martial may direct.

7       “(i) ABUSIVE SEXUAL CONTACT WITH A CHILD.—  
8 Any person subject to this chapter who engages in or  
9 causes sexual contact with or by another person, if to do  
10 so would violate subsection (d) (aggravated sexual assault  
11 of a child) had the sexual contact been a sexual act, is  
12 guilty of abusive sexual contact with a child and shall be  
13 punished as a court-martial may direct.

14       “(j) INDECENT LIBERTY WITH A CHILD.—Any per-  
15 son subject to this chapter who engages in indecent liberty  
16 in the physical presence of a child—

17               “(1) with the intent to arouse, appeal to, or  
18 gratify the sexual desire of any person; or

19               “(2) with the intent to abuse, humiliate, or de-  
20 grade any person,

21 is guilty of indecent liberty with a child and shall be pun-  
22 ished as a court-martial may direct.

23       “(k) INDECENT ACT.—Any person subject to this  
24 chapter who engages in indecent conduct is guilty of an

1 indecent act and shall be punished as a court-martial may  
2 direct.

3       “(l) FORCIBLE PANDERING.—Any person subject to  
4 this chapter who compels another person to engage in an  
5 act of prostitution with another person to be directed to  
6 said person is guilty of forcible pandering and shall be  
7 punished as a court-martial may direct.

8       “(m) WRONGFUL SEXUAL CONTACT.—Any person  
9 subject to this chapter who, without legal justification or  
10 lawful authorization, engages in sexual contact with an-  
11 other person without that other person’s permission is  
12 guilty of wrongful sexual contact and shall be punished  
13 as a court-martial may direct.

14       “(n) INDECENT EXPOSURE.—Any person subject to  
15 this chapter who intentionally exposes, in an indecent  
16 manner, in any place where the conduct involved may rea-  
17 sonably be expected to be viewed by people other than  
18 members of the actor’s family or household, the genitalia,  
19 anus, buttocks, or female areola or nipple is guilty of inde-  
20 cent exposure and shall be punished as a court-martial  
21 may direct.

22       “(o) AGE OF CHILD.—

23               “(1) TWELVE YEARS.—In a prosecution under  
24 subsection (b) (rape of a child), (g) (aggravated sex-  
25 ual contact with a child), or (j) (indecent liberty

1 with a child), it need not be proven that the accused  
2 knew that the other person engaging in the sexual  
3 act, contact, or liberty had not attained the age of  
4 twelve years. It is not an affirmative defense that  
5 the accused reasonably believed that the child had  
6 attained the age of twelve years.

7 “(2) SIXTEEN YEARS.—In a prosecution under  
8 subsection (d) (aggravated sexual assault of a child),  
9 (f) (aggravated sexual abuse of a child), (i) (abusive  
10 sexual contact with a child), or (j) (indecent liberty  
11 with a child), it need not be proven that the accused  
12 knew that the other person engaging in the sexual  
13 act, contact, or liberty had not attained the age of  
14 sixteen years. Unlike in paragraph (1), however, it  
15 is an affirmative defense that the accused reasonably  
16 believed that the child had attained the age of six-  
17 teen years.

18 “(p) PROOF OF THREAT.—In a prosecution under  
19 this section, in proving that the accused made a threat,  
20 it need not be proven that the accused actually intended  
21 to carry out the threat.

22 “(q) MARRIAGE.—

23 “(1) IN GENERAL.—In a prosecution under  
24 paragraph (2) of subsection (c) (aggravated sexual  
25 assault), or under subsection (d) (aggravated sexual

1 assault of a child), (f) (aggravated sexual abuse of  
2 a child), (i) (abusive sexual contact with a child), (j)  
3 (indecent liberty with a child), (m) (wrongful sexual  
4 contact), or (n) (indecent exposure), it is an affirma-  
5 tive defense that the accused and the other person  
6 when they engaged in the sexual act, sexual contact,  
7 or sexual conduct are married to each other.

8 “(2) DEFINITION.—For purposes of this sub-  
9 section, a marriage is a relationship, recognized by  
10 the laws of a competent state or foreign jurisdiction,  
11 between the accused and the other person as  
12 spouses. A marriage exists until it is dissolved in ac-  
13 cordance with the laws of a competent state or for-  
14 eign jurisdiction.

15 “(3) EXCEPTION.—Paragraph (1) shall not  
16 apply if the accused’s intent at the time of the sex-  
17 ual conduct is to abuse, humiliate, or degrade any  
18 person, or if the child is under the age of fifteen  
19 years.

20 “(r) CONSENT AND MISTAKE OF FACT AS TO CON-  
21 SENT.—Lack of permission is an element of the offense  
22 in subsection (m) (wrongful sexual contact). Consent and  
23 mistake of fact as to consent are not an issue, or an af-  
24 firmative defense, in a prosecution under any other sub-  
25 section, except they are an affirmative defense for the sex-

1 ual conduct in issue in a prosecution under subsection (a)  
2 (rape), (c) (aggravated sexual assault), (e) (aggravated  
3 sexual contact), and (h) (abusive sexual contact).

4 “(s) OTHER AFFIRMATIVE DEFENSES NOT PRE-  
5 CLUDED.—The enumeration in this section of some af-  
6 firmative defenses shall not be construed as excluding the  
7 existence of others.

8 “(t) NO PREEMPTION.—The prosecution or punish-  
9 ment of an accused for an offense under this section does  
10 not preclude the prosecution or punishment of that ac-  
11 cused for any other offense.

12 “(u) DEFINITIONS.—In this section:

13 “(1) SEXUAL ACT.—The term ‘sexual act’  
14 means—

15 “(A) contact between the penis and the  
16 vulva, and for purposes of this subparagraph  
17 contact involving the penis occurs upon penetra-  
18 tion, however slight; or

19 “(B) the penetration, however slight, of the  
20 genital opening of another by a hand or finger  
21 or by any object, with an intent to abuse, hu-  
22 miliate, harass, or degrade any person or to  
23 arouse or gratify the sexual desire of any per-  
24 son.



1           “(2) SEXUAL CONTACT.—The term ‘sexual con-  
2           tact’ means the intentional touching, either directly  
3           or through the clothing, of the genitalia, anus, groin,  
4           breast, inner thigh, or buttocks of another person, or  
5           intentionally causing another person to touch, either  
6           directly or through the clothing, the genitalia, anus,  
7           groin, breast, inner thigh, or buttocks of any person,  
8           with an intent to abuse, humiliate, or degrade any  
9           person or to arouse or gratify the sexual desire of  
10          any person.

11          “(3) GRIEVOUS BODILY HARM.—The term  
12          ‘grievous bodily harm’ means serious bodily injury.  
13          It includes fractured or dislocated bones, deep cuts,  
14          torn members of the body, serious damage to inter-  
15          nal organs, and other severe bodily injuries. It does  
16          not include minor injuries such as a black eye or a  
17          bloody nose. It is the same level of injury as in sec-  
18          tion 928 (article 128) of this chapter, and a lesser  
19          degree of injury than in section 2246(4) of title 18.

20          “(4) DANGEROUS WEAPON OR OBJECT.—The  
21          term ‘dangerous weapon or object’ means—

22                  “(A) any firearm, loaded or not, and  
23                  whether operable or not;

24                  “(B) any other weapon, device, instrument,  
25                  material, or substance, whether animate or in-

1 animate, that in the manner it is used, or is in-  
2 tended to be used, is known to be capable of  
3 producing death or grievous bodily harm; or

4 “(C) any object fashioned or utilized in  
5 such a manner as to lead the victim under the  
6 circumstances to reasonably believe it to be ca-  
7 pable of producing death or grievous bodily  
8 harm.

9 “(5) FORCE.—The term ‘force’ means action to  
10 compel submission of another or to overcome or pre-  
11 vent another’s resistance by—

12 “(A) the use or display of a dangerous  
13 weapon or object;

14 “(B) the suggestion of possession of a dan-  
15 gerous weapon or object that is used in a man-  
16 ner to cause another to believe it is a dangerous  
17 weapon or object; or

18 “(C) physical violence, strength, power, or  
19 restraint applied to another person, sufficient  
20 that the other person could not avoid or escape  
21 the sexual conduct.

22 “(6) THREATENING OR PLACING THAT OTHER  
23 PERSON IN FEAR.—The term ‘threatening or placing  
24 that other person in fear’ under paragraph (3) of  
25 subsection (a) (rape), or under subsection (e) (ag-

1       gravated sexual contact), means a communication or  
2       action that is of sufficient consequence to cause a  
3       reasonable fear that non-compliance will result in  
4       the victim or another person being subjected to  
5       death, grievous bodily harm, or kidnapping.

6               “(7) THREATENING OR PLACING THAT OTHER  
7       PERSON IN FEAR.—

8               “(A) IN GENERAL.—The term ‘threatening  
9       or placing that other person in fear’ under  
10       paragraph (1)(A) of subsection (c) (aggravated  
11       sexual assault), or under subsection (h) (abu-  
12       sive sexual contact), means a communication or  
13       action that is of sufficient consequence to cause  
14       a reasonable fear that non-compliance will re-  
15       sult in the victim or another being subjected to  
16       a lesser degree of harm than death, grievous  
17       bodily harm, or kidnapping.

18               “(B) INCLUSIONS.—Such lesser degree of  
19       harm includes—

20                       “(i) physical injury to another person  
21                       or to another person’s property; or

22                       “(ii) a threat—

23                               “(I) to accuse any person of a  
24                               crime;

1                   “(II) to expose a secret or pub-  
2                   licize an asserted fact, whether true or  
3                   false, tending to subject some person  
4                   to hatred, contempt or ridicule; or

5                   “(III) through the use or abuse  
6                   of military position, rank, or author-  
7                   ity, to affect or threaten to affect, ei-  
8                   ther positively or negatively, the mili-  
9                   tary career of some person.

10                  “(8) BODILY HARM.—The term ‘bodily harm’  
11                  means any offensive touching of another, however  
12                  slight.

13                  “(9) CHILD.—The term ‘child’ means any per-  
14                  son who has not attained the age of sixteen years.

15                  “(10) LEWD ACT.—The term ‘lewd act’  
16                  means—

17                         “(A) the intentional touching, not through  
18                         the clothing, of the genitalia of another person,  
19                         with an intent to abuse, humiliate, or degrade  
20                         any person, or to arouse or gratify the sexual  
21                         desire of any person; or

22                         “(B) intentionally causing another person  
23                         to touch, not through the clothing, the genitalia  
24                         of any person with an intent to abuse, humiliate

1           or degrade any person, or to arouse or gratify  
2           the sexual desire of any person.

3           “(11) INDECENT LIBERTY.—The term ‘indecent  
4           liberty’ means indecent conduct, but physical contact  
5           is not required. It includes one who with the req-  
6           uisite intent exposes one’s genitalia, anus, buttocks,  
7           or female areola or nipple to a child. An indecent  
8           liberty may consist of communication of indecent  
9           language as long as the communication is made in  
10          the physical presence of the child. If words designed  
11          to excite sexual desire are spoken to a child, or a  
12          child is exposed to or involved in sexual conduct, it  
13          is an indecent liberty; the child’s consent is not rel-  
14          evant.

15          “(12) INDECENT CONDUCT.—The term ‘inde-  
16          cent conduct’ means that form of immorality relat-  
17          ing to sexual impurity which is grossly vulgar, ob-  
18          scene, and repugnant to common propriety, and  
19          tends to excite sexual desire or deprave morals with  
20          respect to sexual relations. Indecent conduct in-  
21          cludes but is not limited to observing, or making a  
22          videotape, photograph, motion picture, print, nega-  
23          tive, slide, or other mechanically, electronically, or  
24          chemically reproduced visual material, without an-

1 other person’s consent, and contrary to that other  
2 person’s reasonable expectation of privacy, of—

3 “(A) that other person’s genitalia, anus, or  
4 buttocks, or (if that other person is female)  
5 that person’s areola or nipple; or

6 “(B) that other person while that other  
7 person is engaged in a sexual act, sodomy  
8 (under section 925 (article 125)), or sexual con-  
9 tact; and

10 “(13) ACT OF PROSTITUTION.—The term ‘act  
11 of prostitution’ means a sexual act, sexual contact,  
12 or lewd act for the purpose of receiving money or  
13 other compensation.

14 “(14) CONSENT.—The term ‘consent’ means  
15 words or overt acts indicating a freely given agree-  
16 ment to the sexual conduct at issue by a competent  
17 person. An expression of lack of consent through  
18 words or conduct means there is no consent. Lack  
19 of verbal or physical resistance or submission result-  
20 ing from the accused’s use of force, threat of force,  
21 or placing another person in fear does not constitute  
22 consent. A current or previous dating relationship by  
23 itself or the manner of dress of the person involved  
24 with the accused in the sexual conduct at issue shall

1 not constitute consent. A person cannot consent to  
2 sexual activity if—

3 “(A) under sixteen years of age; or

4 “(B) substantially incapable of—

5 “(i) appraising the nature of the sex-  
6 ual conduct at issue due to—

7 “(I) mental impairment or un-  
8 consciousness resulting from con-  
9 sumption of alcohol, drugs, a similar  
10 substance, or otherwise; or

11 “(II) mental disease or defect  
12 which renders the person unable to  
13 understand the nature of the sexual  
14 conduct at issue; or

15 “(ii) physically declining participation  
16 in the sexual conduct at issue; or

17 “(iii) physically communicating unwill-  
18 ingness to engage in the sexual conduct at  
19 issue.

20 “(15) MISTAKE OF FACT AS TO CONSENT.—The  
21 term ‘mistake of fact as to consent’ means the ac-  
22 cused held, as a result of ignorance or mistake, an  
23 incorrect belief that the other person engaging in the  
24 sexual conduct consented. The ignorance or mistake  
25 must have existed in the mind of the accused and

1 must have been reasonable under all the cir-  
2 cumstances. To be reasonable the ignorance or mis-  
3 take must have been based on information, or lack  
4 of it, which would indicate to a reasonable person  
5 that the other person consented. Additionally, the ig-  
6 norance or mistake cannot be based on the negligent  
7 failure to discover the true facts. Negligence is the  
8 absence of due care. Due care is what a reasonably  
9 careful person would do under the same or similar  
10 circumstances. The accused's state of intoxication, if  
11 any, at the time of the offense is not relevant to mis-  
12 take of fact. A mistaken belief that the other person  
13 consented must be that which a reasonably careful,  
14 ordinary, prudent, sober adult would have had under  
15 the circumstances at the time of the offense.

16           “(16) AFFIRMATIVE DEFENSE.—The term ‘af-  
17 firmative defense’ means any special defense which,  
18 although not denying that the accused committed  
19 the objective acts constituting the offense charged,  
20 denies, wholly, or partially, criminal responsibility  
21 for those acts. The accused has the burden of prov-  
22 ing the affirmative defense by a preponderance of  
23 evidence. After the defense meets this burden, the  
24 prosecution shall have the burden of proving beyond



1 a reasonable doubt that the affirmative defense did  
2 not exist.”.

3 (2) CLERICAL AMENDMENT.—The item relating  
4 to section 920 (article 120) in the table of sections  
5 at the beginning of subchapter X of chapter 47 of  
6 title 10, United States Code (the Uniform Code of  
7 Military 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  
10 title 10, United States Code (article 56 of the Uniform  
11 Code of Military Justice), the punishment which a court-  
12 martial may direct for an offense under section 920 of  
13 such title (article 120 of the Uniform Code of Military  
14 Justice), as amended by subsection (a), may not exceed  
15 the following 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  
21 subsection (c) (aggravated sexual assault), dishonor-  
22 able discharge, forfeiture of all pay and allowances,  
23 and 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), dishonor-  
2 able discharge, forfeiture of all pay and allowances,  
3 and 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  
7 child), dishonorable discharge, forfeiture of all pay  
8 and allowances, and confinement for 15 years.

9 (5) SUBSECTIONS (h) THROUGH (j).—For an of-  
10 fense under subsection (h) (abusive sexual contact),  
11 (i) (abusive sexual contact with a child), or (j) (inde-  
12 cent liberty with a child), dishonorable discharge,  
13 forfeiture of all pay and allowances, and confinement  
14 for 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  
21 (n) (indecent exposure), dishonorable discharge, for-  
22 feiture of all pay and allowances, and confinement  
23 for 1 year.

24 (c) EFFECTIVE DATE.—The amendments made by  
25 subsection (a) shall take effect 1 year after the date of

1 the enactment of this Act and section 920 of title 10,  
2 United States Code (article 120 of the Uniform Code of  
3 Military Justice), as amended by subsection (a), shall  
4 apply with respect to offenses committed on or after that  
5 effective date.

6 (d) CONFORMING AMENDMENT.—Section 918 of title  
7 10, United States Code (article 118 of the Uniform Code  
8 of Military Justice), is amended in paragraph (4) by strik-  
9 ing “rape,” and inserting “rape, rape of a child, aggra-  
10 vated sexual assault, aggravated sexual assault of a child,  
11 aggravated sexual contact, aggravated sexual abuse of a  
12 child, aggravated sexual contact with a child,”.

13 **Subtitle G—Assistance to Local**  
14 **Educational Agencies for De-**  
15 **fense Dependents Education**

16 **SEC. 561. ENROLLMENT IN OVERSEAS SCHOOLS OF DE-**  
17 **FENSE DEPENDENTS' EDUCATION SYSTEM OF**  
18 **CHILDREN OF CITIZENS OR NATIONALS OF**  
19 **THE UNITED STATES HIRED IN OVERSEAS**  
20 **AREAS AS FULL-TIME DEPARTMENT OF DE-**  
21 **FENSE EMPLOYEES.**

22 Paragraph (2) of section 1414 of the Defense De-  
23 pendents' Education Act of 1978 (20 U.S.C. 932) is  
24 amended to read as follows:

1           “(2) The term ‘sponsor’ means a person who  
2           is—

3                   “(A) a member of the Armed Forces serv-  
4           ing on active duty who—

5                           “(i) is authorized to transport depend-  
6                           ents to or from an overseas area at Gov-  
7                           ernment expense; and

8                           “(ii) is provided an allowance for liv-  
9                           ing quarters in that area;

10                   “(B) a full-time civilian officer or employee  
11           of the Department of Defense who—

12                           “(i) is a citizen or national of the  
13                           United States;

14                           “(ii) is authorized to transport de-  
15                           pendents to or from an overseas area at  
16                           Government expense; and

17                           “(iii) is provided an allowance for liv-  
18                           ing quarters in that area; or

19                   “(C) a full-time civilian officer or employee  
20           of the Department of Defense who—

21                           “(i) is a citizen or national of the  
22                           United States;

23                           “(ii) resided in an overseas area at  
24                           the time of the person’s employment; and

1                   “(iii) is employed by the Department  
2                   of Defense in that area.”.

3 **SEC. 562. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
4                   **THAT BENEFIT DEPENDENTS OF MEMBERS**  
5                   **OF THE ARMED FORCES AND DEPARTMENT**  
6                   **OF DEFENSE CIVILIAN EMPLOYEES.**

7           (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT  
8 NUMBERS OF MILITARY DEPENDENT STUDENTS.—

9                   (1) ASSISTANCE AUTHORIZED.—The Secretary  
10 of Defense shall provide financial assistance to an el-  
11 igible local educational agency described in para-  
12 graph (2) if, without such assistance, the local edu-  
13 cational agency will be unable (as determined by the  
14 Secretary of Defense in consultation with the Sec-  
15 retary of Education) to provide the students in the  
16 schools of the local educational agency with a level  
17 of education that is equivalent to the minimum level  
18 of education available in the schools of the other  
19 local educational agencies in the same State.

20                   (2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
21 CIES.—A local educational agency is eligible for as-  
22 sistance under this subsection for a fiscal year if at  
23 least 20 percent (as rounded to the nearest whole  
24 percent) of the students in average daily attendance  
25 in the schools of the local educational agency during

1 the preceding school year were military dependent  
2 students counted under section 8003(a)(1) of the El-  
3 elementary and Secondary Education Act of 1965 (20  
4 U.S.C. 7703(a)(1)).

5 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT  
6 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE  
7 CHANGES, OR FORCE RELOCATIONS.—

8 (1) ASSISTANCE AUTHORIZED.—To assist com-  
9 munities in making adjustments resulting from  
10 changes in the size or location of the Armed Forces,  
11 the Secretary of Defense shall provide financial as-  
12 sistance to an eligible local educational agency de-  
13 scribed in paragraph (2) if, during the period be-  
14 tween the end of the school year preceding the fiscal  
15 year for which the assistance is authorized and the  
16 beginning of the school year immediately preceding  
17 that school year, the local educational agency had  
18 (as determined by the Secretary of Defense in con-  
19 sultation with the Secretary of Education) an overall  
20 increase or reduction of—

21 (A) not less than five percent in the aver-  
22 age daily attendance of military dependent stu-  
23 dents in the schools of the local educational  
24 agency; or

1 (B) not less than 250 military dependent  
2 students in average daily attendance in the  
3 schools of the local educational agency.

4 (2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
5 CIES.—A local educational agency is eligible for as-  
6 sistance under this subsection for a fiscal year if—

7 (A) the local educational agency is eligible  
8 for assistance under subsection (a) for the same  
9 fiscal year, or would have been eligible for such  
10 assistance if not for the reduction in military  
11 dependent students in schools of the local edu-  
12 cational agency; and

13 (B) the overall increase or reduction in  
14 military dependent students in schools of the  
15 local educational agency is the result of the clo-  
16 sure or realignment of military installations  
17 under the base closure process or the relocation  
18 of members of the Armed Forces and civilian  
19 employees of the Department of Defense as  
20 part of force structure changes or movements of  
21 units or personnel between military installa-  
22 tions.

23 (3) CALCULATION OF AMOUNT OF ASSIST-  
24 ANCE.—

1           (A) PRO RATA DISTRIBUTION.—The  
2 amount of the assistance provided under this  
3 subsection to a local educational agency that is  
4 eligible for such assistance for a fiscal year  
5 shall be equal to the product obtained by multi-  
6 plying—

7           (i) the per-student rate determined  
8 under subparagraph (B) for that fiscal  
9 year; by

10           (ii) the net of the overall increases  
11 and reductions in the number of military  
12 dependent students in schools of the local  
13 educational agency, as determined under  
14 paragraph (1).

15           (B) PER-STUDENT RATE.—For purposes  
16 of subparagraph (A)(i), the per-student rate for  
17 a fiscal year shall be equal to the dollar amount  
18 obtained by dividing—

19           (i) the total amount of funds made  
20 available for that fiscal year to provide as-  
21 sistance under this subsection; by

22           (ii) the sum of the overall increases  
23 and reductions in the number of military  
24 dependent students in schools of all eligible



1                   local educational agencies for that fiscal  
2                   year under this subsection.

3           (c) NOTIFICATION.—Not later than June 30, 2006,  
4 and June 30 of each fiscal year thereafter for which funds  
5 are made available to carry out this section, the Secretary  
6 of Defense shall notify each local educational agency that  
7 is eligible for assistance under this section for that fiscal  
8 year of—

9                   (1) the eligibility of the local educational agency  
10                  for the assistance, including whether the agency is  
11                  eligible for assistance under either subsection (a) or  
12                  (b) or both subsections; and

13                   (2) the amount of the assistance for which the  
14                  local educational agency is eligible.

15           (d) DISBURSEMENT OF FUNDS.—The Secretary of  
16 Defense shall disburse assistance made available under  
17 this section for a fiscal year not later than 30 days after  
18 the date on which notification to the eligible local edu-  
19 cational agencies is provided pursuant to subsection (c)  
20 for that fiscal year.

21           (e) FINDING FOR FISCAL YEAR 2006.—Of the  
22 amount authorized to be appropriated pursuant to section  
23 301(5) for operation and maintenance for Defense-wide  
24 activities—

1           (1) \$50,000,000 shall be available only for the  
2           purpose of providing assistance to local educational  
3           agencies under subsection (a); and

4           (2) \$10,000,000 shall be available only for the  
5           purpose of providing assistance to local educational  
6           agencies under subsection (b).

7           (f) DEFINITIONS.—In this section:

8           (1) The term “base closure process” means the  
9           2005 base closure and realignment process author-  
10          ized by Defense Base Closure and Realignment Act  
11          of 1990 (part A of title XXIX of Public Law 101–  
12          510; 10 U.S.C. 2687 note) or any base closure and  
13          realignment process conducted after the date of the  
14          enactment of this Act under section 2687 of title 10,  
15          United States Code, or any other similar law en-  
16          acted after that date.

17          (2) The term “local educational agency” has  
18          the meaning given that term in section 8013(9) of  
19          the Elementary and Secondary Education Act of  
20          1965 (20 U.S.C. 7713(9)).

21          (3) The term “military dependent students” re-  
22          fers to—

23                 (A) elementary and secondary school stu-  
24                 dents who are dependents of members of the  
25                 Armed Forces; and

1 (B) elementary and secondary school stu-  
2 dents who are dependents of civilian employees  
3 of the Department of Defense.

4 (4) The term “State” means each of the 50  
5 States and the District of Columbia.

6 (g) REPEAL OF FORMER AUTHORITY.—Section 386  
7 of the National Defense Authorization Act for Fiscal Year  
8 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is re-  
9 pealed. The repeal of such section shall not affect the dis-  
10 tribution of assistance to local educational agencies under  
11 section 559 of the Ronald W. Reagan National Defense  
12 Authorization Act for Fiscal Year 2005 (Public Law 108–  
13 375; 118 Stat. 1917) for fiscal year 2005.

14 **SEC. 563. CONTINUATION OF IMPACT AID ASSISTANCE ON**  
15 **BEHALF OF DEPENDENTS OF CERTAIN MEM-**  
16 **BERS DESPITE CHANGE IN STATUS OF MEM-**  
17 **BER.**

18 (a) SPECIAL RULE.—For purposes of computing the  
19 amount of a payment for an eligible local educational  
20 agency under subsection (a) of section 8003 of the Ele-  
21 mentary and Secondary Education Act (20 U.S.C. 7703)  
22 for school year 2005–2006, the Secretary of Education  
23 shall continue to count as a child enrolled in a school of  
24 such agency under such subsection any child who—

1           (1) would be counted under paragraph (1)(B)  
2 of such subsection to determine the number of chil-  
3 dren who were in average daily attendance in the  
4 school; but

5           (2) due to the deployment of both parents or  
6 legal guardians of the child, the deployment of a  
7 parent or legal guardian having sole custody of the  
8 child, or the death of a military parent or legal  
9 guardian while on active duty (so long as the child  
10 resides on Federal property (as defined in section  
11 8013(5) of such Act (20 U.S.C. 7713(5))), is not eli-  
12 gible to be so counted.

13       (b) TERMINATION.—The special rule provided under  
14 subsection (a) applies only so long as the children covered  
15 by such subsection remain in average daily attendance at  
16 a school in the same local educational agency they at-  
17 tended before their change in eligibility status.

## 18           **Subtitle H—Decorations and** 19           **Awards**

### 20       **SEC. 565. COLD WAR VICTORY MEDAL.**

21       (a) AUTHORITY.—Chapter 57 of title 10, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing new section:

1 **“§ 1134. Cold War Victory Medal**

2       “(a) MEDAL AUTHORIZED.—The Secretary con-  
3 cerned shall issue a service medal, to be known as the  
4 ‘Cold War Victory Medal’, to persons eligible to receive  
5 the medal under subsection (b). The Cold War Victory  
6 Medal shall be of an appropriate design approved by the  
7 Secretary of Defense, with ribbons, lapel pins, and other  
8 appurtenances.

9       “(b) ELIGIBLE PERSONS.—The following persons are  
10 eligible to receive the Cold War Victory Medal:

11           “(1) A person who—

12                   “(A) performed active duty or inactive  
13 duty training as an enlisted member during the  
14 Cold War;

15                   “(B) completed the person’s initial term of  
16 enlistment or, if discharged before completion of  
17 such initial term of enlistment, was honorably  
18 discharged after completion of not less than  
19 180 days of service on active duty; and

20                   “(C) has not received a discharge less fa-  
21 vorable than an honorable discharge or a re-  
22 lease from active duty with a characterization  
23 of service less favorable than honorable.

24           “(2) A person who—

1           “(A) performed active duty or inactive  
2 duty training as a commissioned officer or war-  
3 rant officer during the Cold War;

4           “(B) completed the person’s initial service  
5 obligation as an officer or, if discharged or sep-  
6 arated before completion of such initial service  
7 obligation, was honorably discharged after com-  
8 pletion of not less than 180 days of service on  
9 active duty; and

10           “(C) has not been released from active  
11 duty with a characterization of service less fa-  
12 vorable than honorable and has not received a  
13 discharge or separation less favorable than an  
14 honorable discharge.

15           “(c) ONE AWARD AUTHORIZED.—Not more than one  
16 Cold War Victory Medal may be issued to any person.

17           “(d) ISSUANCE TO REPRESENTATIVE OF DE-  
18 CEASED.—If a person described in subsection (b) dies be-  
19 fore being issued the Cold War Victory Medal, the medal  
20 shall be issued to the person’s representative, as des-  
21 ignated by the Secretary concerned.

22           “(e) REPLACEMENT.—Under regulations prescribed  
23 by the Secretary concerned, a Cold War Victory Medal  
24 that is lost, destroyed, or rendered unfit for use without

1 fault or neglect on the part of the person to whom it was  
2 issued may be replaced without charge.

3 “(f) APPLICATION FOR MEDAL.—The Cold War Vic-  
4 tory Medal shall be issued upon receipt by the Secretary  
5 concerned of an application for such medal, submitted in  
6 accordance with such regulations as the Secretary pre-  
7 scribes.

8 “(g) UNIFORM REGULATIONS.—The Secretary of De-  
9 fense shall ensure that regulations prescribed by the Sec-  
10 retaries of the military departments under this section are  
11 uniform so far as is practicable.

12 “(h) DEFINITION.—In this section, the term ‘Cold  
13 War’ means the period beginning on September 2, 1945,  
14 and ending at the end of December 26, 1991.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of such chapter is amended by adding  
17 at the end the following new item:

“1134. Cold War Victory Medal.”.

18 **SEC. 566. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.**

19 (a) ARMY.—

20 (1) IN GENERAL.—Chapter 357 of title 10,  
21 United States Code, is amended by adding at the  
22 end the following new section:

23 **“§ 3757. Combat Medevac Badge**

24 “(a) The Secretary of the Army shall issue a badge  
25 of appropriate design, to be known as the Combat

1 Medevac Badge, to each person who while a member of  
2 the Army served in combat on or after June 25, 1950,  
3 as a pilot or crew member of a helicopter medical evacu-  
4 ation ambulance and who meets the requirements for the  
5 award of that badge.

6 “(b) The Secretary of the Army shall prescribe re-  
7 quirements for eligibility for the Combat Medevac  
8 Badge.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
10 tions at the beginning of such chapter is amended  
11 by adding at the end the following new item:

“3757. Combat Medevac Badge.”.

12 (b) NAVY AND MARINE CORPS.—

13 (1) IN GENERAL.—Chapter 567 of title 10,  
14 United States Code, is amended by adding at the  
15 end the following new section:

16 **“§ 6259. Combat Medevac Badge**

17 “(a) The Secretary of the Navy shall issue a badge  
18 of appropriate design, to be known as the Combat  
19 Medevac Badge, to each person who while a member of  
20 the Navy or Marine Corps served in combat on or after  
21 June 25, 1950, as a pilot or crew member of a helicopter  
22 medical evacuation ambulance and who meets the require-  
23 ments for the award of that badge.



1       “(b) The Secretary of the Navy shall prescribe re-  
2       quirements for eligibility for the Combat Medevac  
3       Badge.”.

4               (2) CLERICAL AMENDMENT.—The table of sec-  
5       tions at the beginning of such chapter is amended  
6       by adding at the end the following new item:

“6259. Combat Medevac Badge.”.

7       (c) AIR FORCE.—

8               (1) IN GENERAL.—Chapter 857 of title 10,  
9       United States Code, is amended by adding at the  
10      end the following new section:

11   **“§ 8757. Combat Medevac Badge**

12      “(a) The Secretary of the Air Force shall issue a  
13      badge of appropriate design, to be known as the Combat  
14      Medevac Badge, to each person who while a member of  
15      the Air Force served in combat on or after June 25, 1950,  
16      as a pilot or crew member of a helicopter medical evacu-  
17      ation ambulance and who meets the requirements for the  
18      award of that badge.

19      “(b) The Secretary of the Air Force shall prescribe  
20      requirements for eligibility for the Combat Medevac  
21      Badge.”.

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

“8757. Combat Medevac Badge.”.

1 (d) AWARD FOR SERVICE BEFORE DATE OF ENACT-  
2 MENT.—In the case of persons who, while a member of  
3 the Armed Forces, served in combat as a pilot or crew  
4 member of a helicopter medical evacuation ambulance dur-  
5 ing the period beginning on June 25, 1950, and ending  
6 on the date of enactment of this Act, the Secretary of the  
7 military department concerned shall issue the Combat  
8 Medevac Badge—

9 (1) to each such person who is known to the  
10 Secretary before the date of enactment of this Act;  
11 and

12 (2) to each such person with respect to whom  
13 an application for the issuance of the badge is made  
14 to the Secretary after such date in such manner,  
15 and within such time period, as the Secretary may  
16 require.

17 **SEC. 567. ELIGIBILITY FOR OPERATION ENDURING FREE-**  
18 **DOM CAMPAIGN MEDAL.**

19 For purposes of eligibility for the campaign medal for  
20 Operation Enduring Freedom established pursuant to  
21 Public Law 108–234 (10 U.S.C. 1121 note), the begin-  
22 ning date of Operation Enduring Freedom is September  
23 11, 2001.

## 1                   **Subtitle I—Other Matters**

2   **SEC. 571. EXTENSION OF WAIVER AUTHORITY OF SEC-**  
3                   **RETARY OF EDUCATION WITH RESPECT TO**  
4                   **STUDENT FINANCIAL ASSISTANCE DURING A**  
5                   **WAR OR OTHER MILITARY OPERATION OR**  
6                   **NATIONAL EMERGENCY.**

7           Section 6 of the Higher Education Relief Opportuni-  
8 ties for Students Act of 2003 (20 U.S.C. 1070 note) is  
9 amended by striking “September 30, 2005” and inserting  
10 “September 30, 2007”.

11   **SEC. 572. ADOPTION LEAVE FOR MEMBERS OF THE ARMED**  
12                   **FORCES ADOPTING CHILDREN.**

13           (a) **AUTHORITY.**—Section 701 of title 10, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing new subsection:

16           “(i)(1) Under regulations prescribed by the Secretary  
17 of Defense, a member of the armed forces adopting a child  
18 in a qualifying child adoption is allowed up to 21 days  
19 of leave in a calendar year to be used in connection with  
20 the adoption.

21           “(2) For the purpose of this subsection, an adoption  
22 of a child by a member is a qualifying child adoption if  
23 the member is eligible for reimbursement of qualified  
24 adoption expenses for such adoption under section 1052  
25 of this title.

1       “(3) In the event that two members of the armed  
2 forces who are spouses of each other adopt a child in a  
3 qualifying child adoption, only one such member shall be  
4 allowed leave under this subsection. Those members shall  
5 elect which of them shall be allowed such leave.

6       “(4) Leave under paragraph (1) is in addition to  
7 other leave provided under other provisions of this sec-  
8 tion.”.

9       (b) EFFECTIVE DATE.—Subsection (i) of section 701  
10 of title 10, United States Code (as added by subsection  
11 (a)), shall take effect on October 1, 2005.

12 **SEC. 573. REPORT ON NEED FOR A PERSONNEL PLAN FOR**  
13 **LINGUISTS IN THE ARMED FORCES.**

14       (a) NEED ASSESSMENT.—The Secretary of Defense  
15 shall review the career tracks of members of the Armed  
16 Forces who are linguists in an effort to improve the man-  
17 agement of linguists (in enlisted grades or officer grades,  
18 or both) and to assist them in reaching their full linguistic  
19 and analytical potential over a 20-year career. As part of  
20 such review, the Secretary shall assess the need for a com-  
21 prehensive plan to better manage the careers of military  
22 linguists (in enlisted grades or officer grades, or both) and  
23 to ensure that such linguists have an opportunity to  
24 progress in grade and are provided opportunities to en-  
25 hance their language and cultural skills. As part of the

1 review, the Secretary shall consider personnel manage-  
2 ment methods such as enhanced bonuses, immersion op-  
3 portunities, specialized career fields, establishment of a  
4 dedicated career path for linguists, and career monitoring  
5 to ensure career progress for linguists serving in duty as-  
6 signments that are not linguist related.

7 (b) REPORT.—Not later than 180 days after the date  
8 of the enactment of this Act, the Secretary of Defense  
9 shall submit to the Committees on Armed Services of the  
10 Senate and House of Representatives a report on the re-  
11 view and assessment conducted under subsection (a). The  
12 report shall include the findings, results, and conclusions  
13 of the Secretary’s review and assessment of the careers  
14 of officer and enlisted linguists in the Armed Forces and  
15 the need for a comprehensive plan to ensure effective ca-  
16 reer management of linguists.

17 **SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLI-**  
18 **CIES.**

19 (a) IN GENERAL.—

20 (1) Chapter 37 of title 10, United States Code,  
21 is amended by inserting after section 651 the fol-  
22 lowing new section:

1 **“§ 652. Notice to Congress of proposed changes in**  
2 **units, assignments, etc. to which female**  
3 **members may be assigned**

4 “(a) RULE FOR GROUND COMBAT PERSONNEL POL-  
5 ICY.—(1) If the Secretary of Defense proposes to make  
6 any change described in paragraph (2)(A) or (2)(B) to the  
7 ground combat exclusion policy or proposes to make a  
8 change described in paragraph (2)(C), the Secretary shall,  
9 before any such change is implemented, submit to Con-  
10 gress a report providing notice of the proposed change.  
11 Such a change may then be implemented only after the  
12 end of a period of 60 days of continuous session of Con-  
13 gress (excluding any day on which either House of Con-  
14 gress is not in session) following the date on which the  
15 report is received.

16 “(2) A change referred to in paragraph (1) is a  
17 change that—

18 “(A) closes to female members of the armed  
19 forces any category of unit or position that at that  
20 time is open to service by such members;

21 “(B) opens to service by female members of the  
22 armed forces any category of unit or position that  
23 at that time is closed to service by such members;  
24 or

1           “(C) opens or closes to the assignment of fe-  
2           male members of the armed forces any military ca-  
3           reer designator as described in paragraph (6).

4           “(3) The Secretary shall include in any report under  
5 paragraph (1)—

6           “(A) a detailed description of, and justification  
7           for, the proposed change; and

8           “(B) a detailed analysis of legal implication of  
9           the proposed change with respect to the constitu-  
10          tionality of the application of the Military Selective  
11          Service Act (50 App. U.S.C. 451 et seq.) to males  
12          only.

13          “(4) In this subsection, the term ‘ground combat ex-  
14          clusion policy’ means the military personnel policies of the  
15          Department of Defense and the military departments, as  
16          in effect on October 1, 1994, by which female members  
17          of the armed forces are restricted from assignment to  
18          units and positions below brigade level whose primary mis-  
19          sion is to engage in direct combat on the ground.

20          “(5) For purposes of this subsection, the continuity  
21          of a session of Congress is broken only by an adjournment  
22          of the Congress sine die.

23          “(6) For purposes of this subsection, a military ca-  
24          reer designator is one that is related to military operations  
25          on the ground as of May 18, 2005, and applies—

1           “(A) for enlisted members and warrant officers,  
2           to military occupational specialties, specialty codes,  
3           enlisted designators, enlisted classification codes, ad-  
4           ditional skill identifiers, and special qualification  
5           identifiers; and

6           “(B) for officers (other than warrant officers),  
7           to officer areas of concentration, occupational spe-  
8           cialties, specialty codes, designators, additional skill  
9           identifiers, and special qualification identifiers.

10          “(b) OTHER PERSONNEL POLICY CHANGES.—(1)  
11        Except in a case covered by section 6035 of this title or  
12        by subsection (a), whenever the Secretary of Defense pro-  
13        poses to make a change to military personnel policies de-  
14        scribed in paragraph (2), the Secretary shall, not less than  
15        30 days before such change is implemented, submit to the  
16        Committee on Armed Services of the Senate and the Com-  
17        mittee on Armed Services of the House of Representatives  
18        notice, in writing, of the proposed change.

19          “(2) Paragraph (1) applies to a proposed military  
20        personnel policy change, other than a policy change cov-  
21        ered by subsection (a), that would make available to fe-  
22        male members of the armed forces assignment to any of  
23        the following that, as of the date of the proposed change,  
24        is closed to such assignment:



1           “(A) Any type of unit not covered by subsection  
2           (a).

3           “(B) Any class of combat vessel.

4           “(C) Any type of combat platform.”.

5           (2) The table of sections at the beginning of  
6           such chapter is amended by inserting after the item  
7           relating to section 651 the following new item:

          “652. Notice to Congress of proposed changes in units, assignments, etc. to  
          which female members may be assigned.”.

8           (b) REPORT ON IMPLEMENTATION OF DEPARTMENT  
9 OF DEFENSE POLICIES WITH REGARD TO THE ASSIGN-  
10 MENT OF WOMEN.—Not later than March 31, 2006, the  
11 Secretary of Defense shall submit to the Committee on  
12 Armed Services of the Senate and the Committee on  
13 Armed Services of the House of Representatives a report  
14 of the Secretary’s review of the current and future imple-  
15 mentation of the policy regarding the assignment of  
16 women as articulated in the Secretary of Defense memo-  
17 randum, dated January 13, 1994, and entitled, “Direct  
18 Ground Combat Definition and Assignment Rule”. In con-  
19 ducting that review, the Secretary shall closely examine  
20 Army unit modularization efforts, and associated per-  
21 sonnel assignment policies, to ensure their compliance with  
22 the Department of Defense policy articulated in the Janu-  
23 ary 1994 memorandum.

1 (c) CONFORMING REPEAL.—Section 542 of the Na-  
2 tional Defense Authorization Act for Fiscal Year 1994 (10  
3 U.S.C. 113 note) is repealed.

4 **SEC. 575. ELIGIBILITY OF CERTAIN PERSONS FOR SPACE-**  
5 **AVAILABLE TRAVEL ON MILITARY AIRCRAFT.**

6 (a) ELIGIBILITY OF “GRAY AREA” RETIREES AND  
7 SPOUSES.—Chapter 157 of title 10, United States Code,  
8 is amended by inserting after section 2641a the following  
9 new section:

10 **“§ 2641b. Space-available travel on Department of De-**  
11 **fense aircraft: Reserve members eligible**  
12 **for retired pay but for age; spouses**

13 “(a) RESERVE RETIREES UNDER AGE 60.—A mem-  
14 ber or former member of a reserve component under 60  
15 years of age who, but for age, would be eligible for retired  
16 pay under chapter 1223 of this title shall be provided  
17 transportation on Department of Defense aircraft, on a  
18 space-available basis, on the same basis as members of the  
19 armed forces entitled to retired pay under any other provi-  
20 sion of law.

21 “(b) DEPENDENTS.—The dependent of a member or  
22 former member under 60 years of age who, but for age,  
23 would be eligible for retired pay under chapter 1223 of  
24 this title, shall be provided transportation on Department  
25 of Defense aircraft, on a space-available basis, on the same

1 basis as dependents of members of the armed forces enti-  
2 tled to retired pay under any other provision of law.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by inserting  
5 after the item relating to section 2641a the following new  
6 item:

“2641b. Space-available travel on Department of Defense aircraft: Reserve  
members eligible for retired pay but for age; spouses.”.

7 **SEC. 576. COMPTROLLER GENERAL STUDY OF MILITARY**  
8 **RECRUITING.**

9 (a) REPORT.—Not later than one year after the date  
10 of enactment of this Act, the Comptroller General shall  
11 submit to the Committees on Armed Services of the Sen-  
12 ate and House of Representatives a report on military re-  
13 cruiting.

14 (b) MATTERS TO BE INCLUDED.—The Comptroller  
15 General shall include in the report the following:

16 (1) Whether military recruitment criminal viola-  
17 tions have increased in any branches of the Armed  
18 Forces since the beginning of combat in Iraq.

19 (2) Whether policies of the Department of De-  
20 fense or of any of the specific military branches have  
21 caused or encouraged military recruiters to carry out  
22 criminal actions to increase recruitment numbers.

23 (3) Whether the Department of Justice, De-  
24 partment of Defense, or specific military branches

1 have adequately and independently carried out inves-  
2 tigations and prosecutions of all Department of De-  
3 fense officials who are complicit or directly involved  
4 in criminal actions to increase military recruitment.

5 (4) Any recommendations for any legislation or  
6 administrative actions that the Comptroller General  
7 considers appropriate.

8 (5) Any other matter the Comptroller General  
9 considers relevant.

10 **SEC. 577. ADDITION OF INFORMATION CONCERNING MEN-**  
11 **TAL HEALTH SERVICES AND TREATMENT TO**  
12 **SUBJECTS REQUIRED TO BE COVERED IN**  
13 **MANDATORY PRESEPARATION COUNSELING.**

14 Section 1142(b) of title 10, United States Code, is  
15 amended by adding at the end the following new para-  
16 graph:

17 “(11) Information concerning the availability of  
18 mental health services and the treatment of post-  
19 traumatic stress disorder, anxiety disorders, depres-  
20 sion, suicidal ideations, or other mental health condi-  
21 tions associated with service in the armed forces.”.

1 **SEC. 578. IMPROVEMENT TO DEPARTMENT OF DEFENSE**  
2 **RESPONSE TO SEXUAL ASSAULT AFFECTING**  
3 **MEMBERS OF THE ARMED FORCES.**

4 (a) **ASSESSMENT.**—The Secretary of Defense shall  
5 conduct an inventory of supplies, trained personnel, and  
6 transportation resources assigned or deployed to deal with  
7 sexual assault. The Secretary shall assess the availability  
8 and accessibility within deployed units of rape evidence  
9 kits, testing supplies for sexually transmitted infections  
10 and diseases (STIs), including HIV, and for pregnancy,  
11 transportation resources, and medication. The assessment  
12 shall be completed not later than 120 days after the date  
13 of the enactment of this Act.

14 (b) **ACTION PLAN FOR DEPLOYED UNITS.**—The Sec-  
15 retary shall develop a plan to enhance accessibility and  
16 availability of supplies, trained personnel, and transpor-  
17 tation resources in response to sexual assaults occurring  
18 in deployed units. Such plan shall include the following:

19 (1) Training of new and existing first respond-  
20 ers to sexual assaults, including criminal investiga-  
21 tors, medical providers responsible for rape kit evi-  
22 dence collection, and victims advocates, with such  
23 training to include current techniques on processing  
24 of evidence, including rape kits, and conducting in-  
25 vestigations.

1           (2) Accessibility and availability of supplies for  
2 victims of sexual assault who present at a military  
3 hospital, including rape kits, equipment for proc-  
4 essing rape kits, and testing supplies and treatment  
5 for sexually transmitted infections and diseases, in-  
6 cluding HIV, and pregnancy.

7           (c) ANNUAL REPORT.—The Secretary shall include  
8 in the annual report to the Committees on Armed Services  
9 of the Senate and House of Representatives on sexual as-  
10 saults a report as to the supply inventory, location, acces-  
11 sibility, and availability of supplies, trained personnel, and  
12 transportation resources in response to sexual assault in  
13 deployed units.

14 **SEC. 579. REPORT ON EMPLOYMENT MATTERS FOR MEM-**  
15 **BERS OF THE NATIONAL GUARD AND RE-**  
16 **SERVE.**

17           (a) REQUIREMENT FOR REPORT.—Not later than  
18 270 days after the date of the enactment of this Act, the  
19 Comptroller General of the United States shall submit to  
20 Congress a report on difficulties faced by members of the  
21 National Guard and Reserve with respect to employment  
22 as a result of being ordered to perform full time National  
23 Guard duty or being ordered to active duty service, respec-  
24 tively.

1 (b) SPECIFIC MATTERS.—In preparing the report re-  
2 quired under subsection (a), the Comptroller General shall  
3 include information on the following matters:

4 (1) TYPE OF EMPLOYERS.—An estimate of the  
5 number of employers of members of the National  
6 Guard and Reserve who are private sector employers  
7 and those who are public sector employers.

8 (2) SIZE OF EMPLOYERS.—An estimate of the  
9 number of employers of members of the National  
10 Guard and Reserve who employ fewer than 50 full-  
11 time employees.

12 (3) SELF-EMPLOYED.—An estimate of the num-  
13 ber of members of the National Guard and Reserve  
14 who are self-employed.

15 (4) NATURE OF BUSINESS.—A description of  
16 the nature of the business of employers of members  
17 of the National Guard and Reserve.

18 (5) REEMPLOYMENT DIFFICULTIES.—A de-  
19 scription of difficulties faced by members of the Na-  
20 tional Guard and Reserve in gaining reemployment  
21 after having performed full time National Guard  
22 duty or active duty service, including difficulties  
23 faced by members who are disabled and who are  
24 Veterans of the Vietnam Era.

1 **SEC. 580. SENSE OF CONGRESS THAT COLLEGES AND UNI-**  
2 **VERSITIES GIVE EQUAL ACCESS TO MILITARY**  
3 **RECRUITERS AND ROTC IN ACCORDANCE**  
4 **WITH THE SOLOMON AMENDMENT AND RE-**  
5 **QUIREMENT FOR REPORT TO CONGRESS.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

8 (1) The Reserve Officer Training Corps  
9 (ROTC) program is the most common means for un-  
10 dergraduates to become United States military offi-  
11 cers, producing 60 percent of all officers in the  
12 Armed Forces and 75 percent of Army officers.

13 (2) The ROTC program is officially banned  
14 from many leading universities and, although stu-  
15 dents at those institutions can participate in ROTC  
16 programs at other colleges, they often have to travel  
17 significant distances to do so.

18 (3) The United States is engaged in a global  
19 war on terrorism, and it is thus more important  
20 than ever for the Armed Forces to recruit high qual-  
21 ity and well-qualified personnel.

22 (4) Recruiting on university campuses is one of  
23 the primary means of obtaining new, highly qualified  
24 personnel for the Armed Forces and is an integral,  
25 effective, and necessary part of overall military re-  
26 cruitment.



1           (5) In 1996, Congress enacted a provision of  
2 law that has become known as the “Solomon  
3 Amendment” that provides for the Secretary of De-  
4 fense to deny Federal funding to colleges and uni-  
5 versities if they prohibit or prevent ROTC or mili-  
6 tary recruitment on campus.

7           (6) A group of university law schools have chal-  
8 lenged the constitutionality of the Solomon Amend-  
9 ment, and the Supreme Court has agreed to hear  
10 the case in the term beginning in October 2005.

11       (b) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that—

13           (1) any college or university that discriminates  
14 against ROTC programs or military recruiters  
15 should be denied certain Federal taxpayer support,  
16 especially funding for many military and defense  
17 programs; and

18           (2) universities and colleges that receive Fed-  
19 eral funds should provide military recruiters access  
20 to college campuses and to college students equal in  
21 quality and scope to that provided all other employ-  
22 ers.

23       (c) REPORT REQUIRED.—Not later than one year  
24 after the date of the enactment of this Act, the Secretary  
25 of Defense shall submit to Congress a report on the col-

1 leges and universities that are denying equal access to  
 2 military recruiters and ROTC programs.

### 3 **TITLE VI—COMPENSATION AND** 4 **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.

Sec. 677. Comptroller General report regarding compensation and benefits for Reserve component members.

Sec. 678. Report on space-available travel for certain disabled veterans.

## 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  
4 adjustment to become effective during fiscal year 2006 re-  
5 quired by section 1009 of title 37, United States Code,  
6 in the rates of monthly basic pay authorized members of  
7 the 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  
10 the 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,”.

### 17       **SEC. 603. BASIC PAY RATES FOR RESERVE COMPONENT** 18                               **MEMBERS SELECTED TO ATTEND MILITARY** 19                               **SERVICE ACADEMY PREPARATORY SCHOOLS.**

20           (a) PAY EQUITY FOR RESERVES.—Section 203(e)(2)  
21 of title 37, United States Code, is amended—

1 (1) by striking “on active duty for a period of  
2 more than 30 days shall continue to receive” and in-  
3 sserting “shall receive”; and

4 (2) by inserting before the period at the end the  
5 following: “or at the rate provided for cadets and  
6 midshipmen under subsection (c), whichever is  
7 greater”.

8 (b) EFFECTIVE DATE.—The amendments made by  
9 subsection (a) shall take effect on the first day of the first  
10 month beginning on or after the date of the enactment  
11 of this Act.

12 **SEC. 604. CLARIFICATION OF RESTRICTION ON COMPENSA-**  
13 **TION FOR CORRESPONDENCE COURSES.**

14 Section 206(d)(1) of title 37, United States Code, is  
15 amended by inserting after “reserve component” the fol-  
16 lowing: “or by a member of the National Guard while not  
17 in Federal service”.

18 **SEC. 605. PERMANENT AUTHORITY FOR SUPPLEMENTAL**  
19 **SUBSISTENCE ALLOWANCE FOR LOW-INCOME**  
20 **MEMBERS WITH DEPENDENTS.**

21 (a) REPEAL OF TERMINATION PROVISION.—Section  
22 402a of title 37, United States Code, is amended by strik-  
23 ing subsection (i).

24 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
25 Subsection (f) of such section is amended—

1           (1) in the first sentence, by striking “Secretary  
2           of Transportation” and inserting “Secretary of  
3           Homeland Security, with respect to the Coast  
4           Guard”; and

5           (2) by striking the second sentence.

6 **SEC. 606. BASIC ALLOWANCE FOR HOUSING FOR RESERVE**  
7 **MEMBERS.**

8           (a) **EQUAL TREATMENT OF RESERVE MEMBERS.**—  
9           Subsection (g) of section 403 of title 37, United States  
10          Code, is amended—

11           (1) by redesignating paragraph (3) as para-  
12          graph (4);

13           (2) by inserting after paragraph (2) the fol-  
14          lowing new paragraph (3):

15           “(3) The rate of basic allowance for housing to  
16          be paid to the following members of a reserve com-  
17          ponent shall be equal to the rate in effect for simi-  
18          larly situated members of a regular component of  
19          the uniformed services:

20           “(A) A member who is called or ordered to  
21          active duty for a period of more than 30 days.

22           “(B) A member who is called or ordered to  
23          active duty for a period of 30 days or less in  
24          support of a contingency operation.”; and

1           (3) in paragraph (4), as so redesignated, by  
2           striking “less than 140 days” and inserting “30  
3           days or less”.

4           (b) CONFORMING AMENDMENT REGARDING MEM-  
5           BERS WITHOUT DEPENDENTS.—Paragraph (1) of such  
6           subsection is amended by inserting “or for a period of  
7           more than 30 days” after “in support of a contingency  
8           operation” both places it appears.

9           **SEC. 607. OVERSEAS COST OF LIVING ALLOWANCE.**

10          (a) PAYMENT OF ALLOWANCE BASED ON OVERSEAS  
11          LOCATION OF DEPENDENTS.—Section 405 of title 37,  
12          United States Code, is amended by adding at the end the  
13          following new subsection:

14          “(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS  
15          LOCATION OF DEPENDENTS.—In the case of a member  
16          assigned to duty inside the continental United States  
17          whose dependents continue to reside outside of the conti-  
18          nental United States, the Secretary concerned may pay  
19          the member a per diem under this section based on the  
20          location of the dependents and provide reimbursement  
21          under subsection (d) for an unusual or extraordinary ex-  
22          pense incurred by the dependents if the Secretary deter-  
23          mines that such payment or reimbursement is in the best  
24          interest of the member or the member’s dependents and  
25          in the best interest of the United States.”.

1 (b) CLARIFICATION OF EXPENSES ELIGIBLE FOR  
2 LUMP-SUM REIMBURSEMENT.—Subsection (d) of such  
3 section, as added by section 605 of the Ronald W. Reagan  
4 National Defense Authorization Act for Fiscal Year 2005  
5 (Public Law 108–375; 118 Stat. 1945), is further amend-  
6 ed—

7 (1) in the subsection heading, by striking  
8 “NONRECURRING” and inserting “UNUSUAL OR EX-  
9 TRAORDINARY”;

10 (2) by inserting “or (e)” after “subsection (a)”  
11 each place it appears; and

12 (3) in paragraph (1)—

13 (A) by striking “a nonrecurring” and in-  
14 serting “an unusual or extraordinary” in the  
15 matter preceding subparagraph (A); and

16 (B) in subparagraph (A), by inserting “or  
17 the location of the member’s dependents” be-  
18 fore the semicolon.

19 **SEC. 608. INCOME REPLACEMENT PAYMENTS FOR RE-**  
20 **SERVES EXPERIENCING EXTENDED AND FRE-**  
21 **QUENT MOBILIZATION FOR ACTIVE DUTY**  
22 **SERVICE.**

23 (a) IN GENERAL.—Chapter 19 of title 37, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing new section:



1 **“§ 910. Replacement of lost income: involuntarily mo-**  
2 **bilized reserve component members sub-**  
3 **ject to extended and frequent active duty**  
4 **service**

5 “(a) PAYMENT REQUIRED.—The Secretary con-  
6 cerned shall pay to an eligible member of a reserve compo-  
7 nent of the armed forces an amount equal to the monthly  
8 active-duty income differential of the member, as deter-  
9 mined by the Secretary. The payments shall be made on  
10 a monthly basis.

11 “(b) ELIGIBILITY.—Subject to subsection (c), a re-  
12 serve component member is entitled to a payment under  
13 this section for any full month of active duty of the mem-  
14 ber, while on active duty under an involuntary mobiliza-  
15 tion order, following the date on which the member—

16 “(1) completes 18 continuous months of service  
17 on active duty under such an order;

18 “(2) completes 24 months on active duty during  
19 the previous 60 months under such an order; or

20 “(3) is involuntarily mobilized for service on ac-  
21 tive duty six months or less following the member’s  
22 separation from the member’s previous period of ac-  
23 tive duty.

24 “(c) MINIMUM AND MAXIMUM PAYMENT  
25 AMOUNTS.—(1) A payment under this section shall be  
26 made to a member for a month only if the amount of the

1 monthly active-duty income differential for the month is  
2 greater than \$50.

3 “(2) Notwithstanding the amount determined under  
4 subsection (d) for a member for a month, the monthly pay-  
5 ment to a member under this section may not exceed  
6 \$3,000.

7 “(d) MONTHLY ACTIVE-DUTY INCOME DIFFEREN-  
8 TIAL.—For purposes of this section, the monthly active-  
9 duty income differential of a member is the difference be-  
10 tween—

11 “(1) the average monthly civilian income of the  
12 member; and

13 “(2) the member’s total monthly military com-  
14 pensation.

15 “(e) DEFINITIONS.—In this section:

16 “(1) The term ‘average monthly civilian in-  
17 come’, with respect to a member of a reserve compo-  
18 nent, means the amount, determined by the Sec-  
19 retary concerned, of the earned income of the mem-  
20 ber for either the 12 months preceding the member’s  
21 mobilization or the 12 months covered by the mem-  
22 ber’s most recent Federal income tax filing, divided  
23 by 12.

1           “(2) The term ‘total monthly military com-  
2           pensation’ means the amount, computed on a  
3           monthly basis, of the sum of—

4                   “(A) the amount of the regular military  
5           compensation (RMC) of the member; and

6                   “(B) any amount of special pay or incen-  
7           tive pay and any allowance (other than an al-  
8           lowance included in regular military compensa-  
9           tion) that is paid to the member on a monthly  
10          basis.”.

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

          “910. Replacement of lost income: involuntarily mobilized reserve component  
  members subject to extended and frequent active duty serv-  
  ice.”.

14          (c) EFFECTIVE DATE.—Section 910 of title 37,  
15 United States Code, as added by subsection (a), shall  
16 apply for months after December 2005.

17          (d) LIMITATION ON FISCAL YEAR 2006 OBLIGA-  
18 TIONS.—During fiscal year 2006, obligations incurred  
19 under section 910 of title 37, United States Code, to pro-  
20 vide income replacement payments to involuntarily mobi-  
21 lized members of a reserve component who are subject to  
22 extended and frequent active duty service may not exceed  
23 \$60,000,000.

1     **Subtitle B—Bonuses and Special**  
2                   **and Incentive Pays**

3     **SEC. 611. EXTENSION OR RESUMPTION OF CERTAIN BONUS**  
4                   **AND SPECIAL PAY AUTHORITIES FOR RE-**  
5                   **SERVE FORCES.**

6           (a) **SELECTED RESERVE REENLISTMENT BONUS.**—  
7     Section 308b(g) of title 37, United States Code, is amend-  
8     ed by striking “December 31, 2005” and inserting “De-  
9     cember 31, 2006”.

10          (b) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**  
11     **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section  
12     308d(c) of such title is amended by striking “December  
13     31, 2005” and inserting “December 31, 2006”.

14          (c) **READY RESERVE ENLISTMENT BONUS FOR PER-**  
15     **SONS WITHOUT PRIOR SERVICE.**—Section 308g(h) of  
16     such title is amended by striking “September 30, 1992”  
17     and inserting “December 31, 2006”.

18          (d) **READY RESERVE ENLISTMENT AND REENLIST-**  
19     **MENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Sec-  
20     tion 308h(g) of such title is amended by striking “Decem-  
21     ber 31, 2005” and inserting “December 31, 2006”.

22          (e) **SELECTED RESERVE ENLISTMENT BONUS FOR**  
23     **PERSONS WITH PRIOR SERVICE.**—Section 308i(f) of such  
24     title is amended by striking “December 31, 2005” and in-  
25     serting “December 31, 2006”.

1 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
2 **PAY AUTHORITIES FOR CERTAIN HEALTH**  
3 **CARE PROFESSIONALS.**

4 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
5 GRAM.—Section 2130a(a)(1) of title 10, United States  
6 Code, is amended by striking “December 31, 2005” and  
7 inserting “December 31, 2006”.

8 (b) REPAYMENT OF EDUCATION LOANS FOR CER-  
9 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
10 LECTED RESERVE.—Section 16302(d) of such title is  
11 amended by striking “January 1, 2006” and inserting  
12 “January 1, 2007”.

13 (c) ACCESSION BONUS FOR REGISTERED NURSES.—  
14 Section 302d(a)(1) of title 37, United States Code, is  
15 amended by striking “December 31, 2005” and inserting  
16 “December 31, 2006”.

17 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
18 THETISTS.—Section 302e(a)(1) of such title is amended  
19 by striking “December 31, 2005” and inserting “Decem-  
20 ber 31, 2006”.

21 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
22 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
23 CIALTIES.—Section 302g(f) of such title is amended by  
24 striking “December 31, 2005” and inserting “December  
25 31, 2006”.

1 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
2 Section 302h(a)(1) of such title is amended by striking  
3 “December 31, 2005” and inserting “December 31,  
4 2006”.

5 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
6 Section 302j(a) of such title is amended by striking “De-  
7 cember 31, 2005” and inserting “December 31, 2006”.

8 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**  
9 **THORITIES FOR NUCLEAR OFFICERS.**

10 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
11 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
12 312(e) of title 37, United States Code, is amended by  
13 striking “December 31, 2005” and inserting “December  
14 31, 2006”.

15 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
16 312b(c) of such title is amended by striking “December  
17 31, 2005” and inserting “December 31, 2006”.

18 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
19 BONUS.—Section 312c(d) of such title is amended by  
20 striking “December 31, 2005” and inserting “December  
21 31, 2006”.

22 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
23 **SPECIAL PAY AUTHORITIES.**

24 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
25 tion 301b(a) of title 37, United States Code, is amended

1 by striking “December 31, 2005” and inserting “Decem-  
2 ber 31, 2006”.

3 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f)  
4 of such title is amended by striking “December 31, 2006”  
5 and inserting “December 31, 2007”.

6 (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
7 BERS.—Section 308(g) of such title is amended by strik-  
8 ing “December 31, 2005” and inserting “December 31,  
9 2006”.

10 (d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
11 Section 309(e) of such title is amended by striking “De-  
12 cember 31, 2005” and inserting “December 31, 2006”.

13 (e) RETENTION BONUS FOR MEMBERS WITH CRIT-  
14 ICAL MILITARY SKILLS.—Section 323(i) of such title is  
15 amended by striking “December 31, 2005” and inserting  
16 “December 31, 2006”.

17 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
18 ICAL SKILLS.—Section 324(g) of such title is amended by  
19 striking “December 31, 2005” and inserting “December  
20 31, 2006”.

21 **SEC. 615. EXPANSION OF ELIGIBILITY OF DENTAL OFFI-**  
22 **CERS FOR ADDITIONAL SPECIAL PAY.**

23 (a) REPEAL OF INTERNSHIP AND RESIDENCY EX-  
24 CEPTION.—Section 302b(a)(4) of title 37, United States  
25 Code, is amended by striking the first sentence and insert-

1 ing the following new sentence: “An officer who is entitled  
2 to variable special pay under paragraph (2) or (3) is also  
3 entitled to additional special pay for any 12-month period  
4 during which an agreement executed under subsection (b)  
5 is in effect with respect to the officer.”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall take effect on October 1, 2005.

8 **SEC. 616. INCREASE IN MAXIMUM MONTHLY RATE AUTHOR-**  
9 **IZED FOR HARDSHIP DUTY PAY.**

10 (a) INCREASE.—Section 305(a) of title 37, United  
11 States Code, is amended by striking “\$300” and inserting  
12 “\$750”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect on October 1, 2005.

15 **SEC. 617. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE**  
16 **PAY.**

17 (a) AUTHORITY TO PROVIDE LUMP SUM OR IN-  
18 STALLMENT PAYMENTS.—Section 307a of title 37, United  
19 States Code, is amended—

20 (1) in subsection (a), by striking “monthly”;

21 (2) in subsection (b)—

22 (A) by inserting “(1)” before the first sen-  
23 tence;

24 (B) in the second sentence, by striking  
25 “and, subject to subsection (c), the monthly



1 rate of the incentive pay.” and inserting “, the  
2 total or monthly amount to be paid under the  
3 agreement, and whether the incentive pay will  
4 be provided on a monthly basis, in a lump sum,  
5 or in installments other than monthly.”; and

6 (C) by adding at the end the following new  
7 paragraph:

8 “(2) The Secretary concerned and a member may  
9 agree to extend an existing agreement under this section  
10 to cover an additional period of service in a designated  
11 assignment.”; and

12 (3) in subsection (c), by adding at the end the  
13 following new sentences: “The maximum amount of  
14 a lump sum payment under an agreement under this  
15 section may not exceed the product of the maximum  
16 monthly rate and the number of months covered by  
17 the agreement. Installment payments shall be cal-  
18 culated using the same formula for the months cov-  
19 ered by the installment.”.

20 (b) REPAYMENT OF INCENTIVE PAY.—Such section  
21 is further amended—

22 (1) by redesignating subsection (f), as amended  
23 by section 614(b), as subsection (g); and

24 (2) by inserting after subsection (e) the fol-  
25 lowing 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  
11 Code, 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”  
16 and inserting “24 years”.

17       (b) INCREASE IN AUTHORIZED MAXIMUM AMOUNT  
18 OF BONUS.—Paragraph (2)(B) of such subsection is  
19 amended 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  
16           312a.

17          (f) **EFFECTIVE DATE.**—The amendments made by  
18           this section shall take effect on October 1, 2005.

19 **SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF SE-**  
20 **LECTED RESERVE.**

21          (a) **ELIGIBILITY OF SENIOR ENLISTED MEMBERS.**—  
22           Subsection (a)(1) of section 308b of title 37, United  
23           States Code, is amended by striking “16 years of total  
24           military service” and inserting “20 years of total military  
25           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 exten-  
 5 sion of enlistment of a member that, when added to the  
 6 total years of service of the member at the time of dis-  
 7 charge or release, exceeds 24 years may not be used in  
 8 computing the 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  
 12 Secretary” and inserting “In time of war or national  
 13 emergency, 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  
 18 37, 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  
 22 Secretary concerned may pay an affiliation bonus to an  
 23 enlisted 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  
2           Secretary to serve in the Selected Reserve, after  
3           being discharged or released from active duty, for a  
4           period of not less than three years in a skill, unit,  
5           or pay grade 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 Sec-  
10          retary concerned may pay an accession bonus to a person  
11          who—

12                  “(1) has not previously served in the armed  
13          forces; and

14                  “(2) executes a written agreement to serve as  
15          an enlisted member in the Selected Reserve for a pe-  
16          riod of not less than three years.

17          “(c) **LIMITATION ON AMOUNT OF BONUS.**—The  
18          amount of a bonus under subsection (a) or (b) may not  
19          exceed \$15,000.

20          “(d) **PAYMENT METHOD.**—Upon acceptance of a  
21          written agreement by the Secretary concerned under sub-  
22          section (a) or (b), the total amount of the bonus payable  
23          under the agreement becomes fixed. The agreement shall  
24          specify whether the bonus will be paid by the Secretary  
25          in a lump sum or in installments.

1       “(e) PAYMENT TO MOBILIZED MEMBERS.—A mem-  
2 ber of the Selected Reserve entitled to a bonus under this  
3 section who is called or ordered to active duty shall be  
4 paid, during that period of active duty, any amount of the  
5 bonus that becomes payable to the member during that  
6 period of active duty.

7       “(f) REPAYMENT.—A person who enters into an  
8 agreement under subsection (a) or (b) and receives all or  
9 part of the bonus under the agreement, but who does not  
10 commence to serve in the Selected Reserve or does not  
11 satisfactorily participate in the Selected Reserve for the  
12 total period of service specified in the agreement, shall be  
13 subject to the repayment provisions of section 303a(e) of  
14 this title.

15       “(g) REGULATIONS.—This section shall be adminis-  
16 tered under regulations prescribed by the Secretary of De-  
17 fense for the armed forces under the jurisdiction of the  
18 Secretary of Defense and by the Secretary of Homeland  
19 Security for the Coast Guard when it is not operating as  
20 a service in the Navy.

21       “(h) TERMINATION OF BONUS AUTHORITY.—No  
22 bonus may be paid under this section with respect to any  
23 agreement under subsection (a) or (b) entered into after  
24 December 31, 2006.”.

1 (b) REPEAL OF SEPARATE RESERVE AFFILIATION  
2 BONUS.—Section 308e of such title is repealed.

3 (c) CLERICAL AMENDMENTS.—The table of sections  
4 at the beginning of chapter 5 of such title is amended—  
5 (1) by striking the item relating to section 308c  
6 and inserting the following new item:

“308c. Special pay: bonus for affiliation or enlistment the Select Reserve.”.

7 (2) by striking the item relating to section  
8 308e.

9 (d) LIMITATION ON FISCAL YEAR 2006 OBLIGA-  
10 TIONS.—During fiscal year 2006, obligations incurred  
11 under section 308c of title 37, United States Code, to pro-  
12 vide bonuses for affiliation or enlistment in the Select Re-  
13 serve using the expanded authority provided by the  
14 amendment made by subsection (a) may not exceed  
15 \$30,000,000. The bonus authority available under such  
16 section shall not be considered to be an expanded author-  
17 ity to the extent that the authority was available under  
18 section 308e of such title, before the repeal of such section  
19 by subsection (b).

20 **SEC. 621. ELIGIBILITY REQUIREMENTS FOR PRIOR SERV-**  
21 **ICE ENLISTMENT BONUS.**

22 Section 308i(a)(2) of title 37, United States Code,  
23 is amended by striking subparagraph (A) and inserting  
24 the following new subparagraph:

1           “(A) The person has not more than 16 years of  
2           total military service and received an honorable dis-  
3           charge at the conclusion of all prior periods of serv-  
4           ice.”.

5   **SEC. 622. INCREASE IN AUTHORIZED MAXIMUM AMOUNT**  
6                           **OF ENLISTMENT BONUS.**

7           (a) INCREASE.—Section 309(a) of title 37, United  
8           States Code, is amended by striking “\$20,000” and in-  
9           serting “\$30,000”.

10          (b) LIMITATION ON FISCAL YEAR 2006 OBLIGA-  
11          TIONS.—During fiscal year 2006, obligations incurred  
12          under section 309 of title 37, United States Code, to pro-  
13          vide enlistment bonuses in the increased amounts author-  
14          ized by the amendment made by subsection (a) may not  
15          exceed \$30,000,000.

16   **SEC. 623. DISCRETION OF SECRETARY OF DEFENSE TO AU-**  
17                           **THORIZE RETROACTIVE HOSTILE FIRE AND**  
18                           **IMMINENT DANGER PAY.**

19          Section 310(e) of title 37, United States Code, is  
20          amended—

21                  (1) by redesignating paragraphs (1) and (2) as  
22                  paragraphs (2) and (3), respectively; and

23                  (2) by inserting before paragraph (2), as so re-  
24                  designated, the following new paragraph (1):



1           “(1) In the case of an area described in subparagraph  
2 (B) or (D) of subsection (a)(2), the Secretary of Defense  
3 shall be responsible for designating the period during  
4 which duty in the area will qualify members for special  
5 pay under this section. The effective date designated for  
6 the commencement of such a period may be a date occur-  
7 ring before, on, or after the actual date on which the Sec-  
8 retary makes the designation. If the commencement date  
9 for such a period is a date occurring before the date on  
10 which the Secretary makes the designation, the payment  
11 of special pay under this section for the period between  
12 the commencement date and the date on which the Sec-  
13 retary made the designation shall be subject to the avail-  
14 ability of appropriated funds for that purpose.”.

15 **SEC. 624. INCREASE IN MAXIMUM BONUS AMOUNT FOR NU-**  
16 **CLEAR-QUALIFIED OFFICERS EXTENDING PE-**  
17 **RIOD OF ACTIVE DUTY.**

18           Section 312(a) of title 37, United States Code, is  
19 amended by striking “\$25,000” and inserting “\$30,000”.

1 **SEC. 625. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR**  
2 **CAREER ANNUAL INCENTIVE BONUS FOR NU-**  
3 **CLEAR-QUALIFIED OFFICERS TRAINED**  
4 **WHILE SERVING AS ENLISTED MEMBERS.**

5 Section 312c(b)(1) of title 37, United States Code,  
6 is amended by striking “\$10,000” and inserting  
7 “14,000”.

8 **SEC. 626. UNIFORM PAYMENT OF FOREIGN LANGUAGE**  
9 **PROFICIENCY PAY TO ELIGIBLE RESERVE**  
10 **COMPONENT MEMBERS AND REGULAR COM-**  
11 **PONENT MEMBERS.**

12 (a) AVAILABILITY OF BONUS IN LIEU OF MONTHLY  
13 SPECIAL PAY.—Subsection (a) of section 316 of title 37,  
14 United States Code, is amended—

15 (1) by striking “monthly special pay” and in-  
16 serting “a bonus”; and

17 (2) by striking “is entitled to basic pay under  
18 section 204 of this title and who”.

19 (b) PAYMENT OF BONUS.—Such section is further  
20 amended—

21 (1) by striking subsections (b), (d), (e), and (g);

22 (2) by redesignating subsections (f) and (h) as  
23 subsections (d) and (f) respectively;

24 (3) by inserting after subsection (a) the fol-  
25 lowing new subsection (b):

1       “(b) BONUS AMOUNT; TIME FOR PAYMENT.—A  
2 bonus under subsection (a) may not exceed \$12,000 per  
3 one-year certification period. The Secretary concerned  
4 may pay the bonus in a single lump sum at the beginning  
5 of the certification period or in installments during the  
6 certification period. The bonus is in addition to any other  
7 pay or allowance payable to a member under any other  
8 provision of law.”.

9       (c) CONFORMING AMENDMENTS.—Such section is  
10 further amended—

11           (1) in subsection (c)—

12                   (A) by striking “special pay or” both  
13 places it appears; and

14                   (B) by striking “or (b)”;

15           (2) in subsection (d), as redesignated by sub-  
16 section (b)(2)—

17                   (A) in paragraph (1)—

18                           (i) by striking “monthly special pay  
19 or” in the matter preceding subparagraph  
20 (A); and

21                           (ii) in subparagraph (C), by striking  
22 “for receipt” and all that follows through  
23 the period at the end and inserting “under  
24 subsection (a)”;

1 (B) in paragraph (2), by striking “For  
2 purposes” and all that follows through “the  
3 Secretary concerned” and inserting “The Sec-  
4 retary concerned”;

5 (C) in paragraph (3)—

6 (i) by striking “special pay or” both  
7 places it appears; and

8 (ii) by striking “subsection (h)” and  
9 inserting “subsection (f)”;

10 (D) in paragraph (4), by striking “sub-  
11 section (g)” and inserting “section 303a(e) of  
12 this title”; and

13 (3) by inserting after such subsection (d) the  
14 following new subsection (e):

15 “(e) REPAYMENT.—A member who receives a bonus  
16 under this section, but who does not satisfy an eligibility  
17 requirement specified in paragraph (1), (2), (3), or (4)  
18 of subsection (a) for the entire certification period, shall  
19 be subject to the repayment provisions of section 303a(e)  
20 of this title.”.

21 (d) CLERICAL AMENDMENTS.—

22 (1) SECTION HEADING.—The heading of such  
23 section is amended to read as follows:

1 **“§ 316. Special pay: bonus for members with foreign**  
2 **language proficiency”.**

3 (2) TABLE OF SECTIONS.—The table of sections  
4 at the beginning of chapter 5 of such title is amend-  
5 ed by striking the item relating to section 316 and  
6 inserting the following new item:

“316. Special pay: bonus for members with foreign language proficiency.”.

7 **SEC. 627. RETENTION BONUS FOR MEMBERS QUALIFIED IN**  
8 **CERTAIN CRITICAL SKILLS OR SATISFYING**  
9 **OTHER ELIGIBILITY CRITERIA.**

10 (a) AVAILABILITY OF BONUS FOR RESERVE COMPO-  
11 NENT MEMBERS.—Section 323 of title 37, United States  
12 Code, is amended—

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph (1),  
15 by striking “who is serving on active duty and”  
16 and inserting “who is serving on active duty in  
17 a regular component or in an active status in  
18 a reserve component and who”;

19 (B) in paragraph (1), by inserting “or to  
20 remain in an active status in a reserve compo-  
21 nent for at least one year” before the semi-  
22 colon; and

23 (C) in paragraph (3), by inserting “or to  
24 remain in an active status in a reserve compo-

1           ment for a period of at least one year” before  
2           the period; and

3           (2) in subsection (e)(1), by inserting “or service  
4           in an active status in a reserve component” after  
5           “active duty” each place it appears.

6           (b) ADDITIONAL CRITERIA FOR BONUS.—Such sec-  
7           tion is further amended—

8           (1) in subsection (a), by striking “designated  
9           critical military skill” and inserting “critical military  
10          skill designated under subsection (b) or satisfies  
11          such other eligibility criteria established under such  
12          subsection”;

13          (2) in subsection (b)—

14                 (A) by striking “DESIGNATION OF CRIT-  
15                 ICAL SKILLS.—” and inserting “ELIGIBILITY  
16                 CRITERIA.—(1)”;

17                 (B) by adding at the end the following new  
18                 paragraph:

19                 “(2) The Secretary of Defense, and the Secretary of  
20                 Homeland Security with respect to the Coast Guard when  
21                 it is not operating as a service in the Navy, may establish  
22                 such other criteria as the Secretary considers appropriate  
23                 under which a retention bonus will be provided to a mem-  
24                 ber of the armed forces under subsection (a).”;

1           (3) in subsection (h)(1), by striking “members  
2           qualified in the critical military skills for which the  
3           bonuses were offered” and inserting “members of  
4           the armed forces who were offered a bonus under  
5           this section”.

6           (c) EXTENDED ELIGIBILITY PERIOD FOR CERTAIN  
7 MEMBERS.—Subsection (e) of such section is amended by  
8 striking paragraph (2) and inserting the following new  
9 paragraphs:

10          “(2) The limitations in paragraph (1) do not apply  
11 with respect to an officer who, during the period of active  
12 duty or service in an active status in a reserve component  
13 for which the bonus is being offered, is assigned duties  
14 as a health care professional.

15          “(3) The limitations in paragraph (1) do not apply  
16 with respect to a member who, during the period of active  
17 duty or service in an active status in a reserve component  
18 for which the bonus is being offered—

19               “(A) is qualified in a skill designated as critical  
20               under subsection (b)(1) related to special operations  
21               forces; or

22               “(B) is qualified for duty in connection with the  
23               supervision, operation, and maintenance of naval nu-  
24               clear propulsion plants.”.

1 (d) REPAYMENT REQUIREMENTS.—Subsection (g) of  
2 such section is amended to read as follows:

3 “(g) REPAYMENT.—A member paid a bonus under  
4 this section who fails, during the period of service covered  
5 by the member’s agreement, reenlistment, or voluntary ex-  
6 tension of enlistment under subsection (a), to remain  
7 qualified in the critical military skill or to satisfy the other  
8 eligibility criteria for which the bonus was paid shall be  
9 subject to the repayment provisions of section 303a(e) of  
10 this title.”.

11 (e) CLERICAL AMENDMENTS.—

12 (1) SECTION HEADING.—The heading of section  
13 323 of such title is amended to read as follows:

14 **“§ 323. Special pay: retention incentives for members**  
15 **qualified in a critical military skill or**  
16 **who satisfy other eligibility criteria”.**

17 (2) TABLE OF SECTIONS.—The table of sections  
18 at the beginning of chapter 5 of such title is amend-  
19 ed by striking the item relating to section 323 and  
20 inserting the following new item:

“323. Special pay: retention incentives for members qualified in a critical mili-  
tary skill or who satisfy other eligibility criteria.”.

21 (f) EFFECTIVE DATE.—Section 323(a) of title 37,  
22 United States Code, as amended by this section, shall  
23 apply to agreements, reenlistments, and the voluntary ex-



1 tension of enlistments referred to in subsection (a) of such  
2 section entered into on or after October 1, 2005.

3 **SEC. 628. AVAILABILITY OF CRITICAL-SKILLS ACCESSION**  
4 **BONUS FOR PERSONS ENROLLED IN SENIOR**  
5 **RESERVE OFFICERS' TRAINING CORPS WHO**  
6 **ARE OBTAINING NURSING DEGREES.**

7 (a) **AUTHORITY TO PROVIDE BONUS.**—Section 324  
8 of title 37, United States Code, as amended by section  
9 614(f) of this Act, is further amended—

10 (1) by redesignating subsections (f) and (g) as  
11 subsections (g) and (h), respectively; and

12 (2) by inserting after subsection (e) the fol-  
13 lowing new subsection:

14 “(f) **NURSE CANDIDATES IN SENIOR RESERVE OFFI-**  
15 **CERS' TRAINING CORPS.**—(1) A person enrolled in the  
16 Senior Reserve Officers' Training Corps program of the  
17 Army for advanced training under chapter 103 of title 10,  
18 including a person receiving financial assistance under  
19 section 2107 of such title, may receive an accession bonus  
20 under this section if the person—

21 “(A) has completed the second year of an ac-  
22 credited baccalaureate degree program in nursing;  
23 and

1           “(B) executes an agreement under this section  
2           to serve on active duty as a commissioned officer in  
3           the Army Nurse Corps.

4           “(2) Notwithstanding subsection (c), the amount of  
5           the accession bonus paid to a person described in para-  
6           graph (1) may not exceed \$5,000.”.

7           (b) **RETROACTIVE APPLICATION TO EXISTING**  
8           **AGREEMENTS.**—Subsection (f) of section 324 of title 37,  
9           United States Code, as added by subsection (a), shall  
10          apply with respect to agreements referred to in paragraph  
11          (1)(B) of such subsection executed on or after October 5,  
12          2004.

## 13                           **Subtitle C—Travel and** 14                           **Transportation Allowances**

15          **SEC. 641. AUTHORIZED ABSENCES OF MEMBERS FOR**  
16                           **WHICH LODGING EXPENSES AT TEMPORARY**  
17                           **DUTY LOCATION MAY BE PAID.**

18          (a) **ABSENCES COVERED BY ALLOWANCE.**—Section  
19          404b of title 37, United States Code, is amended—

20                  (1) in subsection (a), by striking “while the  
21                  member is in an authorized leave status” and insert-  
22                  ing “during an authorized absence of the member  
23                  from the temporary duty location”;

24                  (2) in subsection (b)—

1 (A) in paragraph (1), by striking “taking  
2 the authorized leave” and inserting “the au-  
3 thorized absence”; and

4 (B) in paragraph (3), by striking “imme-  
5 diately after completing the authorized leave”  
6 and inserting “before the end of the authorized  
7 absence”;

8 (3) in subsection (c), by striking “while the  
9 member was in an authorized leave status” and in-  
10 sserting “during the authorized absence of the mem-  
11 ber”; and

12 (4) by adding at the end the following new sub-  
13 section:

14 “(d) AUTHORIZED ABSENCE DEFINED.—In this sec-  
15 tion, the term ‘authorized absence’, with respect to a mem-  
16 ber, means that the member is in an authorized leave sta-  
17 tus or that the absence of the member is otherwise author-  
18 ized by the commander of the member.”.

19 (b) CLERICAL AMENDMENTS.—

20 (1) SECTION HEADING.—The heading of such  
21 section is amended to read as follows:

1 **“§ 404b. Travel and transportation allowances: pay-**  
 2 **ment of lodging expenses at temporary**  
 3 **duty location during authorized absence**  
 4 **of member”.**

5 (2) TABLE OF SECTIONS.—The table of sections  
 6 at the beginning of chapter 7 of such title is amend-  
 7 ed by striking the item relating to section 404b and  
 8 inserting the following new item:

“404b. Travel and transportation allowances: payment of lodging expenses at  
 temporary duty location during authorized absence of mem-  
 ber.”.

9 **SEC. 642. EXTENDED PERIOD FOR SELECTION OF HOME**  
 10 **FOR TRAVEL AND TRANSPORTATION ALLOW-**  
 11 **ANCES FOR DEPENDENTS OF DECEASED**  
 12 **MEMBER.**

13 (a) DEATH OF MEMBER ENTITLED TO BASIC PAY.—  
 14 Subsection (f) section 406 of title 37, United States Code,  
 15 is amended—

16 (1) by inserting “(1)” after “(f)”;

17 (2) by striking “he” and inserting “the mem-  
 18 ber”; and

19 (3) by adding at the end the following new  
 20 paragraph:

21 “(2) The Secretary concerned shall give the depend-  
 22 ents of a member described in paragraph (1) a period of  
 23 not less than three years, beginning on the date of the  
 24 death of the member, during which to select a home for

1 the purposes of the travel and transportation allowances  
2 authorized by this section.”.

3 (b) CERTAIN OTHER DECEASED MEMBERS.—Sub-  
4 section (g)(3) of such section is amended in the first sen-  
5 tence—

6 (1) by striking “he exercises it” and inserting  
7 “the member exercises the right or entitlement”;

8 (2) by striking “his baggage and household ef-  
9 fects” and inserting “the baggage and household ef-  
10 fects of the deceased member”; and

11 (3) by striking “his surviving dependents or, if”  
12 and inserting “the surviving dependents at any time  
13 before the end of the three-year period beginning on  
14 the date on which the member accrued that right or  
15 benefit. If”.

16 **SEC. 643. TRANSPORTATION OF FAMILY MEMBERS INCI-**  
17 **DENT TO REPATRIATION OF MEMBERS HELD**  
18 **CAPTIVE.**

19 (a) ALLOWANCES AUTHORIZED.—Chapter 7 of title  
20 37, United States Code, is amended by inserting after sec-  
21 tion 411i the following new section:

1 **“§ 411j. Travel and transportation allowances: trans-**  
2 **portation of family members incident to**  
3 **repatriation of members held captive**

4 “(a) ALLOWANCES AUTHORIZED.—(1) The Secretary  
5 concerned may provide the travel and transportation al-  
6 lowances described in subsection (c) to not more than  
7 three family members of a member of the uniformed serv-  
8 ices who—

9 “(A) is serving on active duty;

10 “(B) was officially carried or determined to be  
11 absent in a missing status (as defined in section 551  
12 of this title); and

13 “(C) is repatriated to a site in or outside the  
14 United States.

15 “(2) In circumstances determined to be appropriate  
16 by the Secretary concerned, the Secretary may waive the  
17 limitation on the number of family members of a member  
18 provided travel and transportation allowances under this  
19 section.

20 “(b) ELIGIBLE PERSONS.—(1) In this section, the  
21 term ‘family member’ has the meaning given that term  
22 in section 411h(b) of this title.

23 “(2) The Secretary concerned may also provide the  
24 travel and transportation allowances to an attendant who  
25 accompanies a family member if the Secretary determines  
26 that—

1           “(A) the family member is unable to travel un-  
2           attended because of age, physical condition, or other  
3           justifiable reason; and

4           “(B) no other family member who is receiving  
5           the allowances under this section is able to serve as  
6           an attendant for the family member.

7           “(3) If no family member is able to travel to the repa-  
8           triation site, the Secretary concerned may provide the  
9           travel and transportation allowances to not more than two  
10          persons who are related to the member (but who do not  
11          satisfy the definition of family member) and are selected  
12          by the member.

13          “(c) ALLOWANCES DESCRIBED.—(1) The transpor-  
14          tation authorized by subsection (a) is round-trip transpor-  
15          tation between—

16                 “(A) the home of the family member (or the  
17                 home of an attendant or other person provided  
18                 transportation pursuant to paragraph (2) or (3) of  
19                 subsection (b)); and

20                 “(B) the location of the repatriation site or  
21                 other location determined to be appropriate by the  
22                 Secretary concerned.

23          “(2) In addition to the transportation authorized by  
24          subsection (a), the Secretary concerned may provide a per  
25          diem allowance or reimbursement for the actual and nec-

1 essary expenses of the travel, or a combination thereof,  
2 but not to exceed the rates established under section  
3 404(d) of this title.

4 “(d) PROVISION OF ALLOWANCES.—(1) The trans-  
5 portation authorized by subsection (a) may be provided  
6 by any of the following means:

7 “(A) Transportation in-kind.

8 “(B) A monetary allowance in place of trans-  
9 portation in-kind at a rate to be prescribed by the  
10 Secretaries concerned.

11 “(C) Reimbursement for the commercial cost of  
12 transportation.

13 “(2) An allowance payable under this subsection may  
14 be paid in advance.

15 “(3) Reimbursement payable under this subsection  
16 may not exceed the cost of government-procured commer-  
17 cial round-trip air travel.

18 “(e) REGULATIONS.—The Secretaries concerned shall  
19 prescribe uniform regulations to carry out this section.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 7 of such title is amended by  
22 inserting after the item relating to section 411i the fol-  
23 lowing new item:

“411j. Travel and transportation allowances: transportation of family members  
incident to repatriation of members held captive.”.



1 **SEC. 644. INCREASED WEIGHT ALLOWANCES FOR SHIP-**  
 2 **MENT OF HOUSEHOLD GOODS OF SENIOR**  
 3 **NONCOMMISSIONED OFFICERS.**

4 (a) INCREASE.—The table in section 406(b)(1)(C) of  
 5 title 37, United States Code, is amended by striking the  
 6 items relating to pay grades E–7 through E–9 and insert-  
 7 ing the following new items:

“E–9 .....	13,000	15,000
E–8 .....	12,000	14,000
E–7 .....	11,000	13,000”.

8 (b) EFFECTIVE DATE.—The amendment made by  
 9 subsection (a) shall take effect on January 1, 2006, and  
 10 apply with respect to an order in connection with a change  
 11 of temporary or permanent station issued on or after that  
 12 date.

13 **Subtitle D—Retired Pay and**  
 14 **Survivor Benefits**

15 **SEC. 651. MONTHLY DISBURSEMENT TO STATES OF STATE**  
 16 **INCOME TAX WITHHELD FROM RETIRED OR**  
 17 **RETAINER PAY.**

18 Section 1045(a) of title 10, United States Code, is  
 19 amended in the third sentence—

20 (1) by striking “quarter” the first place it ap-  
 21 pears and inserting “month”; and

1           (2) by striking “during the month following  
2           that calendar quarter” and inserting “during the fol-  
3           lowing calendar month”.

4 **SEC. 652. REVISION TO ELIGIBILITY FOR NONREGULAR**  
5 **SERVICE RETIREMENT AFTER ESTABLISHING**  
6 **ELIGIBILITY FOR REGULAR RETIREMENT.**

7           (a) REVISION TO ALLOW CONTINUATION IN ACTIVE  
8 STATUS.—Subsection (a) of section 12741 of title 10,  
9 United States Code, is amended—

10           (1) in the matter preceding paragraph (1), by  
11           striking “becoming entitled to” and inserting “hav-  
12           ing met the requirements for”; and

13           (2) in paragraph (3), by striking “become enti-  
14           tled to” and inserting “met the requirements for”.

15           (b) CONFORMING AMENDMENT.—Subsection (b)(1)  
16 of such section is amended by striking “entitlement to”  
17 and inserting “eligibility for”.

18           (c) CLERICAL AMENDMENTS.—

19           (1) SECTION HEADING.—The heading of such  
20           section is amended to read as follows:

21 **“§ 12741. Retirement from active reserve service per-**  
22 **formed after becoming eligible for reg-**  
23 **ular retirement”.**

24           (2) TABLE OF SECTIONS.—The item relating to  
25           section 12741 in the table of sections at the begin-

1           ning of chapter 1223 of such title is amended to  
2           read as follows:

          “12741. Retirement from active reserve service performed after becoming eligi-  
          ble for regular retirement.”.

3       **SEC. 653. DENIAL OF MILITARY FUNERAL HONORS IN CER-**  
4                                       **TAIN CASES.**

5           (a) ADDITIONAL CIRCUMSTANCES FOR DENIAL OF  
6       FUNERAL HONORS.—Subsection (a) of section 985 of title  
7       10, United States Code, is amended—

8                   (1) by inserting “(under section 1491 of this  
9                   title or any other authority)” after “military hon-  
10                  ors”; and

11                  (2) by striking “a person” and all that follows  
12                  and inserting “any of the following persons:

13                       “(1) A person who has been convicted of a cap-  
14                       ital offense under Federal or State law for which the  
15                       person was sentenced to death or life imprisonment  
16                       without parole.

17                       “(2) A person not covered by paragraph (1)  
18                       who is ineligible for interment in Arlington National  
19                       Cemetery or a national cemetery under the control  
20                       of the National Cemetery Administration by reason  
21                       of section 2411(b) of title 38.

22                       “(3) A person who is a veteran (as defined in  
23                       section 1491(h) of this title) or who died while on  
24                       active duty or a member of a reserve component,

1 when the circumstances surrounding the person's  
2 death or other circumstances as specified by the Sec-  
3 retary of Defense are such that to provide military  
4 honors at the funeral or burial of the person would  
5 bring discredit upon the person's service (or former  
6 service).”.

7 (b) CLERICAL AMENDMENTS.—

8 (1) SECTION HEADING.—The heading of such  
9 section is amended to read as follows:

10 **“§ 985. Persons convicted of capital crimes; certain**  
11 **other persons: denial of specified burial-**  
12 **related benefits”.**

13 (2) TABLE OF SECTIONS.—The item relating to  
14 section 985 in the table of sections at the beginning  
15 of chapter 49 of such title is amended to read as fol-  
16 lows:

“985. Persons convicted of capital crimes; certain other persons: denial of speci-  
fied burial-related benefits.”.

17 (c) CROSS-REFERENCE AMENDMENT.—Section  
18 1491(a) of such title is amended by inserting before the  
19 period at the end the following: “, except when military  
20 honors are prohibited under section 985(a) of this title”.

21 (d) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply with respect to funerals and burials  
23 that occur on or after the date of the enactment of this  
24 Act.

1 **SEC. 654. CHILD SUPPORT FOR CERTAIN MINOR CHILDREN**  
2 **OF RETIREMENT-ELIGIBLE MEMBERS CON-**  
3 **VICTED OF DOMESTIC VIOLENCE RESULTING**  
4 **IN DEATH OF CHILD'S OTHER PARENT.**

5 (a) **AUTHORITY FOR COURT-ORDERED PAYMENTS.—**

6 Section 1408(h) of title 10, United States Code, is amend-  
7 ed—

8 (1) in paragraph (1)—

9 (A) by inserting “(A)” after “(1)”; and

10 (B) by adding at the end of such para-  
11 graph the following:

12 “(B) If, in the case of a member or former member  
13 of the armed forces referred to in paragraph (2)(A), a  
14 court order provides for the payment as child support of  
15 an amount from the disposable retired pay of that member  
16 or former member (as certified under paragraph (4)) to  
17 an eligible dependent child of the member or former mem-  
18 ber, the Secretary concerned, beginning upon effective  
19 service of such court order, shall pay that amount in ac-  
20 cordance with this subsection to such dependent child.”;

21 (2) in paragraph (2)—

22 (A) in the matter preceding subparagraph

23 (A), by inserting “, or a dependent child,” after  
24 “former spouse”;

25 (B) in subparagraph (B)—

1 (i) by inserting “in the case of eligi-  
2 bility of a spouse or former spouse under  
3 paragraph (1)(A),” after “(B)”;

4 (ii) by striking the period at the end  
5 and inserting “; and”;

6 (C) by adding at the end the following new  
7 subparagraph:

8 “(C) in the case of eligibility of a dependent  
9 child under paragraph (1)(B), the other parent of  
10 the child died as a result of the misconduct that re-  
11 sulted in the termination of retired pay.”;

12 (3) in paragraph (4), by inserting “, or an eligi-  
13 ble dependent child,” after “former spouse”;

14 (4) in paragraph (5), by inserting “, or the de-  
15 pendent child,” after “former spouse”; and

16 (5) in paragraph (6), by inserting “, or to a de-  
17 pendent child,” after “former spouse”.

18 (b) EFFECTIVE DATE.—A court order authorized by  
19 the amendments made by this section may not provide for  
20 a payment attributable to any period before October 1,  
21 2005, or the date of the court order, whichever is later.

1 **SEC. 655. CONCURRENT RECEIPT OF VETERANS DIS-**  
2 **ABILITY COMPENSATION AND MILITARY RE-**  
3 **TIRED PAY.**

4 Section 1414(a) of title 10, United States Code, is  
5 amended by inserting before the period at the end the fol-  
6 lowing: “, and in the case of a qualified retiree receiving  
7 veterans’ disability compensation at the rate payable for  
8 a 100 percent disability by reason of a determination of  
9 individual unemployability, payment of retired pay to such  
10 veteran is subject to subsection (c) only during the period  
11 beginning on January 1, 2004, and ending on September  
12 30, 2009”.

13 **SEC. 656. MILITARY SURVIVOR BENEFIT PLAN BENE-**  
14 **FICIARIES UNDER INSURABLE INTEREST**  
15 **COVERAGE.**

16 (a) **AUTHORITY TO ELECT NEW BENEFICIARY.—**  
17 Section 1448(b)(1) of title 10, United States Code, is  
18 amended—

19 (1) by inserting “or under subparagraph (G) of  
20 this paragraph” in the second sentence of subpara-  
21 graph (E) before the period at the end; and

22 (2) by adding at the end the following new sub-  
23 paragraph:

24 “(G) **ELECTION OF NEW BENEFICIARY**  
25 **UPON DEATH OF PREVIOUS BENEFICIARY.—**

1           “(i) AUTHORITY FOR ELECTION.—If  
2           the reason for discontinuation in the Plan  
3           is the death of the beneficiary, the partici-  
4           pant in the Plan may elect a new bene-  
5           ficiary. Any such beneficiary must be a  
6           natural person with an insurable interest  
7           in the participant. Such an election may be  
8           made only during the 180-day period be-  
9           ginning on the date of the death of the  
10          previous beneficiary.

11          “(ii) PROCEDURES.—Such an election  
12          shall be in writing, signed by the partici-  
13          pant, and made in such form and manner  
14          as the Secretary concerned may prescribe.  
15          Such an election shall be effective the first  
16          day of the first month following the month  
17          in which the election is received by the  
18          Secretary.

19          “(iii) VITIATION OF ELECTION BY  
20          PARTICIPANT WHO DIES WITHIN TWO  
21          YEARS OF ELECTION.—If a person pro-  
22          viding an annuity under a election under  
23          clause (i) dies before the end of the two-  
24          year period beginning on the effective date  
25          of the election—



1                   “(I) the election is vitiated; and  
2                   “(II) the amount by which the  
3                   person’s retired pay was reduced  
4                   under section 1452 of this title that is  
5                   attributable to the election shall be  
6                   paid in a lump sum to the person who  
7                   would have been the deceased person’s  
8                   beneficiary under the vitiated election  
9                   if the deceased person had died after  
10                  the end of such two-year period.”.

11           (b) CHANGE IN PREMIUM FOR COVERAGE OF NEW  
12 BENEFICIARY.—Section 1452(c) of such title is amended  
13 by adding at the end the following new paragraph:

14                   “(5) RULE FOR DESIGNATION OF NEW INSUR-  
15                   ABLE INTEREST BENEFICIARY FOLLOWING DEATH  
16                   OF ORIGINAL BENEFICIARY.—The Secretary of De-  
17                   fense shall prescribe in regulations premiums which  
18                   a participant making an election under section  
19                   1448(b)(1)(G) of this title shall be required to pay  
20                   for participating in the Plan pursuant to that elec-  
21                   tion. The total amount of the premiums to be paid  
22                   by a participant under the regulations shall be equal  
23                   to the sum of the following:

24                           “(A) The total additional amount by which  
25                   the retired pay of the participant would have

1           been reduced before the effective date of the  
2           election if the original beneficiary (i) had not  
3           died and had been covered under the Plan  
4           through the date of the election, and (ii) had  
5           been the same number of years younger than  
6           the participant (if any) as the new beneficiary  
7           designated under the election.

8           “(B) Interest on the amounts by which the  
9           retired pay of the participant would have been  
10          so reduced, computed from the dates on which  
11          the retired pay would have been so reduced at  
12          such rate or rates and according to such meth-  
13          odology as the Secretary of Defense determines  
14          reasonable.

15          “(C) Any additional amount that the Sec-  
16          retary determines necessary to protect the actu-  
17          arial soundness of the Department of Defense  
18          Military Retirement Fund against any increased  
19          risk for the fund that is associated with the  
20          election.”.

21       (c) TRANSITION.—

22           (1) TRANSITION PERIOD.—In the case of a par-  
23          ticipant in the Survivor Benefit Plan who made a  
24          covered insurable-interest election (as defined in  
25          paragraph (2)) and whose designated beneficiary

1 under that election dies before the date of the enact-  
2 ment of this Act or during the 18-month period be-  
3 ginning on such date, the time period applicable for  
4 purposes of the limitation in the third sentence of  
5 subparagraph (G)(i) of section 1448(b)(1) of title  
6 10, United States Code, as added by subsection (a),  
7 shall be the two-year period beginning on the date  
8 of the enactment of this Act (rather than the 180-  
9 day period specified in that sentence).

10 (2) COVERED INSURABLE-INTEREST ELEC-  
11 TIONS.—For purposes of paragraph (1), a covered  
12 insurable-interest election is an election under sec-  
13 tion 1448(b)(1) of title 10, United States Code,  
14 made before the date of the enactment of this Act,  
15 or during the 18-month period beginning on such  
16 date, by a participant in the Survivor Benefit Plan  
17 to provide an annuity under that plan to a natural  
18 person with an insurable interest in that person.

19 (3) SURVIVOR BENEFIT PLAN.—For purposes  
20 of this subsection, the term “Survivor Benefit Plan”  
21 means the program under subchapter II of chapter  
22 73 of title 10, United States Code.

1 **Subtitle E—Commissary and Non-**  
2 **appropriated Fund Instrumen-**  
3 **tality Benefits**

4 **SEC. 661. INCREASE IN AUTHORIZED LEVEL OF SUPPLIES**  
5 **AND SERVICES PROCUREMENT FROM OVER-**  
6 **SEAS EXCHANGE STORES.**

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

10 **SEC. 662. REQUIREMENTS FOR PRIVATE OPERATION OF**  
11 **COMMISSARY STORE FUNCTIONS.**

12 Section 2485(a)(2) of title 10, United States Code,  
13 is amended by adding at the end the following new sen-  
14 tence: “Until December 31, 2010, the Defense Com-  
15 missary Agency is not required to conduct any cost-com-  
16 parison study under the policies and procedures of Office  
17 of Management and Budget Circular A–76 relating to the  
18 possible contracting out of commissary store functions.”.

19 **SEC. 663. PROVISION OF INFORMATION TECHNOLOGY**  
20 **SERVICES FOR ACCOMMODATIONS PRO-**  
21 **VIDED BY NONAPPROPRIATED FUND INSTRU-**  
22 **MENTALITIES FOR WOUNDED MEMBERS OF**  
23 **THE ARMED FORCES AND THEIR FAMILIES.**

24 (a) **AUTHORITY TO PROVIDE SERVICES.**—Section  
25 2494 of title 10, United States Code, is amended—

1           (1) by inserting “(a) UTILITY SERVICES.—”  
2           before “Appropriations”; and

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

5           “(b) INFORMATION TECHNOLOGY SERVICES.—Ap-  
6           propriations for the Department of Defense may be used  
7           to provide information technology services, including  
8           equipment and access to the internet, for—

9           “(1) Fisher Houses and Fisher Suites associ-  
10          ated with health care facilities of a military depart-  
11          ment; and

12          “(2) other accommodations made available by a  
13          nonappropriated fund instrumentality of the Depart-  
14          ment of Defense to members of the Armed Forces  
15          recovering from a wound or injury or to dependents  
16          of such members.”.

17          (b) CLERICAL AMENDMENTS.—

18           (1) SECTION HEADING.—The heading of such  
19           section is amended to read as follows:

20           **“§ 2494. Nonappropriated fund instrumentalities: fur-**  
21                   **nishing certain services for morale, wel-**  
22                   **fare, and recreation purposes”.**

23           (2) TABLE OF SECTIONS.—The table of sections  
24           at the beginning of subchapter III of chapter 147 of  
25           such title is amended by striking the item relating

1 to section 2494 and inserting the following new  
2 item:

“2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes.”.

3 **SEC. 664. PROVISION OF AND PAYMENT FOR OVERSEAS**  
4 **TRANSPORTATION SERVICES FOR COM-**  
5 **MISSARY AND EXCHANGE SUPPLIES.**

6 Section 2643 of title 10, United States Code, is  
7 amended—

8 (1) by inserting “(a) TRANSPORTATION OP-  
9 TIONS.—” before “The Secretary”;

10 (2) in the first sentence, by striking “by sea  
11 without relying on the Military Sealift Command”  
12 and inserting “to destinations outside the conti-  
13 nental United States without relying on the Air Mo-  
14 bility Command, the Military Sealift Command”;

15 (3) in the second sentence, by striking “trans-  
16 portation contracts” and inserting “contracts for  
17 sea-borne transportation”; and

18 (4) by adding at the end the following new sub-  
19 section:

20 “(b) PAYMENT OF TRANSPORTATION COSTS.—Sec-  
21 tion 2483(b)(5) of this title, regarding the use of appro-  
22 priated funds to cover the expenses of operating com-  
23 missary stores, shall apply to the transportation of com-  
24 missary supplies. Appropriated funds for the Department

1 of Defense shall also be used to cover the expenses of  
2 transporting exchange supplies to destinations outside the  
3 continental United States.”.

4 **SEC. 665. COMPENSATORY TIME OFF FOR CERTAIN NON-**  
5 **APPROPRIATED FUND EMPLOYEES.**

6 Section 5543 of title 5, United States Code, is  
7 amended by adding at the end the following new sub-  
8 section:

9 “(d)(1) The appropriate Secretary may, on request  
10 of an employee of a nonappropriated fund instrumentality  
11 of the Department of Defense or the Coast Guard de-  
12 scribed in section 2105(c), grant such employee compen-  
13 satory time off from duty instead of overtime pay for over-  
14 time work.

15 “(2) For purposes of this subsection, the term ‘appro-  
16 priate Secretary’ means—

17 “(A) with respect to an employee of a non-  
18 appropriated fund instrumentality of the Depart-  
19 ment of Defense, the Secretary of Defense; and

20 “(B) with respect to an employee of a non-  
21 appropriated fund instrumentality of the Coast  
22 Guard, the Secretary of the Executive department in  
23 which it is operating.”.

## 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  
11          rate of basic pay for an enlisted member in that  
12          grade while serving as Sergeant Major of the Army,  
13          Master Chief Petty Officer of the Navy, Chief Mas-  
14          ter Sergeant of the Air Force, Sergeant Major of the  
15          Marine Corps, or Master Chief Petty Officer of the  
16          Coast Guard, regardless of cumulative years of serv-  
17          ice computed under section 205 of title 37, United  
18          States 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  
23          of the Joint Chiefs of Staff.

24              (b) PAY DURING TERMINAL LEAVE OR WHILE HOS-  
25          PITALIZED.—Section 210(c) of title 37, United States



1 Code, is amended by adding at the end the following new  
2 paragraph:

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)  
6 of such title is amended—

7 (1) by striking “or” after “Sergeant Major of  
8 the 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  
24 allowances 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  
4 former 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  
14 this title.

15           “(D) Reenlistment bonus for nuclear-trained  
16 and qualified enlisted members under section 312a  
17 of this title.

18           “(E) Career enlisted flyer incentive pay under  
19 section 320 of this title.”.

20           (b) **STYLISTIC AMENDMENTS.**—Such section is fur-  
21 ther 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  
5 inserting “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 BO-  
10 NUSES 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  
16 PAYMENT NOT MET.—(1) A member of the uniformed  
17 services who receives a bonus or similar benefit and whose  
18 receipt of the bonus or similar benefit is subject to the  
19 condition that the member continue to satisfy certain eligi-  
20 bility requirements shall repay to the United States an  
21 amount equal to the unearned portion of the bonus or  
22 similar benefit if the member fails to satisfy the require-  
23 ments, except in certain circumstances authorized by the  
24 Secretary concerned.

1           “(2) The Secretary concerned may establish, by regu-  
2 lations, procedures for determining the amount of the re-  
3 payment required under this subsection and the cir-  
4 cumstances under which an exception to the required re-  
5 payment may be granted. The Secretary concerned may  
6 specify in the regulations the conditions under which an  
7 installment payment of a bonus or similar benefit to be  
8 paid to a member of the uniformed services will not be  
9 made if the member no longer satisfies the eligibility re-  
10 quirements for the bonus or similar benefit. For the mili-  
11 tary departments, this subsection shall be administered  
12 under regulations prescribed 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 agree-  
19 ment or contract on which the debt is based; or

20           “(B) in the absence of such an agreement or  
21 contract, the date of the termination of the service  
22 on 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  
2       a member of the uniformed services under a provi-  
3       sion of law that refers to the repayment require-  
4       ments of 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 Sec-  
9       retary 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  
21       (b), (c), or (d) of this section, paragraph (3) of sub-  
22       section (a) of section 303a of title 37, United States  
23       Code, as added by this subsection, shall apply to any  
24       case commenced under title 11 after March 30,  
25       2006.

1 (b) CONFORMING AMENDMENTS TO TITLE 37.—

2 (1) AVIATION CAREER OFFICER RETENTION  
3 BONUS.—Subsection (g) of section 301b of title 37,  
4 United States Code, is amended to read as follows:

5 “(g) REPAYMENT.—An officer who does not complete  
6 the period of active duty specified in the agreement en-  
7 tered into under subsection (a) shall be subject to the re-  
8 payment provisions of section 303a(e) of this title.”.

9 (2) MEDICAL OFFICER MULTIYEAR RETENTION  
10 BONUS.—Subsection (c) of section 301d of such title  
11 is amended to read as follows:

12 “(c) REPAYMENT.—An officer who does not complete  
13 the period of active duty specified in the agreement en-  
14 tered into under subsection (a) shall be subject to the re-  
15 payment provisions of section 303a(e) of this title.”.

16 (3) DENTAL OFFICER MULTIYEAR RETENTION  
17 BONUS.—Subsection (d) of section 301e of such title  
18 is amended to read as follows:

19 “(d) REPAYMENT.—An officer who does not complete  
20 the period of active duty specified in the agreement en-  
21 tered into under subsection (a) shall be subject to the re-  
22 payment provisions of section 303a(e) of this title.”.

23 (4) MEDICAL OFFICER SPECIAL PAY.—Section  
24 302 of such title is amended—

1 (A) in subsection (c)(2), by striking the  
2 last sentence and inserting the following new  
3 sentence: “If such entitlement is terminated,  
4 the officer concerned shall be subject to the re-  
5 payment provisions of section 303a(e) of this  
6 title.”; and

7 (B) by striking subsection (f) and inserting  
8 the following new subsection:

9 “(f) REPAYMENT.—An officer who does not complete  
10 the period for which the payment was made under sub-  
11 section (a)(4) or subsection (b)(1) shall be subject to the  
12 repayment provisions of section 303a(e) of this title.”.

13 (5) OPTOMETRIST RETENTION SPECIAL PAY.—  
14 Paragraph (4) of section 302a(b) of such title is  
15 amended to read as follows:

16 “(4) The Secretary concerned may terminate at any  
17 time the eligibility of an officer to receive retention special  
18 pay under paragraph (1). An officer who does not com-  
19 plete the period for which the payment was made under  
20 paragraph (1) shall be subject to the repayment provisions  
21 of section 303a(e) of this title.”.

22 (6) DENTAL OFFICER SPECIAL PAY.—Section  
23 302b of such title is amended—

24 (A) in subsection (b)(2), by striking the  
25 second sentence;



1 (B) by striking subsection (e) and insert-  
2 ing the following new subsection:

3 “(e) REPAYMENT.—An officer who does not complete  
4 the period of active duty for which the payment was made  
5 under subsection (a)(4) shall be subject to the repayment  
6 provisions of section 303a(e) of this title.”;

7 (C) by striking subsection (f); and

8 (D) by redesignating subsections (g) and  
9 (h) as subsections (f) and (g), respectively.

10 (7) ACCESSION BONUS FOR REGISTERED  
11 NURSES.—Subsection (d) of section 302d of such  
12 title is amended to read as follows:

13 “(d) An officer who does not become and remain li-  
14 censed as a registered nurse during the period for which  
15 the payment is made, or who does not complete the period  
16 of active duty specified in the agreement entered into  
17 under subsection (a) shall be subject to the repayment  
18 provisions of section 303a(e) of this title.”.

19 (8) NURSE ANESTHETIST SPECIAL PAY.—Sec-  
20 tion 302e of such title is amended—

21 (A) in subsection (c), by striking the last  
22 sentence; and

23 (B) by striking subsection (e) and insert-  
24 ing the following new subsection:

1       “(e) An officer who does not complete the period of  
2 active duty specified in the agreement entered into under  
3 subsection (a) shall be subject to the repayment provisions  
4 of section 303a(e) of this title.”.

5           (9) RESERVE, RECALLED OR RETAINED  
6 HEALTH CARE OFFICERS SPECIAL PAY.—Subsection  
7 (c) of section 302f of such title is amended by strik-  
8 ing “refund” and inserting “repay.”.

9           (10) SELECTED RESERVE HEALTH CARE PRO-  
10 FESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
11 CIALTIES SPECIAL PAY.—Section 302g of such title  
12 is amended—

13                   (A) by striking subsections (d) and (e);

14                   (B) by inserting after subsection (c) the  
15 following new subsection (d):

16       “(d) REPAYMENT.—An officer who does not complete  
17 the period of service in the Selected Reserve specified in  
18 the agreement entered into under subsection (a) shall be  
19 subject to the repayment provisions of section 303a(e) of  
20 this title.”; and

21                   (C) by redesignating subsection (f) as sub-  
22 section (e).

23           (11) ACCESSION BONUS FOR DENTAL OFFI-  
24 CERS.—Subsection (d) of section 302h of such title  
25 is amended to read as follows:

1       “(d) A person after signing a written agreement who  
2 thereafter is not commissioned as an officer of the armed  
3 forces, or does not become licensed as a dentist, or does  
4 not complete the period of active duty specified in the  
5 agreement entered into under subsection (a) shall be sub-  
6 ject to the repayment provisions of section 303a(e) of this  
7 title.”.

8               (12) ACCESSION BONUS FOR PHARMACY OFFI-  
9       CERS.—Subsection (e) of section 302j of such title  
10       is amended to read as follows:

11       “(e) A person after signing a written agreement who  
12 thereafter is not commissioned as an officer of the armed  
13 forces, or does not become and remain certified or licensed  
14 as a pharmacist, or does not complete the period of active  
15 duty specified in the agreement entered into under sub-  
16 section (a) shall be subject to the repayment provisions  
17 of section 303a(e) of this title.”.

18               (13) REENLISTMENT BONUS FOR ACTIVE MEM-  
19       BERS.—Subsection (d) of section 308 of such title is  
20       amended to read as follows:

21       “(d) REPAYMENT.—A member who does not com-  
22 plete the term of enlistment for which a bonus was paid  
23 to the member under this section, or a member who is  
24 not technically qualified in the skill for which a bonus was  
25 paid to the member under this section, shall be subject

1 to the repayment provisions of section 303a(e) of this  
2 title.”.

3           (14) REENLISTMENT BONUS FOR SELECTED  
4 RESERVE.—Subsection (d) of section 308b of such  
5 title is amended to read as follows:

6           “(d) A member who does not complete the term of  
7 enlistment in the element of the Selected Reserve for  
8 which the bonus was paid to the member under this sec-  
9 tion shall be subject to the repayment provisions of section  
10 303a(e) of this title.”.

11           (15) READY RESERVE ENLISTMENT BONUS.—  
12 Section 308g of such title is amended—

13           (A) by striking subsection (d) and insert-  
14 ing the following new subsection:

15           “(d) REPAYMENT.—A person who does not serve sat-  
16 isfactorily in the element of the Ready Reserve in the com-  
17 bat or combat support skill for the period for which the  
18 bonus was paid under this section shall be subject to the  
19 repayment provisions of section 303a(e) of this title.”;

20           (B) by striking subsections (e) and (f); and

21           (C) by redesignating subsections (g) and  
22 (h) as subsections (e) and (f), respectively.

23           (16) READY RESERVE REENLISTMENT, ENLIST-  
24 MENT, AND VOLUNTARY EXTENSION OF ENLIST-

1           MENT BONUS.—Section 308h of such title is amend-  
2           ed—

3                   (A) by striking subsection (c) and inserting  
4           the following new subsection:

5           “(c) REPAYMENT.—A person who does not complete  
6 the period of enlistment or extension of enlistment for  
7 which the bonus was paid under this section shall be sub-  
8 ject to the repayment provisions of section 303a(e) of this  
9 title.”;

10                   (B) by striking subsections (d) and (e);  
11           and

12                   (C) by redesignating subsections (f) and  
13           (g) as subsections (d) and (e), respectively.

14           (17) PRIOR SERVICE ENLISTMENT BONUS.—  
15           Subsection (d) of section 308i of such title is amend-  
16           ed to read as follows:

17           “(d) A person who receives a bonus payment under  
18 this section and who, during the period for which the  
19 bonus was paid, does not serve satisfactorily in the ele-  
20 ment of the Selected Reserve with respect to which the  
21 bonus was paid shall be subject to the repayment provi-  
22 sions of section 303a(e) of this title.”.

23                   (18) ENLISTMENT BONUS.—Subsection (b) of  
24           section 309 of such title is amended to read as fol-  
25           lows:

1       “(b) A member who does not complete the term of  
2 enlistment for which a bonus was paid to the member  
3 under this section, or a member who is not technically  
4 qualified in the skill for which a bonus was paid to the  
5 member under this section, shall be subject to the repay-  
6 ment provisions of section 303a(e) of this title.”.

7           (19) SPECIAL PAY FOR NUCLEAR-QUALIFIED  
8 OFFICERS EXTENDING ACTIVE DUTY.—Subsection  
9 (b) of section 312 of such title is amended to read  
10 as follows:

11       “(b) REPAYMENT.—An officer who does not complete  
12 the period of active duty in connection with the super-  
13 vision, operation, and maintenance of naval nuclear pro-  
14 pulsion plants that the officer agreed to serve, and for  
15 which a payment was made under subsection (a)(3) or  
16 subsection (d)(1), shall be subject to the repayment provi-  
17 sions of section 303a(e) of this title.”.

18           (20) NUCLEAR CAREER ACCESSION BONUS.—  
19 Paragraph (2) of section 312b(a) of such title is  
20 amended to read as follows:

21       “(2) An officer who does not commence or complete  
22 satisfactorily the nuclear power training specified in the  
23 agreement under paragraph (1) shall be subject to the re-  
24 payment provisions of section 303a(e) of this title.”.

1           (21) ENLISTED MEMBERS EXTENDING DUTY AT  
2           DESIGNATED LOCATIONS OVERSEAS.—Subsection (d)  
3           of section 314 of such title is amended to read as  
4           follows:

5           “(d) A member who, having entered into a written  
6           agreement to extend a tour of duty for a period under  
7           subsection (a), receives a bonus payment under subsection  
8           (b)(2) for a 12-month period covered by the agreement  
9           and ceases during that 12-month period to perform the  
10          agreed tour of duty shall be subject to the repayment pro-  
11          visions of section 303a(e) of this title.”.

12          (22) ENGINEERING AND SCIENTIFIC CAREER  
13          CONTINUATION PAY.—Subsection (c) of section 315  
14          of such title is amended to read as follows:

15          “(c) An officer who, having entered into a written  
16          agreement under subsection (b) and having received all or  
17          part of a bonus under this section, does not complete the  
18          period of active duty as specified in the agreement shall  
19          be subject to the repayment provisions of section 303a(e)  
20          of this title.”.

21          (23) CRITICAL ACQUISITION POSITIONS.—Sub-  
22          section (f) of section 317 of such title is amended  
23          to read as follows:

24          “(c) An officer who, having entered into a written  
25          agreement under subsection (a) and having received all or

1 part of a bonus under this section, does not complete the  
2 period of active duty as specified in the agreement shall  
3 be subject to the repayment provisions of section 303a(e)  
4 of this title.”.

5 (24) SPECIAL WARFARE OFFICERS EXTENDING  
6 PERIOD OF ACTIVE DUTY.—Subsection (h) of section  
7 318 of such title is amended to read as follows:

8 “(h) An officer who, having entered into a written  
9 agreement under subsection (b) and having received all or  
10 part of a bonus under this section, does not complete the  
11 period of active duty in special warfare service as specified  
12 in the agreement shall be subject to the repayment provi-  
13 sions of section 303a(e) of this title.”.

14 (25) SURFACE WARFARE OFFICERS EXTENDING  
15 PERIOD OF ACTIVE DUTY.—Subsection (f) of section  
16 319 of such title is amended to read as follows:

17 “(f) An officer who, having entered into a written  
18 agreement under subsection (b) and having received all or  
19 part of a bonus under this section, does not complete the  
20 period of active duty as a department head on a surface  
21 vessel specified in the agreement, shall be subject to the  
22 repayment provisions of section 303a(e) of this title.”.

23 (26) JUDGE ADVOCATE CONTINUATION PAY.—  
24 Subsection (f) of section 321 of such title is amend-  
25 ed to read as follows:



1       “(f) An officer who has entered into a written agree-  
2 ment under subsection (b) and has received all or part  
3 of the amount payable under the agreement but who does  
4 not complete the total period of active duty specified in  
5 the agreement, shall be subject to the repayment provi-  
6 sions of section 303a(e) of this title.”.

7           (27) 15-YEAR CAREER STATUS BONUS.—Sub-  
8 section (f) of section 322 of such title is amended  
9 to read as follows:

10       “(f) If a person paid a bonus under this section does  
11 not complete a period of active duty beginning on the date  
12 on which the election of the person under paragraph (1)  
13 of subsection (a) is received and ending on the date on  
14 which the person completes 20 years of active duty service  
15 as described in paragraph (2) of such subsection, the per-  
16 son shall be subject to the repayment provisions of section  
17 303a(e) of this title.”.

18           (28) ACCESSION BONUS FOR NEW OFFICERS IN  
19 CRITICAL SKILLS.—Subsection (g) of section 324 of  
20 such title, as redesignated by section 628(a)(1), is  
21 amended to read as follows:

22       “(g) REPAYMENT.—An individual who, having re-  
23 ceived all or part of the bonus under an agreement re-  
24 ferred to in subsection (a), is not thereafter commissioned  
25 as an officer or does not commence or does not complete

1 the total period of active duty service specified in the  
2 agreement shall be subject to the repayment provisions of  
3 section 303a(e) of this title.”.

4 (29) SAVINGS PLAN FOR EDUCATION EXPENSES  
5 AND OTHER CONTINGENCIES.—Subsection (g) of  
6 section 325 of such title is amended to read as fol-  
7 lows:

8 “(g) REPAYMENT.—If a person does not complete the  
9 qualifying service for which the person is obligated under  
10 a commitment for which a benefit has been paid under  
11 this section, the person shall be subject to the repayment  
12 provisions of section 303a(e) of this title.”.

13 (30) INCENTIVE BONUS FOR CONVERSION TO  
14 MILITARY OCCUPATIONAL SPECIALTY.—Subsection  
15 (e) of section 326 of such title is amended to read  
16 as follows:

17 “(e) REPAYMENT.—A member who does not convert  
18 to and complete the period of service in the military occu-  
19 pational specialty specified in the agreement executed  
20 under subsection (a) shall be subject to the repayment  
21 provisions of section 303a(e) of this title.”.

22 (c) CONFORMING AMENDMENTS TO TITLE 10.—

23 (1) ENLISTMENT INCENTIVES FOR PURSUIT OF  
24 SKILLS TO FACILITATE NATIONAL SERVICE.—Sub-

1 section (i) of section 510 of title 10, United States  
2 Code, is amended to read as follows:

3 “(i) If a National Call to Service participant who has  
4 entered into an agreement under subsection (b) and re-  
5 ceived or benefitted from an incentive under paragraph (1)  
6 or (2) of subsection (e) fails to complete the total period  
7 of service specified in such agreement, the National Call  
8 to Service participant shall be subject to the repayment  
9 provisions of section 303a(e) of title 37.”.

10 (2) ADVANCED EDUCATION ASSISTANCE.—Sec-  
11 tion 2005 of such title is amended—

12 (A) in subsection (a), by striking para-  
13 graph (3) and inserting the following new para-  
14 graph:

15 “(3) that if such person does not complete the  
16 period of active duty specified in the agreement, or  
17 does not fulfill any term or condition prescribed pur-  
18 suant to paragraph (4), such person shall be subject  
19 to the repayment provisions of section 303a(e) of  
20 title 37.”;

21 (B) by striking subsections (c), (d), (f), (g)  
22 and (h);

23 (C) by redesignating subsection (e) as sub-  
24 section (e); and

1 (D) by inserting after subsection (c), as so  
2 redesignated, the following new subsection:

3 “(d) As a condition of the Secretary concerned pro-  
4 viding financial assistance under section 2107 or 2107a  
5 of this title to any person, the Secretary concerned shall  
6 require that the person enter into the agreement described  
7 in subsection (a). In addition to the requirements of para-  
8 graphs (1) through (4) of such subsections (a), the agree-  
9 ment shall specify that, if the person does not complete  
10 the education requirements specified in the agreement or  
11 does not fulfill any term or condition prescribed pursuant  
12 to paragraph (4) of such subsection, the person shall be  
13 subject to the repayment provisions of section 303a(e) of  
14 title 37 without the Secretary first ordering such person  
15 to active duty as provided for under subsection (a)(2) and  
16 sections 2107(f) and 2107a(f) of this title.”.

17 (3) TUITION FOR OFF-DUTY TRAINING OR EDU-  
18 CATION.—Section 2007 of such title is amended by  
19 adding at the end the following new subsection:

20 “(f) REPAYMENT.—If such person does not complete  
21 the period of active duty specified in the agreement under  
22 subsection (b), the person shall be subject to the repay-  
23 ment provisions of section 303a(e) of title 37.”.

1           (4) FAILURE TO COMPLETE ADVANCED TRAIN-  
2           ING OR TO ACCEPT COMMISSION.—Section 2105 of  
3           such title is amended—

4                   (A) by striking “A member” and inserting  
5                   “(a) A member”; and

6                   (B) by adding at the end the following new  
7           subsection:

8           “(b) If such person does not complete the period of  
9           active duty specified under subsection (a), the person shall  
10          be subject to the repayment provisions of section 303a(e)  
11          of title 37.”.

12           (5) FINANCIAL ASSISTANCE PROGRAM FOR SPE-  
13           CIALLY SELECTED MEMBERS.—Section 2107 of such  
14           title is amended by adding at the end the following  
15           new subsection:

16           “(j) REPAYMENT.—A person who, after signing a  
17           written agreement under this section, is not commissioned  
18           as an officer or does not complete the period of service  
19           as specified in subsection (b), (f) or (h)(2) shall be subject  
20           to the repayment provisions of section 303a(e) of title  
21           37.”.

22           (6) HEALTH PROFESSIONS SCHOLARSHIP AND  
23           FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERV-  
24           ICE.—Subparagraph (C) of section 2123(e)(1) of  
25           such title is amended to read as follows:

1           “(C) If such person does not complete the pe-  
2           riod of active duty obligation specified under sub-  
3           section (a), such person shall be subject to the re-  
4           payment provisions of section 303a(e) of title 37.”.

5           (7) FINANCIAL ASSISTANCE: NURSE OFFICER  
6           CANDIDATES.—Subsection (d) of section 2130a of  
7           such title is amended to read as follows:

8           “(d) REPAYMENT.—A person who does not complete  
9           a nursing degree program in which the person is enrolled  
10          in accordance with the agreement entered into under sub-  
11          section (a), or having completed the nursing degree pro-  
12          gram, does not become an officer in the Nurse Corps of  
13          the Army or the Navy or an officer designated as a nurse  
14          officer of the Air Force or commissioned corps of the Pub-  
15          lic Health Service or does not complete the period of obli-  
16          gated active service required under the agreement, shall  
17          be subject to the repayment provisions of section 303a(e)  
18          of title 37.”.

19          (8) EDUCATION LOAN REPAYMENT PROGRAM.—  
20          Subsection (g) of section 2173 of such title is  
21          amended—

22                  (A) by inserting “(1)” after “(g)”; and

23                  (B) by adding at the end the following new  
24          paragraph:

1       “(2) An officer who does not complete the period of  
2 active duty specified in the agreement entered into under  
3 subsection (a)(3), or the alternative obligation under para-  
4 graph (1), shall be subject to the repayment provisions of  
5 section 303a(e) of title 37.”.

6           (9) SCHOLARSHIP PROGRAM FOR DEGREE PRO-  
7       GRAM FOR DEGREE OR CERTIFICATION IN INFORMA-  
8       TION ASSURANCE.—Section 2200a of such title is  
9       amended—

10           (A) by striking subsection (e) and inserting  
11       the following new subsection:

12       “(e) REPAYMENT FOR PERIOD OF UNSERVED OBLI-  
13 GATED SERVICE.—(1) A member of an armed force who  
14 does not complete the period of active duty specified in  
15 the service agreement under section (b) shall be subject  
16 to the repayment provisions of section 303a(e) of title 37.

17       “(2)(A) A civilian employee of the Department of De-  
18 fense who voluntarily terminates service before the end of  
19 the period of obligated service required under an agree-  
20 ment entered into under subsection (b) shall refund to the  
21 United States an amount determined by the Secretary of  
22 Defense as being appropriate to obtain adequate service  
23 in exchange for financial assistance and otherwise to  
24 achieve the goals set forth in section 2200(a) of this title.

1       “(B) An obligation to reimburse the United States  
2 imposed under this paragraph is for all purposes a debt  
3 owed to the United States. A discharge in bankruptcy  
4 under title 11 that is entered less than five years after  
5 the termination of an agreement under this section does  
6 not discharge the person signing such agreement from a  
7 debt arising under such agreement or under this sub-  
8 section.

9       “(C) The Secretary of Defense may waive, in whole  
10 or in part a refund required under this paragraph if the  
11 Secretary determines that recovery would be against eq-  
12 uity and good conscience or would be contrary to the best  
13 interests of the United States.”.

14                   (B) by striking subsection (f); and

15                   (C) by redesignating subsection (g) as sub-  
16 section (f).

17           (10) ARMY CADET AGREEMENT TO SERVICE AS  
18 OFFICER.—Section 4348 of such title is amended by  
19 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  
23 subject to the repayment provisions of section 303a(e) of  
24 title 37.”.





1 training as a member of the Selected Reserve during a  
2 term of enlistment or other period of obligated service that  
3 created entitlement of the member to educational assist-  
4 ance under this chapter, and during which the member  
5 has received such assistance, may—

6           “(1) be ordered to active duty for a period of  
7 two years or the period of obligated service the per-  
8 son has remaining under section 16132 of this title,  
9 whichever is less; or

10           “(2) be subject to the repayment provisions  
11 under section 303a(e) of title 37.

12           “(b) EFFECT OF REPAYMENT.—Any repayment  
13 under section 303a(e) of title 37 shall not affect the period  
14 of obligation of a member to serve as a Reserve in the  
15 Selected Reserve.”.

16           (14) HEALTH PROFESSIONS STIPEND PROGRAM  
17 PENALTIES AND LIMITATIONS.—Subparagraph (B)  
18 of section 16203(a)(1) of such title is amended to  
19 read as follows:

20           “(B) shall be subject to the repayment provi-  
21 sions of section 303a(e) of title 37.”.

22           (15) COLLEGE TUITION ASSISTANCE PROGRAM  
23 FOR MARINE CORPS PLATOON LEADERS CLASS.—  
24 Subsection (f) of section 16401 of such title is  
25 amended—

1           (A) in paragraph (1), by striking “may be  
2           required to repay the full amount of financial  
3           assistance” and inserting “shall be subject to  
4           the repayment provisions of section 303a(e) of  
5           title 37”; and

6           (B) by striking paragraph (2) and insert-  
7           ing the following new paragraph:

8           “(2) Any requirement to repay any portion of finan-  
9           cial assistance received under this section shall be adminis-  
10          tered under Secretary of Defense regulations issued under  
11          section 303a(e) of title 37. The Secretary of the Navy may  
12          waive the obligations referenced in paragraph (1) in the  
13          case of a person who—”.

14          (d) CONFORMING AMENDMENT TO TITLE 14.—Sec-  
15          tion 182 of title 14, United States Code, is amended by  
16          adding at the end the following new subsection:

17          “(g) A cadet or former cadet who does not fulfill the  
18          terms of the obligation to serve as specified under section  
19          (b), or the alternative obligation under subsection (c),  
20          shall be subject to the repayment provisions of section  
21          303a(e) of title 37.”.

22          (e) CLERICAL AMENDMENTS.—

23                 (1) SECTION HEADING.—The heading of section  
24                 303a of title 37, United States Code, is amended to  
25                 read as follows:

1 **“§ 303a. Special pay: general provisions”.**

2 (2) CLERICAL AMENDMENT.—The table of sec-  
3 tions at the beginning of chapter 5 of such title is  
4 amended by striking the item relating to section  
5 303a and inserting the following new item:

“303a. Special pay: general provisions.”.

6 (f) CONTINUED APPLICATION OF CURRENT LAW TO  
7 EXISTING BONUSES.—In the case of any bonus, incentive  
8 pay, special pay, or similar payment, such as education  
9 assistance or a stipend, which the United States became  
10 obligated to pay before April 1, 2006, under a provision  
11 of law amended by subsection (b), (c), or (d) of this sec-  
12 tion, such provision of law, as in effect on the day before  
13 the date of the enactment of this Act, shall continue to  
14 apply to the payment, or any repayment, of the bonus,  
15 incentive pay, special pay, or similar payment under such  
16 provision of law.

17 **SEC. 674. LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO**  
18 **DEPLOYABLE SHIPS OR MOBILE UNITS OR TO**  
19 **OTHER DESIGNATED DUTY.**

20 Subparagraph (B) of section 701(f)(1) of title 10,  
21 United States Code, is amended to read as follows:

22 “(B) This subsection applies to any of the following:

23 “(i) A member who serves on active duty for a  
24 continuous period of at least 120 days in an area in

1       which the member is entitled to special pay under  
2       section 310(a) of title 37.

3               “(ii) A member who is assigned to —  
4                       “(I) a deployable ship or mobile unit; or  
5                       “(II) other duty that is designated for the  
6               purpose of this subsection.”.

7   **SEC. 675. ARMY RECRUITING PILOT PROGRAM TO ENCOUR-**  
8               **AGE MEMBERS OF THE ARMY TO REFER**  
9               **OTHER PERSONS FOR ENLISTMENT.**

10       (a) REFERRAL BONUS AUTHORIZED.—The Secretary  
11       of the Army may pay a bonus under this section to a mem-  
12       ber of the Army who refers, to an Army recruiter, a person  
13       who has not previously served in an armed force and who,  
14       after such referral, enlists in the Regular Army or the  
15       Army Reserve. The referral may occur when a member  
16       contacts a recruiter on behalf of an interested person or  
17       when the interested person contacts the recruiter and in-  
18       forms the recruiter of the member’s role in initially re-  
19       cruiting the person.

20       (b) AMOUNT OF BONUS; TIME FOR PAYMENT.—A re-  
21       ferral bonus under this section may not exceed \$1,000 and  
22       may not be paid to the member making the referral unless  
23       and until the enlistee completes basic training and indi-  
24       vidual advanced training. The bonus shall be paid in a  
25       lump sum.

1           (c) RELATION TO PROHIBITION ON BOUNTIES.—The  
2 referral bonus authorized by this section is not a bounty  
3 for purposes of section 514(a) of title 10, United States  
4 Code.

5           (d) CERTAIN MEMBERS INELIGIBLE.—

6                 (1) REFERRAL OF IMMEDIATE FAMILY.—A  
7 member may not receive a referral bonus under this  
8 section for the referral of an immediate family mem-  
9 ber.

10                (2) MEMBERS IN RECRUITING ROLES.—A mem-  
11 ber serving in a recruiting or retention assignment  
12 or assigned to other duties regarding which eligi-  
13 bility for a referral bonus could be perceived as cre-  
14 ating a conflict of interest may not receive a referral  
15 bonus.

16           (e) LIMITATION ON INITIAL USE OF AUTHORITY.—  
17 During the first year in which referral bonuses are offered  
18 under this section, the Secretary of the Army may not pro-  
19 vide more than 1,000 referral bonuses.

20           (f) DURATION OF AUTHORITY.—A referral bonus  
21 may not be paid under this section with respect to any  
22 referral made after December 31, 2007.

1 **SEC. 676. SPECIAL COMPENSATION FOR RESERVE COMPO-**  
2 **NENT MEMBERS WHO ARE ALSO TOBACCO**  
3 **FARMERS ADVERSELY AFFECTED BY TERMS**  
4 **OF TOBACCO QUOTA BUYOUT.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The dispute resolution mechanism provided  
7 in section 624(b) of the Fair and Equitable Tobacco  
8 Reform Act of 2004 (7 U.S.C. 518c), which was in-  
9 tended to help tobacco producers in hardship cir-  
10 cumstances, is not likely to provide relief to tobacco  
11 producers who are also members of the reserve com-  
12 ponents of the Armed Forces and were called or or-  
13 dered to active duty for extended deployment.

14 (2) The special compensation provided under  
15 this section addresses a unique situation and does  
16 not set a precedent for other persons seeking excep-  
17 tions to the eligibility requirements for payments  
18 under such Act.

19 (b) AVAILABILITY OF COMPENSATION.—Subject to  
20 subsection (c), the Secretary of Defense shall make a pay-  
21 ment under this section to any member of a reserve com-  
22 ponent whose eligibility for a payment under section 623  
23 of the Fair and Equitable Tobacco Reform Act of 2004  
24 (7 U.S.C. 518b) as a producer of quota tobacco was ad-  
25 versely affected, or whose payment amount under such  
26 section was determined using a variable payment rate

1 specified in subparagraph (B) or (C) of subsection (d)(3)  
2 of such section, because the member was serving on active  
3 duty under a call or order to active duty for a period of  
4 more than 30 days during any of the tobacco marketing  
5 years specified in subparagraph (A) of such subsection.

6 (c) RESTRICTION TO MEMBERS WHO ARE LONG-  
7 TIME TOBACCO GROWERS.—To be eligible for a payment  
8 under this section, a member described in subsection (b)  
9 must have been a producer of quota tobacco (as defined  
10 in section 621 of the Fair and Equitable Tobacco Reform  
11 Act of 2004 (7 U.S.C. 518a)) during at least two of the  
12 three tobacco marketing years before the 2002 marketing  
13 year.

14 (d) AMOUNT OF PAYMENT.—The amount of the pay-  
15 ment required under this section for a member shall be  
16 equal to 70 percent of the difference between—

17 (1) the amount the member will receive under  
18 section 623 of the Fair and Equitable Tobacco Re-  
19 form Act of 2004; and

20 (2) the amount that the member would have  
21 likely received under such section had the member  
22 remained a full-time producer of quota tobacco and  
23 not been called or ordered to active duty.

24 (e) CALCULATION OF PAYMENT AMOUNT.—The Sec-  
25 retary of Defense shall make the calculation required by



1 subsection (c) in consultation with the Secretary of Agri-  
2 culture.

3 **SEC. 677. COMPTROLLER GENERAL REPORT REGARDING**  
4 **COMPENSATION AND BENEFITS FOR RE-**  
5 **SERVE COMPONENT MEMBERS.**

6 (a) REPORT REQUIRED.—The Comptroller General  
7 shall prepare a report reviewing the terms and elements  
8 of reserve compensation, benefit, and personnel support  
9 programs, including the retirement system.

10 (b) ELEMENTS OF REPORT.—The report required by  
11 subsection (a) shall address at a minimum the following:

12 (1) The effectiveness and adequacy of com-  
13 pensation and benefit programs, income protection  
14 for members of the reserve components called to ac-  
15 tive duty, family support programs, health care ac-  
16 cess, and other programs of interest to such mem-  
17 bers.

18 (2) The need for these programs to be im-  
19 proved, including such recommendations as the  
20 Comptroller General considers appropriate for  
21 achieving needed improvements.

22 (3) A comparison of these programs to similar  
23 programs conducted for the benefit of regular forces  
24 to determine if the reserve programs are fair and eq-  
25 uitable given the increased contributions by reserve

1 component forces to the defense of the United  
2 States.

3 (4) An examination of the differences in bene-  
4 fits and protections provided to reservists who are  
5 called to serve under different authorities, including  
6 title 10, United States Code, title 32, United States  
7 Code, and State active duty.

8 (5) The need for benefits and protections to be  
9 made consistent regardless of the authority under  
10 which members of the reserve components are called  
11 to serve, including such recommendations as the  
12 Comptroller General considers appropriate for  
13 achieving that objective.

14 (c) RELATIONSHIP TO OTHER STUDIES AND RE-  
15 PORTS.—To the extent that an issue required to be ad-  
16 dressed by subsection (b) is also the subject of other stud-  
17 ies or reports being prepared by the Comptroller General,  
18 the Comptroller General may drop the issue from this re-  
19 port to avoid duplication of effort.

20 (d) SUBMISSION OF REPORT.—The Comptroller Gen-  
21 eral shall submit the report to the congressional defense  
22 committees not later than March 31, 2006.

1 **SEC. 678. REPORT ON SPACE-AVAILABLE TRAVEL FOR CER-**  
 2 **TAIN DISABLED VETERANS.**

3 Not later than one year after the date of the enact-  
 4 ment of this Act, the Secretary of Defense shall submit  
 5 to Congress a report on the feasibility of providing trans-  
 6 portation on Department of Defense aircraft on a space-  
 7 available basis for any veteran with a service-connected  
 8 disability rating of 50 percent or higher. The Secretary  
 9 of Defense shall prepare the report in consultation with  
 10 the Secretary of Veterans Affairs.

11 **TITLE VII—HEALTH CARE**  
 12 **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 continued 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 surviving spouses who were on active duty at time of death of military spouse.
- Sec. 706. Exceptional eligibility for TRICARE prime remote.

Subtitle B—Other Matters

- Sec. 711. Authority to relocate patient safety center; renaming MedTeams Program.
- Sec. 712. Modification of health care quality information and technology enhancement 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 service exposed to environmental factors related to sarcoidosis.
- Sec. 717. Early identification and treatment of mental health and substance abuse disorders.
- Sec. 718. Mental health awareness for dependents.

Sec. 719. Study relating to predeployment and postdeployment medical exams of certain members of the Armed Forces.

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.—Sec-  
7   tion 1079(a)(8) of title 10, United States Code, is  
8   amended—

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 PSY-  
17   CHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—  
18   Section 1079(a)(13) of such title is amended by in-  
19   serting “, licensed or certified mental health coun-  
20   selor, ” after “certified marriage and family thera-  
21   pist”.

22           (b) SERVICES OF MENTAL HEALTH COUNSELORS.—

23                   (1) AUTHORITY TO ENTER INTO PERSONAL  
24   SERVICES CONTRACTS.—Section 704(c)(2) of the

1 National Defense Authorization Act for Fiscal Year  
2 1995 (Public Law 103–337; 108 Stat. 2799; 10  
3 U.S.C. 1091 note) is amended by inserting “mental  
4 health counselors,” after “psychologists,”.

5 (2) APPLICABILITY OF LICENSURE REQUIRE-  
6 MENT FOR HEALTH-CARE PROFESSIONALS.—Section  
7 1094 (e)(2) of title 10, United States Code, is  
8 amended by inserting “mental health counselor,”  
9 after “psychologist,”.

10 **SEC. 702. ADDITIONAL INFORMATION REQUIRED BY SUR-**  
11 **VEYS ON TRICARE STANDARD.**

12 Section 723(a) of the National Defense Authorization  
13 Act for Fiscal Year 2004 (Public Law 108–136) is amend-  
14 ed by adding at the end the following new paragraph:

15 “(4) Surveys required by paragraph (1) shall include  
16 questions seeking to determine from health care providers  
17 the following:

18 “(A) Whether the provider is aware of the  
19 TRICARE program.

20 “(B) What percentage of the provider’s current  
21 patient population uses any form of TRICARE.

22 “(C) Whether the provider accepts patients for  
23 whom payment is made under the medicare program  
24 for health care services.

1           “(D) If the provider accepts patients referred to  
2           in subparagraph (C), whether the provider would ac-  
3           cept additional such patients who are not in the pro-  
4           vider’s current patient population.”.

5 **SEC. 703. ENHANCEMENT OF TRICARE COVERAGE FOR**  
6                           **MEMBERS WHO COMMIT TO CONTINUED**  
7                           **SERVICE IN THE SELECTED RESERVE.**

8           (a) **EXTENSION OF COVERAGE FOR MEMBERS RE-**  
9 **CALLED TO ACTIVE DUTY.**—Section 1076d of title 10,  
10 United States Code, is amended—

11           (1) in subsection (b), by redesignating para-  
12           graph (3) as paragraph (4) and by inserting after  
13           paragraph (2) the following new paragraph (3):

14           “(3) In the case of a member recalled to active duty  
15           before the period of coverage for which the member is eli-  
16           gible under subsection (a) terminates, the period of cov-  
17           erage of the member—

18           “(A) resumes after the member completes the  
19           subsequent active duty service (subject to any addi-  
20           tional entitlement to care and benefits under section  
21           1145(a) of this title that is based on the same sub-  
22           sequent active duty service); and

23           “(B) increases by any additional period of cov-  
24           erage for which the member is eligible under sub-

1 section (a) based on the subsequent active duty serv-  
2 ice.”;

3 (2) in subsection (b)(2), by striking “Unless  
4 earlier terminated under paragraph (3)” and insert-  
5 ing “Subject to paragraph (3) and unless earlier ter-  
6 minated under paragraph (4)”;

7 (3) in subsection (f), by adding at the end the  
8 following new paragraph:

9 “(3) The term ‘member recalled to active duty’  
10 means, with respect to a member who is eligible for  
11 coverage under this section based on a period of ac-  
12 tive duty service, a member who is called or ordered  
13 to active duty for an additional period of active duty  
14 subsequent to the period of active duty on which  
15 that eligibility is based.”.

16 (b) EXTENSION OF COVERAGE FOR MEMBERS FAC-  
17 ING INVOLUNTARY RETIREMENT.—Section 1076d of such  
18 title is amended in subsection (b)(4), as redesignated by  
19 subsection (a)(1)—

20 (1) by striking “Eligibility” and inserting “(A)  
21 Except as provided in subparagraphs (B) and (C),  
22 eligibility”;

23 (2) by adding at the end the following:

24 “(B) In the case of a member who is separated from  
25 the Selected Reserve during a period of coverage for which

1 the member is eligible under subsection (a) and whose sep-  
2 aration is a qualifying involuntary separation, that period  
3 of coverage shall not terminate on account of the separa-  
4 tion. For purposes of the preceding sentence, a qualifying  
5 involuntary separation is involuntary retirement, involun-  
6 tary transfer to the Retired Reserve, or discharge while  
7 qualified for transfer to the Retired Reserve when required  
8 by law or regulation to be either transferred to the Retired  
9 Reserve or discharged.”.

10 (c) CONTINUED ELIGIBILITY FOR MEMBERS IN THE  
11 INDIVIDUAL READY RESERVE.—Section 1076d of such  
12 title is amended in subsection (b)(4), as redesignated by  
13 subsection (a)(1), by adding at the end the following:

14 “(C) Subparagraph (A) shall not apply in special cir-  
15 cumstances prescribed by the Secretary, including contin-  
16 ued service by a member in the Individual Ready Re-  
17 serve.”.

18 (d) SPECIAL RULE FOR MOBILIZED MEMBERS OF IN-  
19 DIVIDUAL READY RESERVE FINDING NO POSITION IN SE-  
20 LECTED RESERVE.—Section 1076d of such title is amend-  
21 ed by adding at the end of subsection (b) (as amended  
22 by this section) the following new paragraph:

23 “(5) In the case of a member of the Individual Ready  
24 Reserve who meets the requirements for eligibility for  
25 health benefits under TRICARE Standard under sub-



1 section (a) except for membership in the Selected Reserve,  
2 the period of coverage under this section may begin not  
3 later than one year after coverage would otherwise begin  
4 under this section had the member been a member of the  
5 Selected Reserve, if the member finds a position in the  
6 Selected Reserve during that one-year period.”.

7 (e) ELIGIBILITY OF FAMILY MEMBERS FOR 6  
8 MONTHS FOLLOWING DEATH OF MEMBER.—Section  
9 1076d(c) of such title is amended by adding at the end  
10 the following: “If a member of a reserve component dies  
11 while in a period of coverage under this section, the eligi-  
12 bility of the members of the immediate family of such  
13 member for TRICARE Standard coverage shall continue  
14 for six months beyond the date of death of the member.”

15 (f) OTHER AMENDMENTS.—Section 1076d of such  
16 title is amended—

17 (1) in subsection (a)(2), by striking “on or be-  
18 fore the date of the release” and inserting “not later  
19 than 120 days after release”; and

20 (2) by amending subsection (f)(2) to read as  
21 follows:

22 “(2) The term ‘TRICARE Standard’ means—  
23 “(A) medical care to which a dependent  
24 described in section 1076(a)(2) of this title is  
25 entitled; and

1           “(B) health benefits contracted for under  
2           the authority of section 1079(a) of this title and  
3           subject to the same rates and conditions as  
4           apply to persons covered under that section.”.

5 **SEC. 704. STUDY AND PLAN RELATING TO CHIROPRACTIC**  
6           **HEALTH CARE SERVICES.**

7           (a) STUDY REQUIRED.—

8           (1) GROUPS COVERED.—The Secretary of De-  
9           fense shall conduct a study of providing chiropractic  
10          health care services and benefits to the following  
11          groups:

12           (A) All members of the uniformed services  
13           on active duty and entitled to care under sec-  
14           tion 1074(a) of title 10, United States Code.

15           (B) All members described in subpara-  
16           graph (A) and their eligible dependents, and all  
17           members of reserve components of the uni-  
18           formed services and their eligible dependents.

19           (C) All members or former members of the  
20           uniformed services who are entitled to retired or  
21           retainer pay or equivalent pay and their eligible  
22           dependents.

23           (2) MATTERS EXAMINED.—For each group list-  
24          ed in subparagraphs (A), (B), and (C), the study

1 shall examine the following with respect to chiro-  
2 practic health care services and benefits:

3 (A) The cost of providing such services and  
4 benefits.

5 (B) The feasibility of providing such serv-  
6 ices and benefits.

7 (C) An assessment of the health care bene-  
8 fits of providing such services and benefits.

9 (D) An estimate of the potential cost sav-  
10 ings of providing such services and benefits in  
11 lieu of other medical services.

12 (3) SPACE AVAILABLE COSTS.—The study shall  
13 also include a detailed analysis of the projected costs  
14 of providing chiropractic health care services on a  
15 space available basis in the military treatment facili-  
16 ties currently providing chiropractic care under sec-  
17 tion 702 of the Floyd D. Spence National Defense  
18 Authorization Act of Fiscal Year 2001 (as enacted  
19 by Public Law 106–398; 10 U.S.C. 1092 note).

20 (4) ELIGIBLE DEPENDENTS DEFINED.—In this  
21 section, the term “eligible dependent” has the mean-  
22 ing given that term in section 1076a(k) of title 10,  
23 United States Code.

24 (b) PLAN REQUIRED.—Not later than March 31,  
25 2006, the Secretary of Defense shall revise the plan re-

1 quired under section 702 of the Floyd D. Spence National  
2 Defense Authorization Act of Fiscal Year 2001 (as en-  
3 acted by Public Law 106–398; 10 U.S.C. 1092 note), in-  
4 cluding a detailed analysis of the projected costs, to pro-  
5 vide chiropractic health care services and benefits as a per-  
6 manent part of the Defense Health Program (including  
7 the TRICARE program) as required under that section.

8 (c) REPORT REQUIRED.—Not later than March 31,  
9 2006, the Secretary of Defense shall submit a report on  
10 the study required under subsection (a), together with the  
11 plan required under subsection (b), to the Committees on  
12 Armed Services of the Senate and the House of Represent-  
13 atives.

14 **SEC. 705. SURVIVING-DEPENDENT ELIGIBILITY UNDER**  
15 **TRICARE DENTAL PLAN FOR SURVIVING**  
16 **SPOUSES WHO WERE ON ACTIVE DUTY AT**  
17 **TIME OF DEATH OF MILITARY SPOUSE.**

18 Section 1076a(k) of title 10, United States Code, is  
19 amended to read as follows:

20 “(k) ELIGIBLE DEPENDENT DEFINED.—(1) In this  
21 section, the term ‘eligible dependent’ means a dependent  
22 described in subparagraph (A), (D), or (I) of section  
23 1072(2) of this title.

24 “(2) Such term includes any such dependent of a  
25 member who dies while on active duty for a period of more

1 than 30 days or a member of the Ready Reserve if, on  
2 the date of the death of the member, the dependent—

3 “(A) is enrolled in a dental benefits plan estab-  
4 lished under subsection (a); or

5 “(B) if not enrolled in such a plan on such  
6 date—

7 “(i) is not enrolled by reason of a dis-  
8 continuance of a former enrollment under sub-  
9 section (f); or

10 “(ii) is not qualified for such enrollment  
11 because—

12 “(I) the dependent is a child under  
13 the minimum age for such enrollment; or

14 “(II) the dependent is a spouse who is  
15 a member of the armed forces on active  
16 duty for a period of more than 30 days.

17 “(3) Such term does not include a dependent by rea-  
18 son of paragraph (2) after the end of the three-year period  
19 beginning on the date of the member’s death.”.

20 **SEC. 706. EXCEPTIONAL ELIGIBILITY FOR TRICARE PRIME**  
21 **REMOTE.**

22 Section 1079(p) of title 10, United States Code, is  
23 amended—

24 (1) by redesignating paragraph (4) as para-  
25 graph (5); and

1           (2) by inserting after paragraph (3) the fol-  
2           lowing new paragraph:

3           “(4) The Secretary of Defense may provide for  
4           coverage of a dependent referred to in subsection (a)  
5           who is not described in paragraph (3) if the Sec-  
6           retary determines that exceptional circumstances  
7           warrant such coverage.”.

## 8           **Subtitle B—Other Matters**

### 9           **SEC. 711. AUTHORITY TO RELOCATE PATIENT SAFETY CEN- 10           TER; RENAMING MEDTEAMS PROGRAM.**

11           (a) REPEAL OF REQUIREMENT TO LOCATE THE DE-  
12           PARTMENT OF DEFENSE PATIENT SAFETY CENTER  
13           WITHIN THE ARMED FORCES INSTITUTE OF PATHOLOGY  
14           .—Subsection (c)(3) of section 754 of the Floyd D. Spence  
15           National Defense Authorization Act for Fiscal Year 2001  
16           (Public Law 106–398; 114 Stat. 1654–196) is amended  
17           by striking “within the Armed Forces Institute of Pathol-  
18           ogy”.

19           (b) RENAMING MEDTEAMS PROGRAM.—Subsection  
20           (d) of such section is amended by striking “MEDTEAMS”  
21           in the heading and inserting “ MEDICAL TEAM TRAIN-  
22           ING”.

1 **SEC. 712. MODIFICATION OF HEALTH CARE QUALITY IN-**  
2 **FORMATION AND TECHNOLOGY ENHANCE-**  
3 **MENT REPORTING REQUIREMENT.**

4 Section 723(e) of the National Defense Authorization  
5 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
6 697) is amended by striking paragraphs (1) through (4)  
7 and inserting the following:

8 “(1) Measures of the quality of health care fur-  
9 nished.

10 “(2) Population health.

11 “(3) Patient safety.

12 “(4) Patient satisfaction.

13 “(5) The extent of use of evidence-based health  
14 care practices.

15 “(6) The effectiveness of biosurveillance in de-  
16 tecting an emerging epidemic.”.

17 **SEC. 713. CORRECTION TO ELIGIBILITY OF CERTAIN RE-**  
18 **SERVE OFFICERS FOR MILITARY HEALTH**  
19 **CARE PENDING ACTIVE DUTY FOLLOWING**  
20 **COMMISSIONING.**

21 (a) CORRECTION.—Clause (iii) of section  
22 1074(a)(2)(B) of title 10, United States Code, is amended  
23 by inserting before the semicolon the following: “or the  
24 orders have been issued but the member has not entered  
25 active duty”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect as of November 24, 2003,  
3 and as if included in the enactment of paragraph (2) of  
4 section 1074(a) of title 10, United States Code, by section  
5 708 of the National Defense Authorization Act for Fiscal  
6 Year 2004 (Public Law 108–136; 117 Stat. 1530).

7 **SEC. 714. PROHIBITION ON CONVERSIONS OF MILITARY**  
8 **MEDICAL POSITIONS TO CIVILIAN MEDICAL**  
9 **POSITIONS UNTIL SUBMISSION OF CERTIFI-**  
10 **CATION.**

11 (a) PROHIBITION ON CONVERSIONS.—A Secretary of  
12 a military department may not convert any military med-  
13 ical position to a civilian medical position until the Sec-  
14 retary submits to the Committees on Armed Services of  
15 the Senate and the House of Representatives a certifi-  
16 cation that the conversions within that department will not  
17 increase cost or decrease quality of care or access to care.  
18 Such a certification may not be submitted before April 1,  
19 2006. A Secretary submitting such a certification shall in-  
20 clude with the certification a report in writing setting  
21 forth the methodology used by the Secretary in making  
22 the determinations necessary for the certification, includ-  
23 ing the extent to which the Secretary took into consider-  
24 ation the findings of the Comptroller General in the report  
25 under subsection (d).



1 (b) REQUIREMENT FOR STUDY.—The Comptroller  
2 General shall conduct a study on the effect of conversions  
3 of military medical positions to civilian medical positions  
4 on the defense health program.

5 (c) MATTERS COVERED.—The study shall include the  
6 following:

7 (1) The number of military medical positions,  
8 by grade and specialty, planned for conversion to ci-  
9 vilian medical positions.

10 (2) The number of military medical positions,  
11 by grade and specialty, converted to civilian medical  
12 positions since October 1, 2004.

13 (3) The ability of the military health care sys-  
14 tem to fill the civilian medical positions required, by  
15 specialty.

16 (4) The degree to which access to health care  
17 is affected in both the direct and purchased care sys-  
18 tem, including an assessment of the effects of any  
19 increased shifts in patient load from the direct care  
20 to the purchased care system, or any delays in re-  
21 ceipt of care in either the direct or purchased care  
22 system because of lack of direct care providers.

23 (5) The degree to which changes in military  
24 manpower requirements affect recruiting and reten-  
25 tion of uniformed medical personnel.

1           (6) The effect of the conversions of military  
2           medical positions to civilian medical positions on the  
3           defense health program, including costs associated  
4           with the conversions, with a comparison of the esti-  
5           mated costs versus the actual costs incurred by the  
6           number of conversions since October 1, 2004.

7           (7) The effectiveness of the conversions in en-  
8           hancing medical readiness, health care efficiency,  
9           productivity, quality, and customer satisfaction.

10          (d) REPORT.—Not later than March 1, 2006, the  
11          Comptroller General shall submit to the Committees on  
12          Armed Services of the Senate and House of Representa-  
13          tives a report containing the results of the study under  
14          this section.

15          (e) DEFINITIONS.—In this section:

16               (1) The term “military medical position” means  
17               a position for the performance of health care func-  
18               tions within the Armed Forces held by a member of  
19               the Armed Forces.

20               (2) The term “civilian medical position” means  
21               a position for the performance of health care func-  
22               tions within the Department of Defense held by an  
23               employee of the Department or of a contractor of  
24               the Department.

1 **SEC. 715. CLARIFICATION OF INCLUSION OF DENTAL CARE**  
2 **IN MEDICAL READINESS TRACKING AND**  
3 **HEALTH SURVEILLANCE PROGRAM.**

4 (a) INCLUSION OF DENTAL CARE.—Subtitle D of  
5 title VII of the Ronald W. Reagan National Defense Au-  
6 thorization Act for Fiscal Year 2005 (Public Law 108-  
7 375; 10 U.S.C. 1074 note) is amended by adding at the  
8 end the following new section:

9 **“SEC. 740. INCLUSION OF DENTAL CARE.**

10 “For purposes of the plan, this title, and the amend-  
11 ments made by this title, references to medical readiness,  
12 health status, and health care shall be considered to in-  
13 clude dental readiness, dental status, and dental care.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of title VII of such Act and in section  
16 2(b) of such Act are each amended by inserting after the  
17 item relating to section 740 the following:

“Sec. 740. Inclusion of dental care.”.

18 **SEC. 716. COOPERATIVE OUTREACH TO MEMBERS AND**  
19 **FORMER MEMBERS OF THE NAVAL SERVICE**  
20 **EXPOSED TO ENVIRONMENTAL FACTORS RE-**  
21 **LATED TO SARCOIDOSIS.**

22 (a) OUTREACH PROGRAM REQUIRED.—The Sec-  
23 retary of the Navy, in coordination with the Secretary of  
24 Veterans Affairs, shall conduct an outreach program to  
25 contact all members and former members of the naval

1 service who, in connection with service aboard Navy ships  
2 may have been exposed to aerosolized particles resulting  
3 from the removal of nonskid coating used on those ships.

4 (b) PURPOSES OF OUTREACH PROGRAM.—The pur-  
5 poses of the outreach program are as follows:

6 (1) To develop additional data for use in subse-  
7 quent studies aimed at determining a causative link  
8 between sarcoidosis and military service.

9 (2) To inform members and former members  
10 identified in subsection (a) of the findings of Navy  
11 studies identifying an association between service  
12 aboard certain naval ships and sarcoidosis.

13 (3) To assist members and former members  
14 identified in subsection (a) in getting medical eval-  
15 uations to help clarify linkages between their disease  
16 and their service aboard Navy ships.

17 (4) To ensure the Department of Veterans Af-  
18 fairs has data and information for the effective eval-  
19 uation of veterans who may seek care for sarcoid-  
20 osis.

21 (c) IMPLEMENTATION.—The Secretary of the Navy  
22 shall begin the outreach program not later than six  
23 months after the date of the enactment of this act and  
24 provide to the Committees on Armed Services of the Sen-  
25 ate and the House of Representatives a report on the re-

1 sults of the outreach programs not later than one year  
2 after beginning the program.

3 **SEC. 717. EARLY IDENTIFICATION AND TREATMENT OF**  
4 **MENTAL HEALTH AND SUBSTANCE ABUSE**  
5 **DISORDERS.**

6 (a) **AUTHORITY.**—The Secretary of Defense may  
7 carry out activities to foster the early identification and  
8 treatment of mental health and substance abuse problems  
9 experienced by members of the Armed Forces, with special  
10 emphasis on members who have served in a theater of  
11 combat operations within the preceding 12 months.

12 (b) **ACTIVITIES.**—The activities carried out by the  
13 Secretary under subsection (a) may include the conduct  
14 of a series of campaigns that uses internal mass media  
15 (including radio and television) communications and other  
16 education tools to change attitudes within the Armed  
17 Forces regarding mental health and substance abuse  
18 treatment, with the aim of lessening the stigma associated  
19 with mental health and substance abuse problems and the  
20 treatment of such problems, including the development of  
21 pertinent messaging targeted to—

22 (1) members of the Armed Forces who may be  
23 experiencing mental health or substance abuse prob-  
24 lems and their family members;

25 (2) commanders and supervisory personnel; and

1           (3) peers of members of the Armed Forces who  
2           may be experiencing mental health or substance  
3           abuse problems or be at risk of such problems.

4 **SEC. 718. MENTAL HEALTH AWARENESS FOR DEPENDENTS.**

5           (a) PROGRAM.—Not later than one year after the  
6           date of the enactment of this Act, the Secretary of Defense  
7           shall develop a program to improve awareness of the avail-  
8           ability of mental health services for, and warning signs  
9           about mental health problems in, dependents of members  
10          of the Armed Forces whose sponsor served or will serve  
11          in a combat theater during the previous or next 60 days.

12          (b) MATTERS COVERED.—The program developed  
13          under subsection (a) shall be designed to—

14               (1) increase awareness of mental health services  
15               available to dependents of members of the Armed  
16               Forces on active duty;

17               (2) increase awareness of mental health services  
18               available to dependents of Reservists and National  
19               Guard members whose sponsors have been activated;  
20               and

21               (3) increase awareness of mental health issues  
22               that may arise in dependents referred to in para-  
23               graphs (1) and (2) whose sponsor is deployed to a  
24               combat theater.

1 (c) COORDINATION.—The Secretary may permit the  
2 Department of Defense to coordinate the program devel-  
3 oped under subsection (a) with an accredited college, uni-  
4 versity, hospital-based, or community-based mental health  
5 center or engage mental health professionals to develop  
6 programs to help implement this section.

7 (d) AVAILABILITY IN OTHER LANGUAGES.—The Sec-  
8 retary shall evaluate whether effectiveness of the program  
9 developed under subsection (a) would be improved by pro-  
10 viding materials in languages other than English and take  
11 action accordingly

12 (e) REPORT.—Not later than one year after imple-  
13 mentation of the program developed under subsection (a),  
14 the Secretary shall submit to Congress a report on the  
15 effectiveness of the program, including the extent to which  
16 the program is used by low-English-proficient individuals.

17 **SEC. 719. STUDY RELATING TO PREDEPLOYMENT AND**  
18 **POSTDEPLOYMENT MEDICAL EXAMS OF CER-**  
19 **TAIN MEMBERS OF THE ARMED FORCES.**

20 Not later than 120 days after the date of the enact-  
21 ment of this Act, the Secretary of Defense shall conduct  
22 a study of the effectiveness of self-administered surveys  
23 included in predeployment and postdeployment medical  
24 exams of members of the Armed Forces that are carried

1 out as part of the medical tracking system required under  
 2 section 1074f of title 10, United States Code.

3 **TITLE VIII—ACQUISITION POL-**  
 4 **ICY, ACQUISITION MANAGE-**  
 5 **MENT, AND RELATED MAT-**  
 6 **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.  
 Sec. 818. Buy American requirement for procurements of goods containing components.  
 Sec. 819. Domestic source restriction for lithium ion cells and batteries.  
 Sec. 820. Prohibition on defense contractors requiring licenses or fees for use of military likenesses and designations.  
 Sec. 820A. Establishment of evaluation factor for defense contractors employing or subcontracting with members of the selected Reserve of the reserve components of the Armed Forces.

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**  
13 **Key Decision Point B approval**

14 “(a) CERTIFICATION.—A major defense acquisition  
15 program may not receive Milestone B approval, or Key  
16 Decision 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 likeli-  
21 hood of accomplishing its intended mission;

22 “(3) the program is affordable when consid-  
23 ering the per unit cost and the total acquisition cost  
24 in the context of the total resources available during

1 the period covered by the future-years defense pro-  
2 gram submitted during the fiscal year in which the  
3 certification is made;

4 “(4) the program is affordable when consid-  
5 ering the ability of the Department of Defense to ac-  
6 complish the program’s mission using alternative  
7 systems;

8 “(5) the Joint Requirements Oversight Council  
9 has accomplished its duties with respect to the pro-  
10 gram pursuant to section 181(b) of this title, includ-  
11 ing an analysis of the operational requirements for  
12 the program; and

13 “(6) the program complies with all relevant  
14 policies, regulations, and directives of the Depart-  
15 ment of Defense.

16 “(b) SUBMISSION TO CONGRESS.—The certification  
17 required under subsection (a) with respect to a major de-  
18 fense acquisition program shall be submitted to the con-  
19 gressional defense committees at least 30 days before ap-  
20 proval of Milestone B or Key Decision Point B.

21 “(c) WAIVER FOR NATIONAL SECURITY.—The Sec-  
22 retary may waive the applicability of the certification re-  
23 quirement under subsection (a) to a major defense acquisi-  
24 tion program if the Secretary determines that, but for  
25 such a waiver, the Department would be unable to meet

1 national security objectives. Whenever the Secretary  
2 makes such a determination and authorizes such a waiver,  
3 the Secretary shall submit notice of such waiver and of  
4 the Secretary's determination, and the reasons for the de-  
5 termination, in writing to the congressional defense com-  
6 mittees within 30 days after authorizing the waiver.

7       “(d) NONDELEGATION.—The Secretary may not del-  
8 egate the certification requirement under subsection (a)  
9 or the authority to waive such requirement under sub-  
10 section (d).

11       “(e) DEFINITIONS.—In this section:

12               “(1) The term ‘major defense acquisition pro-  
13 gram’ means a Department of Defense acquisition  
14 program that is a major defense acquisition program  
15 for purposes of section 2430 of this title.

16               “(2) The term ‘Milestone B approval’ has the  
17 meaning provided that term in section 2366(e)(7) of  
18 this title.

19               “(3) The term ‘Key Decision Point B’ means  
20 the official program initiation of a National Security  
21 Space program of the Department of Defense, which  
22 triggers a formal review to determine maturity of  
23 technology and the program's readiness to begin the  
24 preliminary system design.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such chapter is amended by inserting  
3 after the item relating to section 2366 the following new  
4 item:

“2366a. Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval.”.

5 **SEC. 802. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES**  
6 **TO MAJOR DEFENSE ACQUISITION PRO-**  
7 **GRAMS.**

8 (a) ANALYSIS OF ALTERNATIVES REQUIREMENT.—  
9 Chapter 144 of title 10, United States Code, is amended  
10 by inserting after section 2433 the following new section:

11 **“§ 2433a. Analysis of alternatives**

12 “(a) REQUIREMENT IF UNIT COSTS EXCEED 15  
13 PERCENT.—If the percentage increase in the program ac-  
14 quisition unit cost or procurement unit cost of a major  
15 defense acquisition program (as determined by the Sec-  
16 retary concerned under section 2433(d)(3) of this title)  
17 exceeds 15 percent, then the Secretary concerned shall ini-  
18 tiate an analysis of alternatives for the major defense ac-  
19 quisition program, in accordance with this section.

20 “(b) MATTERS COVERED IN ANALYSIS OF ALTER-  
21 NATIVES.—An analysis of alternatives for a major defense  
22 acquisition program shall include, at a minimum, the fol-  
23 lowing:

1           “(1) Projected cost to complete the program if  
2           current requirements are not modified.

3           “(2) Projected cost to complete the program  
4           based on potential modifications to the requirements.

5           “(3) Projected cost to complete the program  
6           based on design modifications, enhancements to the  
7           producibility of the program, and manufacturing ef-  
8           ficiencies.

9           “(4) Projected cost and capabilities of the pro-  
10          gram that could be delivered within the originally  
11          authorized budget for the program, including any in-  
12          crease or decrease in capability.

13          “(5) Projected cost for an alternative system or  
14          capability.

15          “(c) COMPLETION AND SUBMISSION TO CON-  
16          GRESS.—With respect to any analysis of alternatives initi-  
17          ated under this section, the Secretary—

18                 “(1) shall complete the analysis not later than  
19                 1 year after the date of initiation; and

20                 “(2) shall submit the analysis to the congres-  
21                 sional defense committees not later than 30 days  
22                 after the date of completion.”.

23          (b) CLERICAL AMENDMENT.—The table of sections  
24          at the beginning of such chapter is amended by adding  
25          at the end the following new item:

“2433a. Analysis of alternatives.”.



1           (2) by inserting after subsection (c) the fol-  
2           lowing new subsection:

3           “(d) RE-BASELINING.—

4                 “(1) RE-BASELINE AUTHORIZED.—For pur-  
5                 poses of this chapter, a baseline for a major defense  
6                 acquisition program may be re-baselined only if a  
7                 percentage increase in program acquisition unit cost  
8                 or procurement unit cost of the program exceeding  
9                 25 percent occurs (as determined by the Secretary  
10                under section 2433(d)).

11               “(2) NOTIFICATION TO CONGRESS OF RE-BASE-  
12               LINING.—The Secretary shall notify the congres-  
13               sional defense committees not later than 30 days  
14               after a re-baselining has been conducted for a major  
15               defense acquisition 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  
21     COMPENSATION CAP.—Section 808(e)(2) of Public Law  
22     105–85 (41 U.S.C. 435 note; 111 Stat. 1838) is amended  
23     by striking “before, on,” and inserting “on”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply as if included in Public Law  
3 105–85 as enacted.

4 **SEC. 812. USE OF COMMERCIALY AVAILABLE ONLINE**  
5 **SERVICES FOR FEDERAL PROCUREMENT OF**  
6 **COMMERCIAL ITEMS.**

7 (a) AMENDMENT TO THE FEDERAL ACQUISITION  
8 REGULATION.—Not later than 180 days after the date of  
9 the enactment of this Act, the Federal Acquisition Regula-  
10 tion shall be revised to include provisions that require the  
11 head of an executive agency, to the maximum extent prac-  
12 ticable, to use commercially available online procurement  
13 services to purchase commercial items, including those  
14 procurement services that allow the agency to conduct re-  
15 verse auctions.

16 (b) REPORT.—Not later than one year after the revi-  
17 sions to the Federal Acquisition Regulation are issued  
18 pursuant to subsection (a), the Administrator for Federal  
19 Procurement Policy shall submit to the Committees on  
20 Governmental Affairs and Homeland Security and on  
21 Armed Services of the Senate and the Committees on Gov-  
22 ernment Reform and on Armed Services of the House of  
23 Representatives a report on the use of commercially avail-  
24 able online procurement services. The report shall in-  
25 clude—



1           (1) a list of the executive agencies that have  
2 used commercially available online procurement serv-  
3 ices, and the number of times each has so used such  
4 services;

5           (2) a list of the types of commercially available  
6 online procurement services used by each executive  
7 agency and the dollar value of the procurements con-  
8 ducted through each type of commercially available  
9 online procurement service; and

10          (3) the Administrator’s recommendations for  
11 further encouraging the use of commercially avail-  
12 able online procurement services, particularly those  
13 that afford the Federal Government the opportunity  
14 to conduct reverse auctions.

15 (c) DEFINITIONS.—In this section:

16          (1) The term “commercially available online  
17 procurement services”, with respect to procurement  
18 by executive agencies, includes reverse auctions and  
19 other services accessible on the Internet that allow  
20 executive agencies to purchase commercial items  
21 from electronic catalogs and offerors to bid for deliv-  
22 ery orders of such items.

23          (2) The term “reverse auction”, with respect to  
24 procurement by executive agencies, means a method  
25 of soliciting offers on the Internet for commercial

1 items, not including construction-related services, in  
2 which—

3 (A) firms compete against each other on  
4 the Internet in real time and in an open and  
5 interactive environment; and

6 (B) each firm’s identity and pricing are  
7 safeguarded.

8 (3) The term “Federal Acquisition Regulation”  
9 means the single Government-wide procurement reg-  
10 ulation issued in accordance with sections 6 and 25  
11 of the Office of Federal Procurement Policy Act (41  
12 U.S.C. 405 and 421).

13 (4) The terms “executive agency”, “commercial  
14 item”, and “procurement” have the meanings pro-  
15 vided those terms in section 4 of the Office of Fed-  
16 eral Procurement Policy Act (41 U.S.C. 403 et  
17 seq.).

18 **SEC. 813. CONTINGENCY CONTRACTING CORPS.**

19 (a) REQUIREMENT TO ESTABLISH CONTINGENCY  
20 CONTRACTING CORPS.—

21 (1) REQUIREMENT.—The Secretary of Defense  
22 shall establish a contingency contracting corps, to be  
23 implemented, subject to the authority, direction, and  
24 control of the Secretary, through a joint policy devel-

1       oped by the Chairman of the Joint Chiefs of Staff,  
2       in accordance with this section.

3               (2) HEAD OF CORPS.—The policy shall provide  
4       that the corps shall be directed by a senior commis-  
5       sioned officer with appropriate acquisition experience  
6       and qualifications, who shall report directly to the  
7       commander of the combatant command in whose  
8       area of responsibility the corps is operating when de-  
9       ployed. In the case of more than one operation for  
10      which the corps is deployed, the head of the corps  
11      may delegate command authority, but any officer to  
12      whom the authority is delegated shall report directly  
13      to the commander of the combatant command con-  
14      cerned.

15              (3) OPERATION OF CORPS.—The policy shall  
16      provide that the contingency contracting corps shall  
17      conduct contingency contracting—

18                      (A) during combat operations and use  
19                      rapid acquisition authority to the maximum ex-  
20                      tent appropriate;

21                      (B) during post-conflict operations to as-  
22                      sist the commander of the combatant command  
23                      in meeting urgent contracting requirements;  
24                      and

1 (C) by using both deployed and non-de-  
2 ployed contingency contracting personnel for  
3 carrying out contingency contracting.

4 (4) TRAINING OF CORPS.—

5 (A) The policy developed under paragraph  
6 (1) shall provide for training all contingency  
7 contracting personnel in the use of law, regula-  
8 tions, policies, and directives related to contin-  
9 gency contracting operations, and shall ensure  
10 that the training is maintained for such per-  
11 sonnel even when they are not deployed in a  
12 contingency operation.

13 (B) The policy shall require the training of  
14 contingency contracting personnel to include in-  
15 struction from a program to be created by the  
16 Defense Acquisition University and inclusion of  
17 contingency contracting personnel in relevant  
18 wargaming and operational planning.

19 (C) The policy shall require contingency  
20 contracting personnel to remain proficient in  
21 contingency contracting operations during  
22 peacetime and shall allow such personnel to be  
23 used for other acquisition and contracting-re-  
24 lated activities when not required in support of  
25 contingency contracting operations.

1           (D) The policy shall provide for the corps  
2           to use integrated contracting, financial, and  
3           other support systems.

4           (5) REGULATIONS.—The Secretary shall pre-  
5           scribe regulations to carry out this section. The reg-  
6           ulations shall be developed in coordination with the  
7           Under Secretary of Defense for Acquisition, Tech-  
8           nology, and Logistics, the Secretaries of the military  
9           departments, and the acquisition support agencies.  
10          The regulations shall be uniform to the maximum  
11          extent practicable among the military departments  
12          and shall address, at a minimum, applicable laws,  
13          regulations, policies, and directives related to contin-  
14          gency contracting.

15          (b) REPORT.—

16           (1) REQUIREMENT.—Not later than 270 days  
17           after the date of the enactment of this Act, the Sec-  
18           retary of Defense shall submit to the Committees on  
19           Armed Services of the Senate and the House of Rep-  
20           resentatives a report on contingency contracting.

21           (2) MATTERS COVERED.—The report shall in-  
22           clude discussions of the following:

23           (A) Progress in the implementation of the  
24           contingency contracting corps, in accordance  
25           with the requirements of subsection (a).

1 (B) The ability of the Armed Forces to  
2 support contingency contracting.

3 (C) The ability of commanders of combat-  
4 ant commands to request contingency con-  
5 tracting support and the ability of the military  
6 departments and the acquisition support agen-  
7 cies to respond to such requests and provide  
8 such support, including the availability of rapid  
9 acquisition personnel for such support.

10 (D) The ability of the current civilian and  
11 military acquisition workforce to deploy to com-  
12 bat theaters of operations and to conduct con-  
13 tracting activities during combat and during  
14 post-conflict, reconstruction, or other contin-  
15 gency operations.

16 (E) The effect of different periods of de-  
17 ployment on continuity in the acquisition proc-  
18 ess.

19 (c) DEFINITIONS.—In this section:

20 (1) CONTINGENCY CONTRACTING PER-  
21 SONNEL.—The term “contingency contracting per-  
22 sonnel” means members of the Armed Forces and  
23 civilian employees of the Department of Defense who  
24 are members of the defense acquisition workforce  
25 and, as part of their duties, are assigned to provide

1 support to contingency operations (whether deployed  
2 or not).

3 (2) CONTINGENCY CONTRACTING.—The term  
4 “contingency contracting” means all stages of the  
5 process of acquiring property or services by the De-  
6 partment of Defense during a contingency operation.

7 (3) CONTINGENCY OPERATION.—The term  
8 “contingency operation” has the meaning provided  
9 in section 101(13) of title 10, United States Code.

10 (4) ACQUISITION SUPPORT AGENCIES.—The  
11 term “acquisition support agencies” means Defense  
12 Agencies and Department of Defense Field Activities  
13 that carry out and provide support for acquisition-  
14 related activities.

15 **SEC. 814. REQUIREMENT FOR CONTRACTING OPERATIONS**  
16 **TO BE INCLUDED IN INTERAGENCY PLAN-**  
17 **NING RELATED TO STABILIZATION AND RE-**  
18 **CONSTRUCTION.**

19 (a) INCLUSION OF CONTRACTING OPERATIONS IN  
20 INTERAGENCY PLANNING.—The Secretary of Defense  
21 shall include contracting operations in all relevant inter-  
22 agency planning operations of the Department of Defense  
23 related to stabilization and reconstruction operations.

24 (b) SECRETARY OF DEFENSE REQUIREMENTS.—If  
25 the President designates the Department of Defense as

1 the executive agency with primary responsibility for con-  
2 tracting operations in post-conflict, stabilization, or recon-  
3 struction operations, the Secretary of Defense shall de-  
4 velop policy and procedures for the Department of Defense  
5 to serve as such executive agency.

6 (c) REPORT.—

7 (1) REQUIREMENT.—The Secretary of Defense  
8 and the Secretary of State shall jointly prepare a re-  
9 port on lessons learned from carrying out con-  
10 tracting operations during Operation Iraqi Freedom.

11 (2) MATTERS COVERED.—The report shall ad-  
12 dress the following with respect to such activities:

13 (A) Development of an appropriate acquisi-  
14 tion planning strategy before obligation of  
15 funds, including the scope of planned con-  
16 tracting operations, project management, logis-  
17 tics, and financial considerations.

18 (B) Flow of appropriated funds.

19 (C) Ability to obtain military and civilian  
20 acquisition workforce personnel.

21 (D) Ability to obtain country clearances for  
22 such personnel.

23 (E) Ability to reprogram funds and to co-  
24 ordinate interagency activities.



1           (3) SUBMISSION.—Not later than 180 days  
2           after the date of the enactment of this Act, the re-  
3           port shall be submitted to the Committees on Armed  
4           Services and Foreign Relations of the Senate and  
5           the Committees on Armed Services and Inter-  
6           national Relations of the House of Representatives.

7 **SEC. 815. STATEMENT OF POLICY AND REPORT RELATING**  
8                                   **TO CONTRACTING WITH EMPLOYERS OF PER-**  
9                                   **SONS WITH DISABILITIES.**

10           (a) EXTENSIONS OF INAPPLICABILITY OF CERTAIN  
11 ACTS.—Section 853 of the Ronald W. Reagan National  
12 Defense Authorization Act for Fiscal Year 2005 (Public  
13 Law 108–375; 118 Stat. 2021) is amended in subsections  
14 (a)(2) (A) and (b)(2)(A) by striking “2005” and inserting  
15 “2006”.

16           (b) STATEMENT OF POLICY.—The Secretary of De-  
17 fense and the Secretary of Education shall jointly issue  
18 a statement of policy related to the implementation of the  
19 Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and the  
20 Javits-Wagner-O’Day Act (41 U.S.C. 48) within the De-  
21 partment of Defense and the Department of Education.  
22 The joint statement of policy shall specifically address the  
23 application of those Acts to both operation and manage-  
24 ment of all or any part of a military mess hall, military  
25 troop dining facility, or any similar dining facility operated

1 for the purpose of providing meals to members of the  
2 Armed Forces, and shall take into account and address,  
3 to the extent practicable, the positions acceptable to per-  
4 sons representing programs implemented under each Act.

5 (c) REPORT.—Not later than April 1, 2006, the Sec-  
6 retary of Defense and the Secretary of Education shall  
7 submit to the Committees on Armed Services of the Sen-  
8 ate and the House of Representatives, the Committee on  
9 Health, Education, Labor and Pensions of the Senate, and  
10 the Committee on Education and the Workforce of the  
11 House of Representatives a report describing the joint  
12 statement of policy issued under subsection (b), with such  
13 findings and recommendations as the Secretaries consider  
14 appropriate.

15 **SEC. 816. STUDY ON DEPARTMENT OF DEFENSE CON-**  
16 **TRACTING WITH SMALL BUSINESS CON-**  
17 **CERNS OWNED AND CONTROLLED BY SERV-**  
18 **ICE-DISABLED VETERANS.**

19 (a) STUDY REQUIRED.—The Secretary of Defense  
20 shall conduct a study on Department of Defense procure-  
21 ment contracts with small business concerns owned and  
22 controlled by service-disabled veterans.

23 (b) ELEMENTS OF STUDY.—The study required by  
24 subsection (a) shall include the following determinations:

1           (1) Any steps taken by the Department of De-  
2           fense to meet the Government-wide goal of participa-  
3           tion by small business concerns owned and con-  
4           trolled by service-disabled veterans in at least 3 per-  
5           cent of the total value of all prime contract and sub-  
6           contract awards, as required under section 15(g) of  
7           the Small Business Act (15 U.S.C. 644(g)).

8           (2) If the Department of Defense has failed to  
9           meet such goal, an explanation of the reasons for  
10          such failure.

11          (3) Any steps taken within the Department of  
12          Defense to make contracting officers aware of the 3  
13          percent goal and to ensure that procurement officers  
14          are working actively to achieve such goal.

15          (4) The number of small business concerns  
16          owned and controlled by service-disabled veterans  
17          which submitted offers on contracts with the De-  
18          partment of Defense during the preceding fiscal  
19          year.

20          (5) Any outreach efforts made by the Depart-  
21          ment to enter into contracts with small business con-  
22          cerns owned and controlled by service-disabled vet-  
23          erans.

24          (6) Any such outreach efforts the Department  
25          could make but has not made.

1 (7) Whether, in awarding subcontracts, prime  
2 contractors are aware of the preference for small  
3 business concerns owned and controlled by service-  
4 disabled veterans under section 36 of the Small  
5 Business Act (15 U.S.C. 657f).

6 (8) Any plans of the Department of Defense to  
7 increase the percentage of Federal contracts it  
8 awards to small businesses owned and controlled by  
9 service-disabled veterans.

10 (c) REPORT.—Not later than the date that is six  
11 months after the date of the enactment of this Act, the  
12 Secretary shall submit to Congress a report on the find-  
13 ings of the study conducted under this section.

14 (d) SMALL BUSINESS CONCERN OWNED AND CON-  
15 TROLLED BY SERVICE-DISABLED VETERANS.—In this  
16 section, the term “small business concern owned and con-  
17 trolled by service-disabled veterans” has the meaning  
18 given that term in section 3(q) of the Small Business Act  
19 (15 U.S.C. 632(q)).

20 **SEC. 817. PROHIBITION ON PROCUREMENT FROM BENE-**  
21 **FICIARIES OF FOREIGN SUBSIDIES.**

22 (a) PROHIBITION.—The Secretary of Defense may  
23 not enter into a contract for the procurement of goods  
24 or services from any foreign person to which the govern-

1 ment of a foreign country that is a member of the World  
2 Trade Organization has provided a subsidy if—

3           (1) the United States has requested consulta-  
4 tions with that foreign country under the Agreement  
5 on Subsidies and Countervailing Measures on the  
6 basis that the subsidy is a prohibited subsidy under  
7 that Agreement; and

8           (2) either—

9                   (A) the issue before the World Trade Or-  
10 ganization has not been resolved; or

11                   (B) the World Trade Organization has  
12 ruled that the subsidy provided by the foreign  
13 country is a prohibited subsidy under the  
14 Agreement on Subsidies and Countervailing  
15 Measures.

16       (b) JOINT VENTURES.—The prohibition under sub-  
17 section (a) with respect to a foreign person also applies  
18 to any joint venture, cooperative organization, partner-  
19 ship, or contracting team of which that foreign person is  
20 a member.

21       (c) SUBCONTRACTS AND TASK ORDERS.—The prohi-  
22 bition under subsection (a) with respect to a contract also  
23 applies to any subcontracts at any tier entered into under  
24 the contract and any task orders at any tier issued under  
25 the contract.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “Agreement on Subsidies and  
3 Countervailing Measures” means the agreement de-  
4 scribed in section 101(d)(12) of the Uruguay Round  
5 Agreements Act (19 U.S.C. 3501(d)(12)).

6 (2) The term “foreign person” means—

7 (A) an individual who is not a United  
8 States person or an alien lawfully admitted for  
9 permanent residence into the United States; or

10 (B) a corporation, partnership, or other  
11 nongovernmental entity which is not a United  
12 States person.

13 (3) The term “United States person” means—

14 (A) a natural person who is a citizen of the  
15 United States or who owes permanent alle-  
16 giance to the United States; and

17 (B) a corporation or other legal entity  
18 which is organized under the laws of the United  
19 States, any State or territory thereof, or the  
20 District of Columbia, if natural persons de-  
21 scribed in subparagraph (A) own, directly or in-  
22 directly, more than 50 percent of the out-  
23 standing capital stock or other beneficial inter-  
24 est in such legal entity.

25 (e) APPLICABILITY.—

1           (1) PROGRAMS WITH MILESTONE B APPROVAL  
2 NOT COVERED.—The prohibition under subsection  
3 (a) shall not apply to any contract under a major  
4 defense acquisition program that has received Mile-  
5 stone B approval as of the date of the enactment of  
6 this Act.

7           (2) DEFINITIONS.—In this subsection:

8           (A) The term “major defense acquisition  
9 program” means a Department of Defense ac-  
10 quisition program that is a major defense ac-  
11 quisition program for purposes of section 2430  
12 of title 10, United States Code.

13           (B) The term “Milestone B approval” has  
14 the meaning provided that term in section  
15 2366(e)(7) of such title.

16 **SEC. 818. BUY AMERICAN REQUIREMENT FOR PROCURE-**  
17 **MENTS OF GOODS CONTAINING COMPO-**  
18 **NENTS.**

19           (a) REQUIREMENT.—Notwithstanding any agree-  
20 ment described in subsection (b), with respect to any man-  
21 ufactured end product procured by the Department of De-  
22 fense—

23           (1) the end product shall be manufactured in  
24 the United States; and

1           (2) the cost of components of the end product  
2 that are mined, produced, or manufactured inside  
3 the United States shall exceed 50 percent of the cost  
4 of all components of the end product.

5           (b) AGREEMENT DESCRIBED.—An agreement re-  
6 ferred to in subsection (a) is any reciprocal defense pro-  
7 curement memorandum of understanding between the  
8 United States and a foreign country pursuant to which  
9 the Secretary of Defense has prospectively waived the Buy  
10 American Act (41 U.S.C. 10a et seq.) for certain products  
11 in that country.

12 **SEC. 819. DOMESTIC SOURCE RESTRICTION FOR LITHIUM**  
13 **ION CELLS AND BATTERIES.**

14           Section 2534(a) of title 10, United States Code, is  
15 amended by adding at the end the following new para-  
16 graph:

17           “(6) LITHIUM ION CELLS AND BATTERIES.—  
18 Lithium ion cells and batteries and manufacturing  
19 technology for lithium ion cells and batteries.”.

20 **SEC. 820. PROHIBITION ON DEFENSE CONTRACTORS RE-**  
21 **QUIRING LICENSES OR FEES FOR USE OF**  
22 **MILITARY LIKENESSES AND DESIGNATIONS.**

23           (a) IN GENERAL.—The Secretary of Defense shall re-  
24 quire that any contract entered into by the Department  
25 of Defense include a provision prohibiting the contractor



1 from requiring toy and hobby manufacturers, distributors,  
2 or merchants to obtain licenses from or pay fees to the  
3 contractor for the use of military likenesses or designa-  
4 tions on items provided under the contract.

5 (b) LIMITATION TO UNITED STATES COMPANIES.—  
6 Subsection (a) applies only with respect to toy and hobby  
7 manufacturers, distributors, or merchants incorporated in  
8 or organized under the laws of the United States.

9 **SEC. 820A. ESTABLISHMENT OF EVALUATION FACTOR FOR**  
10 **DEFENSE CONTRACTORS EMPLOYING OR**  
11 **SUBCONTRACTING WITH MEMBERS OF THE**  
12 **SELECTED RESERVE OF THE RESERVE COM-**  
13 **ONENTS OF THE ARMED FORCES.**

14 (a) DEFENSE CONTRACTS.—In awarding any con-  
15 tract for the procurement of goods or services, the Depart-  
16 ment of Defense, when considering source selection cri-  
17 teria, shall use as an evaluation factor whether entities  
18 intend to carry out the contract using employees or indi-  
19 vidual subcontractors for goods and services who are mem-  
20 bers of the Selected Reserve of the reserve components of  
21 the Armed Forces.

22 (b) DOCUMENTATION OF SELECTED RESERVE-RE-  
23 LATED EVALUATION FACTOR.—Any entity claiming intent  
24 to carry out a contract using employees or individual sub-  
25 contractors for goods and services who are members of

1 the Selected Reserve of the reserve components of the  
2 Armed Forces shall be required to document to the De-  
3 partment of Defense the number (and names, if re-  
4 quested) of such members of the Selected Reserve that the  
5 entity will employ, or execute personal services contracts  
6 with, for the contract in question.

7 (c) NATIONAL SECURITY WAIVER.—The Secretary of  
8 the military department concerned, or, in the case of con-  
9 tracts which are not negotiated by a military department,  
10 the Secretary of Defense, may waive the requirement in  
11 subsection (a) with respect to a contract if the Secretary  
12 concerned determines that the waiver is necessary for rea-  
13 sons of national security.

14 (d) REGULATIONS.—The Federal Acquisition Regula-  
15 tion shall be revised as necessary to implement this sec-  
16 tion.

17 **Subtitle C—Amendments to Gen-**  
18 **eral Contracting Authorities,**  
19 **Procedures, and Limitations**

20 **SEC. 821. INCREASED FLEXIBILITY FOR DESIGNATION OF**  
21 **CRITICAL ACQUISITION POSITIONS IN DE-**  
22 **FENSE ACQUISITION WORKFORCE.**

23 Subparagraph (A) of section 1733(b)(1) of title 10,  
24 United States Code, is amended to read as follows:

1           “(A) Any acquisition position that is required  
2           to be filled by a senior civilian employee in the Na-  
3           tional Security Personnel System or a senior com-  
4           missioned officer of the Army, Navy, Air Force, or  
5           Marine Corps, as determined in accordance with  
6           guidelines prescribed by the Secretary.”.

7   **SEC. 822. PARTICIPATION BY DEPARTMENT OF DEFENSE IN**  
8                           **ACQUISITION WORKFORCE TRAINING FUND.**

9           (a) **REQUIRED CONTRIBUTIONS TO ACQUISITION**  
10 **WORKFORCE TRAINING FUND BY DEPARTMENT OF DE-**  
11 **FENSE.**—Section 37(h)(3) of the Office of Federal Pro-  
12 curement Policy Act (41 U.S.C. 433(h)(3)) is amended—

13           (1) in subparagraph (B), by striking “(other  
14           than the Department of Defense)”; and

15           (2) by redesignating subparagraphs (D), (E),  
16           (F), and (G) as subparagraphs (E), (F), (G), and  
17           (H), respectively, and inserting after subparagraph  
18           (C) the following new subparagraph (D):

19                           “(D) The Administrator of General Serv-  
20           ices shall transfer to the Secretary of Defense  
21           fees collected from the Department of Defense  
22           pursuant to subparagraph (B), to be used by  
23           the Defense Acquisition University for purposes  
24           of acquisition workforce training for the entire  
25           Federal acquisition workforce.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) OFFICE OF FEDERAL PROCUREMENT POL-  
3 ICY ACT.—Section 37(a) of the Office of Federal  
4 Procurement Policy Act (41 U.S.C. 433) is amended  
5 by striking “This section” and inserting “Except as  
6 provided in subsection (h)(3), this section”.

7 (2) PUBLIC LAW 108–136.—Section 1412 of the  
8 National Defense Authorization Act for Fiscal Year  
9 2004 (Public Law 108–136; 117 Stat. 1664) is  
10 amended by striking subsection (c).

11 (c) DEFENSE ACQUISITION UNIVERSITY FUNDING.—  
12 Amounts transferred under section 37(h)(3)(D) of the Of-  
13 fice of Federal Procurement Policy Act (as amended by  
14 subsection (a)) for use by the Defense Acquisition Univer-  
15 sity shall be in addition to other amounts authorized for  
16 the University.

17 (d) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to contracts entered  
19 into after the date of the enactment of this Act.

20 **SEC. 823. INCREASE IN COST ACCOUNTING STANDARD**  
21 **THRESHOLD.**

22 Section 26(f)(2)(A) of the Office of Federal Procure-  
23 ment Policy Act (41 U.S.C. 422(f)(A)) is amended by  
24 striking “\$500,000” and inserting “\$550,000”.

1 **SEC. 824. AMENDMENTS TO DOMESTIC SOURCE REQUIRE-**  
2 **MENTS RELATING TO CLOTHING MATERIALS**  
3 **AND COMPONENTS COVERED.**

4 (a) NOTICE.—Section 2533a of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new subsection:

7 “(k) NOTIFICATION REQUIRED WITHIN 7 DAYS  
8 AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS AP-  
9 PLIED.—In the case of any contract for the procurement  
10 of an item described in subparagraph (B), (C), (D), or  
11 (E) of subsection (b)(1), if the Secretary of Defense or  
12 of the military department concerned applies an exception  
13 set forth in subsection (c) or (e) with respect to that con-  
14 tract, the Secretary shall, not later than 7 days after the  
15 award of the contract, post a notification that the excep-  
16 tion has been applied on the Internet site maintained by  
17 the General Services Administration known as  
18 FedBizOps.gov (or any successor site).”.

19 (b) CLOTHING MATERIALS AND COMPONENTS COV-  
20 ERED.—Subsection (b) of section 2533a of title 10, United  
21 States Code, is amended in paragraph (1)(B) by inserting  
22 before the semicolon the following: “and the materials and  
23 components thereof, other than sensors, electronics, or  
24 other items added to, and not normally associated with,  
25 clothing (and the materials and components thereof)”.

1 **SEC. 825. RAPID ACQUISITION AUTHORITY TO RESPOND TO**  
2 **DEFENSE INTELLIGENCE COMMUNITY EMER-**  
3 **GENCIES.**

4 (a) **RAPID ACQUISITION AUTHORITY.**—In the case of  
5 any critical intelligence capability that, as determined in  
6 writing by the Secretary of Defense, without delegation,  
7 is urgently needed to address a demonstrable, imminent,  
8 and urgent threat to national security that would likely  
9 result in combat fatalities or grave harm to the national  
10 security of the United States, the Secretary shall use the  
11 procedures developed under this section in order to accom-  
12 plish the rapid acquisition and deployment of the needed  
13 critical intelligence capabilities.

14 (b) **DESIGNATION OF SENIOR OFFICIAL.**—Whenever  
15 the Secretary makes a determination under subsection (a)  
16 that the rapid acquisition of critical intelligence capability  
17 is needed, the Secretary shall designate a senior official  
18 of the Department of Defense to ensure that the intel-  
19 ligence capability is acquired and deployed as quickly as  
20 possible, with a goal of awarding a contract for the acqui-  
21 sition of the intelligence capability within 15 days after  
22 the determination is made.

23 (c) **WAIVER AUTHORITY.**—Upon designation of a  
24 senior official under subsection (b), the Secretary shall au-  
25 thorize that official to waive any provision of law, policy,  
26 directive, or regulation described in subsection (f) that

1 such official determines in writing would unnecessarily im-  
2 pede the rapid acquisition and deployment of the needed  
3 intelligence capability.

4 (d) FUNDING OF RAPID ACQUISITIONS.—The author-  
5 ity of this section may not be used to acquire intelligence  
6 capability in an amount aggregating more than  
7 \$20,000,000 during any fiscal year. For acquisitions of  
8 intelligence capability under this subsection during the fis-  
9 cal year in which the Secretary makes the determination  
10 described in subsection (a) with respect to such intel-  
11 ligence capability, the Secretary may use any funds avail-  
12 able to the Department of Defense for the Joint Military  
13 Intelligence Program or Tactical Intelligence and Related  
14 Activities for that fiscal year.

15 (e) NOTICE TO CONGRESS.—The Secretary of De-  
16 fense shall notify the congressional defense committees  
17 and the Permanent Select Committee on Intelligence of  
18 the House of Representatives within 15 days after each  
19 determination made under subsection (a). Each such no-  
20 tice shall identify in either classified or unclassified for-  
21 mat, as appropriate—

22 (1) the intelligence capability to be acquired;

23 (2) the amount anticipated to be expended for  
24 the acquisition; and

25 (3) the source of funds for the acquisition.

1 (f) WAIVER OF CERTAIN STATUTES AND REGULA-  
2 TIONS.—

3 (1) IN GENERAL.—Upon a determination de-  
4 scribed in subsection (a), the senior official des-  
5 ignated in accordance with subsection (b) with re-  
6 spect to that designation is authorized to waive any  
7 provision of law, policy, directive or regulation ad-  
8 dressing—

9 (A) the establishment of the requirement  
10 for the intelligence capability;

11 (B) the research, development, test, and  
12 evaluation of the intelligence capability; or

13 (C) the solicitation and selection of  
14 sources, and the award of the contract, for pro-  
15 curement of the intelligence capability.

16 (2) LIMITATION.—Nothing in this subsection  
17 authorizes the waiver of any provision of law impos-  
18 ing civil or criminal penalties.

19 **TITLE IX—DEPARTMENT OF DE-**  
20 **FENSE ORGANIZATION AND**  
21 **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 Re-  
source Management Center.

Sec. 903. Consolidation and standardization of authorities relating to Depart-  
ment 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.

1 **Subtitle A—Department of Defense**  
 2 **Management**

3 **SEC. 901. RESTORATION OF PARITY IN PAY LEVELS AMONG**  
 4 **UNDER SECRETARY POSITIONS.**

5 (a) POSITIONS OF UNDER SECRETARIES OF MILI-  
 6 TARY DEPARTMENTS RAISED TO LEVEL III OF THE EX-  
 7 ECUTIVE SCHEDULE.—Section 5314 of title 5, United  
 8 States Code, is amended by inserting after “Under Sec-  
 9 retary of Defense for Intelligence” the following:

10 “Under Secretary of the Air Force.

11 “Under Secretary of the Army.

12 “Under Secretary of the Navy.”.

13 (b) CONFORMING AMENDMENT.—Section 5315 of  
 14 such title is amended by striking the following:

15 “Under Secretary of the Air Force.

16 “Under Secretary of the Army.

17 “Under Secretary of the Navy.”.

1 **SEC. 902. ELIGIBILITY CRITERIA FOR DIRECTOR OF DE-**  
2 **PARTMENT OF DEFENSE TEST RESOURCE**  
3 **MANAGEMENT CENTER.**

4 Section 196(b) of title 10, United States Code, is  
5 amended to read as follows:

6 “(b) DIRECTOR.—At the head of the Center shall be  
7 a Director, who shall be appointed by the Secretary from  
8 among individuals who have substantial experience in the  
9 field of test and evaluation.”.

10 **SEC. 903. CONSOLIDATION AND STANDARDIZATION OF AU-**  
11 **THORITIES RELATING TO DEPARTMENT OF**  
12 **DEFENSE REGIONAL CENTERS FOR SECU-**  
13 **RITY STUDIES.**

14 (a) BASIC AUTHORITIES FOR REGIONAL CENTERS.—

15 (1) IN GENERAL.—Section 184 of title 10,  
16 United States Code, is amended to read as follows:

17 **“§ 184. Regional Centers for Security Studies**

18 “(a) IN GENERAL.—The Secretary of Defense shall  
19 administer the Department of Defense Regional Centers  
20 for Security Studies in accordance with this section as  
21 international venues for bilateral and multilateral re-  
22 search, communication, and exchange of ideas involving  
23 military and civilian participants.

24 “(b) REGIONAL CENTERS SPECIFIED.—(1) A De-  
25 partment of Defense Regional Center for Security Studies  
26 is a Department of Defense institution that—

1           “(A) is operated, and designated as such, by  
2           the Secretary of Defense for the study of security  
3           issues relating to a specified geographic region of  
4           the world; and

5           “(B) serves as a forum for bilateral and multi-  
6           lateral research, communication, and exchange of  
7           ideas involving military and civilian participants.

8           “(2) The Department of Defense Regional Centers  
9           for Security Studies are the following:

10           “(A) The George C. Marshall European Center  
11           for Security Studies, established in 1993 and located  
12           in Garmisch-Partenkirchen, Germany.

13           “(B) The Asia-Pacific Center for Security Stud-  
14           ies, established in 1995 and located in Honolulu,  
15           Hawaii.

16           “(C) The Center for Hemispheric Defense  
17           Studies, established in 1997 and located in Wash-  
18           ington, D.C.

19           “(D) The Africa Center for Strategic Studies,  
20           established in 1999 and located in Washington, D.C.

21           “(E) The Near East South Asia Center for  
22           Strategic Studies, established in 2000 and located in  
23           Washington, D.C.

24           “(3) No institution or element of the Department of  
25           Defense may be designated as a Department of Defense

1 Regional Center for Security Studies for purposes of this  
2 section, other than the institutions specified in paragraph  
3 (2), except as specifically provided by law after the date  
4 of the enactment of this section.

5 “(c) REGULATIONS.—The administration of the Re-  
6 gional Centers under this section shall be carried out  
7 under regulations prescribed by the Secretary.

8 “(d) PARTICIPATION.—Participants in activities of  
9 the Regional Centers may include United States military  
10 and civilian personnel, governmental and nongovernmental  
11 personnel, and foreign military and civilian, governmental  
12 and nongovernmental personnel.

13 “(e) EMPLOYMENT AND COMPENSATION OF FAC-  
14 ULTY.—At each Regional Center, the Secretary may, sub-  
15 ject to appropriations—

16 “(1) employ a Director, a Deputy Director, and  
17 as many civilians as professors, instructors, and lec-  
18 turers as the Secretary considers necessary; and

19 “(2) prescribe the compensation of such per-  
20 sons, in accordance with Federal guidelines.

21 “(f) PAYMENT OF COSTS.—(1) Participation in ac-  
22 tivities of a Regional Center shall be on a reimbursable  
23 basis (or by payment in advance), except in a case in  
24 which reimbursement is waived in accordance with para-  
25 graph (3).

1       “(2) For a foreign national participant, payment of  
2 costs may be made by the participant’s own government,  
3 by a Department or agency of the United States other  
4 than the Department of Defense, or by a gift or donation  
5 on behalf of one or more Regional Centers accepted under  
6 section 2611 of this title on behalf of the participant’s gov-  
7 ernment.

8       “(3) The Secretary of Defense may waive reimburse-  
9 ment of the costs of activities of the Regional Centers for  
10 foreign military officers and foreign defense civilian offi-  
11 cials from a developing country if the Secretary deter-  
12 mines that attendance of such personnel without reim-  
13 bursement is in the national security interest of the United  
14 States. Costs for which reimbursement is waived pursuant  
15 to this paragraph shall be paid from appropriations avail-  
16 able to the Regional Centers.

17       “(4) Funds accepted for the payment of costs shall  
18 be credited to the appropriation then currently available  
19 to the Department of Defense for the Regional Center that  
20 incurred the costs. Funds so credited shall be merged with  
21 the appropriation to which credited and shall be available  
22 to that Regional Center for the same purposes and same  
23 period as the appropriation with which merged.

24       “(5) Funds available for the payment of personnel  
25 expenses under the Latin American cooperation authority

1 set forth in section 1050 of this title are also available  
2 for the costs of the operation of the Center for Hemi-  
3 spheric Defense Studies.

4       “(g) SUPPORT TO OTHER AGENCIES.—The Director  
5 of a Regional Center may enter into agreements with the  
6 Secretaries of the military departments, the heads of the  
7 Defense Agencies, and, with the concurrence of the Sec-  
8 retary of Defense, the heads of other Federal departments  
9 and agencies for the provision of services by that Regional  
10 Center under this section. Any such participating depart-  
11 ment and agency shall transfer to the Regional Center  
12 funds to pay the full costs of the services received.

13       “(h) ANNUAL REPORT.—Not later than February 1  
14 of each year, the Secretary of Defense shall submit to the  
15 Committee on Armed Services of the Senate and the Com-  
16 mittee on Armed Services of the House of Representatives  
17 a report on the operation of the Regional Centers for secu-  
18 rity studies during the preceding fiscal year. The annual  
19 report shall include, for each Regional Center, the fol-  
20 lowing information:

21               “(1) The status and objectives of the center.

22               “(2) The budget of the center, including the  
23 costs of operating the center.

24               “(3) A description of the extent of the inter-  
25 national participation in the programs of the center,

1 including the costs incurred by the United States for  
2 the participation of each foreign nation.

3 “(4) A description of the foreign gifts and do-  
4 nations, if any, accepted under section 2611 of this  
5 title.”.

6 (2) CLERICAL AMENDMENT.—The item relating  
7 to such section in the table of sections at the begin-  
8 ning of chapter 7 of such title is amended to read  
9 as follows:

“184. Regional Centers for Security Studies.”.

10 (b) STANDARDIZATION OF AUTHORITY FOR ACCEPT-  
11 ANCE OF GIFTS AND DONATIONS.—

12 (1) IN GENERAL.—Section 2611 of title 10,  
13 United States Code, is amended to read as follows:

14 **“§ 2611. Regional Centers for Security Studies: ac-**  
15 **ceptance of gifts and donations**

16 “(a) AUTHORITY TO ACCEPT GIFTS AND DONA-  
17 TIONS.—Subject to subsection (c), the Secretary of De-  
18 fense may accept, on behalf of one or more of the Regional  
19 Centers for Security Studies, a gift or donation from any  
20 source in order to defray the costs of, or enhance the oper-  
21 ation of, one or more of the Regional Centers.

22 “(b) REGIONAL CENTERS.—For purposes of this sec-  
23 tion, the Regional Centers for Security Studies are the De-  
24 partment of Defense institutions specified in section  
25 184(b) of this title.

1           “(c) LIMITATION.—(1) The Secretary may not accept  
2 a gift or donation under subsection (a) if the acceptance  
3 of the gift or donation would compromise or appear to  
4 compromise—

5           “(A) the ability of the Department of Defense,  
6 or any employee of the Department or member of  
7 the armed forces, to carry out the responsibility or  
8 duty of the Department in a fair and objective man-  
9 ner; or

10           “(B) the integrity of any program of the De-  
11 partment of Defense or any person involved in such  
12 a program.

13           “(2) The Secretary shall prescribe written guidance  
14 setting forth the criteria to be used in determining wheth-  
15 er the acceptance of a gift or donation would have a result  
16 described in paragraph (1).

17           “(d) CREDITING OF FUNDS.—Funds accepted by the  
18 Secretary under subsection (a) shall be credited to appro-  
19 priations available to the Department of Defense for the  
20 Regional Centers. Funds so credited shall be merged with  
21 the appropriations to which credited and shall be available  
22 for the Regional Centers for the same purposes and the  
23 same period as the appropriations with which merged.

24           “(e) GIFTS AND DONATIONS DEFINED.—For pur-  
25 poses of this section—



1           “(1) a foreign gift or donation is a gift or dona-  
2           tion of funds, materials (including research mate-  
3           rials), property, or services (including lecture serv-  
4           ices and faculty services) from a foreign government,  
5           a foundation or other charitable organization in a  
6           foreign country, or an individual in a foreign coun-  
7           try; and

8           “(2) the term ‘gift’ includes a devise of real  
9           property or a bequest of personal property and any  
10          gift of an interest in real property.”.

11          (2) CLERICAL AMENDMENT.—The item relating  
12          to section 2611 in the table of sections at the begin-  
13          ning of chapter 155 of such title is amended to read  
14          as follows:

“2611. Regional Centers for Security Studies: acceptance of foreign gifts and  
donations.”.

15          (c) CONFORMING AMENDMENTS.—

16               (1) MARSHALL CENTER GENERAL AUTHOR-  
17               ITY.—Section 1306 of the National Defense Author-  
18               ization Act for Fiscal Year 1995 (Public Law 103-  
19               337; 108 Stat. 2892) is repealed.

20               (2) MARSHALL CENTER GIFT AUTHORITY.—  
21               Section 1065 of the National Defense Authorization  
22               Act for Fiscal Year 1997 (10 U.S.C. 113) is amend-  
23               ed—

24                       (A) by striking subsections (a) and (b);

1 (B) by redesignating subsection (c) as sub-  
2 section (a); and

3 (C) by redesignating paragraph (3) of such  
4 subsection as subsection (b) and inserting  
5 “CERTAIN NON-CITIZENS AUTHORIZED TO  
6 SERVE ON BOARD.—” before “Notwith-  
7 standing”.

8 (3) EMPLOYMENT AND COMPENSATION AU-  
9 THORITY FOR CIVILIAN FACULTY.—Section 1595 of  
10 title 10, United States Code, is amended—

11 (A) in subsection (c)—

12 (i) by striking paragraphs (3) and (5);

13 and

14 (ii) by redesignating paragraphs (4)  
15 and (6) as paragraphs (3) and (4), respec-  
16 tively; and

17 (B) by striking subsection (e).

18 (4) STATUS OF CENTER FOR HEMISPHERIC DE-  
19 FENSE STUDIES.—Section 2165 of title 10, United  
20 States Code, is amended—

21 (A) in subsection (b)—

22 (i) by striking paragraph (6); and

23 (ii) by redesignating paragraph (7) as  
24 paragraph (6); and

25 (B) by striking subsection (c).

1 **SEC. 904. REDESIGNATION OF THE DEPARTMENT OF THE**  
2 **NAVY AS THE DEPARTMENT OF THE NAVY**  
3 **AND MARINE CORPS.**

4 (a) REDESIGNATION OF MILITARY DEPARTMENT.—

5 The military department designated as the Department of  
6 the Navy is redesignated as the Department of the Navy  
7 and Marine Corps.

8 (b) REDESIGNATION OF SECRETARY AND OTHER  
9 STATUTORY OFFICES.—

10 (1) SECRETARY.—The position of the Secretary  
11 of the Navy is redesignated as the Secretary of the  
12 Navy and Marine Corps.

13 (2) OTHER STATUTORY OFFICES.—The posi-  
14 tions of the Under Secretary of the Navy, the four  
15 Assistant Secretaries of the Navy, and the General  
16 Counsel of the Department of the Navy are redesign-  
17 ated as the Under Secretary of the Navy and Ma-  
18 rine Corps, the Assistant Secretaries of the Navy  
19 and Marine Corps, and the General Counsel of the  
20 Department of the Navy and Marine Corps, respec-  
21 tively.

22 (c) CONFORMING AMENDMENTS TO TITLE 10,  
23 UNITED STATES CODE.—

24 (1) DEFINITION OF “MILITARY DEPART-  
25 MENT”.—Paragraph (8) of section 101(a) of title

1 10, United States Code, is amended to read as fol-  
2 lows:

3 “(8) The term ‘military department’ means the  
4 Department of the Army, the Department of the  
5 Navy and Marine Corps, and the Department of the  
6 Air Force.”.

7 (2) ORGANIZATION OF DEPARTMENT.—The text  
8 of section 5011 of such title is amended to read as  
9 follows: “The Department of the Navy and Marine  
10 Corps is separately organized under the Secretary of  
11 the Navy and Marine Corps.”.

12 (3) POSITION OF SECRETARY.—Section  
13 5013(a)(1) of such title is amended by striking  
14 “There is a Secretary of the Navy” and inserting  
15 “There is a Secretary of the Navy and Marine  
16 Corps”.

17 (4) CHAPTER HEADINGS.—

18 (A) The heading of chapter 503 of such  
19 title is amended to read as follows:

20 **“CHAPTER 503—DEPARTMENT OF THE**  
21 **NAVY AND MARINE CORPS”.**

22 (B) The heading of chapter 507 of such  
23 title is amended to read as follows:

1 **“CHAPTER 507—COMPOSITION OF THE DE-**  
2 **PARTMENT OF THE NAVY AND MARINE**  
3 **CORPS”.**

4 (5) OTHER AMENDMENTS.—

5 (A) Title 10, United States Code, is  
6 amended by striking “Department of the Navy”  
7 and “Secretary of the Navy” each place they  
8 appear other than as specified in paragraphs  
9 (1), (2), (3), and (4) (including in section head-  
10 ings, subsection captions, tables of chapters,  
11 and tables of sections) and inserting “Depart-  
12 ment of the Navy and Marine Corps” and “Sec-  
13 retary of the Navy and Marine Corps”, respec-  
14 tively, in each case with the matter inserted to  
15 be in the same typeface and typestyle as the  
16 matter stricken.

17 (B)(i) Sections 5013(f), 5014(b)(2),  
18 5016(a), 5017(2), 5032(a), and 5042(a) of  
19 such title are amended by striking “Assistant  
20 Secretaries of the Navy” and inserting “Assist-  
21 ant Secretaries of the Navy and Marine Corps”.

22 (ii) The heading of section 5016 of such  
23 title, and the item relating to such section in  
24 the table of sections at the beginning of chapter  
25 503 of such title, are each amended by insert-

1           ing “and Marine Corps” after “of the Navy”,  
2           with the matter inserted in each case to be in  
3           the same typeface and typestyle as the matter  
4           amended.

5           (d) TITLE 37, UNITED STATES CODE.—Title 37,  
6 United States Code, is amended by striking “Department  
7 of the Navy” and “Secretary of the Navy” each place they  
8 appear and inserting “Department of the Navy and Ma-  
9 rine Corps” and “Secretary of the Navy and Marine  
10 Corps”, respectively.

11          (e) OTHER REFERENCES.—Any reference in any law  
12 other than in title 10 or title 37, United States Code, or  
13 in any regulation, document, record, or other paper of the  
14 United States, to the Department of the Navy shall be  
15 considered to be a reference to the Department of the  
16 Navy and Marine Corps. Any such reference to an office  
17 specified in subsection (b)(2) shall be considered to be a  
18 reference to that office as redesignated by that subsection.

19          (f) EFFECTIVE DATE.—This section and the amend-  
20 ments made by this section shall take effect on the first  
21 day of the first month beginning more than 60 days after  
22 the date of the enactment of this Act.

## 23           **Subtitle B—Space Activities**

### 24           **SEC. 911. SPACE SITUATIONAL AWARENESS STRATEGY.**

25          (a) FINDINGS.—The Congress finds that—

1           (1) the Department of Defense has the respon-  
2           sibility, within the executive branch, for developing  
3           the strategy and the systems of the United States  
4           for ensuring freedom to operate United States space  
5           assets affecting national security; and

6           (2) the foundation of any credible strategy for  
7           ensuring freedom to operate United States space as-  
8           sets is a comprehensive system for space situational  
9           awareness.

10       (b) SPACE SITUATIONAL AWARENESS STRATEGY.—

11           (1) REQUIREMENT.—The Secretary of Defense  
12           shall develop a strategy, to be known as the “Space  
13           Situational Awareness Strategy”, for ensuring free-  
14           dom to operate United States space assets affecting  
15           national security. The Secretary shall submit that  
16           strategy to Congress not later than April 15, 2006.  
17           The Secretary shall submit to Congress an updated,  
18           current version of the Space Situational Awareness  
19           Strategy not later than April 15 of every even-num-  
20           bered year thereafter.

21           (2) TIME PERIOD.—The Space Situational  
22           Awareness Strategy shall cover the 20-year period  
23           from 2006 through 2025.

24           (3) MATTERS TO BE INCLUDED.—The Space  
25           Situational Awareness Strategy shall include the fol-

1       lowing (set forth for the 20-year period specified in  
2       paragraph (2) and separately for each successive  
3       five-year period beginning with 2006):

4               (A) A threat assessment describing the  
5       perceived threats to United States space assets  
6       affecting national security.

7               (B) Details for a coherent and comprehen-  
8       sive strategy for the United States for space sit-  
9       uation awareness, together with a description  
10      of the systems architecture to implement that  
11      strategy in light of the threat assessment under  
12      subparagraph (A).

13              (C) A description of each of the individual  
14      program concepts that will make up the sys-  
15      tems architecture described pursuant to sub-  
16      paragraph (B) and, for each such program con-  
17      cept, a description of the specific capabilities to  
18      be achieved and the threats to be abated.

19       (c) SPACE SITUATIONAL AWARENESS CAPABILITIES  
20      ROADMAP.—

21              (1) REQUIREMENT.—The Secretary of the Air  
22      Force shall develop a roadmap, to be known as the  
23      “space situational awareness capabilities roadmap”,  
24      for the development of the systems architecture de-  
25      scribed pursuant to subsection (b)(3)(B).



1           (2) MATTERS TO BE INCLUDED.—The space  
2           situational awareness capabilities roadmap shall in-  
3           clude—

4                   (A) capabilities of all systems deployed as  
5                   of mid-2005 or planned for modernization or  
6                   acquisition from 2006 to 2015; and

7                   (B) a description of recommended solu-  
8                   tions for inadequacies in the architecture to ad-  
9                   dress threats identified under subsection  
10                  (b)(3)(A).

11 **SEC. 912. MILITARY SATELLITE COMMUNICATIONS.**

12           (a) FINDINGS.—Congress finds the following:

13                   (1) Military requirements for satellite commu-  
14                   nications exceed the capability of on-orbit assets as  
15                   of mid-2005.

16                   (2) To meet future military requirements for  
17                   satellite communications, the Secretary of the Air  
18                   Force has initiated a highly complex and revolu-  
19                   tionary program called the Transformational Sat-  
20                   ellite Communications System (TSAT).

21                   (3) If the program referred to in paragraph (2)  
22                   experiences setbacks that prolong the development  
23                   and deployment of the capability to be provided by  
24                   that program, the Secretary of the Air Force must  
25                   be prepared to implement contingency programs to

1       achieve interim improvements in the capabilities of  
2       satellite communications to meet military require-  
3       ments through upgrades to current systems.

4       (b) DEVELOPMENT OF OPTIONS.—In order to pre-  
5       pare for the contingency referred to in subsection (a)(3),  
6       the Director of the National Security Space Office of the  
7       Department of Defense shall provide for an assessment,  
8       to be conducted by an entity outside the Department of  
9       Defense, to develop and compare options for individual ac-  
10      quisition, and block acquisition, of the Advanced Ex-  
11      tremely High Frequency space vehicles numbered 4 and  
12      5, in conjunction with modifications to the current Wide-  
13      band Gapfiller System program, that will accomplish the  
14      following:

15           (1) Minimize nonrecurring costs.

16           (2) Improve communications-on-the-move capa-  
17      bilities.

18           (3) Increase net centricity for communications.

19           (4) Increase satellite throughput.

20           (5) Increase user connectivity.

21           (6) Improve airborne communications support.

22      (c) ANALYSIS OF ALTERNATIVES REPORT.—Not  
23      later than February 28, 2006, the Director of the National  
24      Security Space Office shall submit to Congress a report  
25      providing an analysis of alternatives with respect to the

1 options developed pursuant to subsection (b). The analysis  
2 of alternatives shall be prepared taking into consideration  
3 the findings and recommendations of the independent as-  
4 sessment conducted under subsection (b).

5 **SEC. 913. OPERATIONALLY RESPONSIVE SPACE.**

6 (a) **JOINT OPERATIONALLY RESPONSIVE SPACE PAY-**  
7 **LOAD TECHNOLOGY ORGANIZATION.—**

8 (1) **IN GENERAL.—**The Secretary of Defense  
9 shall establish or designate an organization in the  
10 Department of Defense to coordinate joint oper-  
11 ationally responsive space payload technology.

12 (2) **MASTER PLAN.—**The organization estab-  
13 lished or designated under paragraph (1) shall  
14 produce an annual master plan for coordination of  
15 operationally responsive space payload technology  
16 and shall coordinate resources provided to stimulate  
17 technical development of small satellite payloads.  
18 The annual master plan shall describe focus areas  
19 for development of operationally responsive space  
20 payload technology, including—

- 21 (A) miniaturization technology for satellite  
22 payloads;
- 23 (B) increased sensor acuity;
- 24 (C) concept of operations exploration;
- 25 (D) increased processor capability; and

1           (E) such additional matters as the head of  
2           that organization determines appropriate.

3           (3) REQUESTS FOR PROPOSALS.—The Sec-  
4           retary of Defense, acting through the Director of the  
5           Office of Force Transformation, shall award con-  
6           tracts, from amounts available for that purpose for  
7           any fiscal year, for technology projects that support  
8           the focus areas set out in the master plan for devel-  
9           opment of operationally responsive space payload  
10          technology.

11          (4) ASSESSMENT FACTORS.—In assessing any  
12          proposal submitted for a contract under paragraph  
13          (3), the Secretary shall consider —

14                (A) how the proposal correlates to the  
15                goals articulated in the master plan under para-  
16                graph (2) and to the National Security Space  
17                Architecture; and

18                (B) the probability, for the project for  
19                which the proposal is submitted, of eventual  
20                transition either to a laboratory of one of the  
21                military departments for continued development  
22                or to a joint program office for operational de-  
23                ployment.

24          (b) REPORT ON JOINT PROGRAM OFFICE FOR  
25          TACSAT.—Not later than February 28, 2006, the Sec-

1   retary of Defense shall submit to the congressional defense  
2   committees a report providing a plan for the creation of  
3   a joint program office for the Tactical Satellite program  
4   and for transition of that program out of the Office of  
5   Force Transformation and to the administration of the  
6   joint program office. The report shall be prepared in con-  
7   junction with the Department of Defense executive agent  
8   for space.

9       (c) JOINT REPORT ON CERTAIN SPACE AND MISSILE  
10  DEFENSE ACTIVITIES.—Not later than February 28,  
11  2006, the Department of Defense executive agent for  
12  space and the Director of the Missile Defense Agency shall  
13  submit to the Committee on Armed Services of the Senate  
14  and the Committee on Armed Services of the House of  
15  Representatives a joint report on the value of each of the  
16  following:

17           (1) Increased use of the Rocket Systems  
18           Launch Program for the respective missions of the  
19           Department of the Air Force and the Missile De-  
20           fense Agency.

21           (2) An agreement between the Director of the  
22           Missile Defense Agency and the Secretary of the Air  
23           Force for eventual transition of operational control  
24           of small satellite demonstrations from the Missile  
25           Defense Agency to the Department of the Air Force.

1           (3) A partnership between the Missile Defense  
2 Agency and the Department of the Air Force in the  
3 development of common high-altitude and near-space  
4 assets for the respective missions of the Missile De-  
5 fense Agency and the Department of the Air Force.

6                           **Subtitle C—Chemical**  
7                           **Demilitarization Program**

8 **SEC. 921. TRANSFER TO SECRETARY OF THE ARMY OF RE-**  
9                           **SPONSIBILITY FOR ASSEMBLED CHEMICAL**  
10                           **WEAPONS ALTERNATIVES PROGRAM.**

11           Effective January 1, 2006, the text of section 142  
12 of the Strom Thurmond National Defense Authorization  
13 Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C.  
14 1521 note) is amended to read as follows:

15           “(a) PROGRAM MANAGEMENT.—(1) The program  
16 manager for the Assembled Chemical Weapons Alter-  
17 natives program shall report to the Secretary of the Army.

18           “(2) The Secretary of the Army shall provide for that  
19 program to be managed as part of the management orga-  
20 nization within the Department of the Army specified in  
21 section 1412(e) of Public Law 99–145 (50 U.S.C.  
22 1521(e)).

23           “(b) CONTINUED IMPLEMENTATION OF PREVIOUSLY  
24 SELECTED ALTERNATIVE TECHNOLOGIES.—(1) In car-  
25 rying out the destruction of lethal chemical munitions at

1 Pueblo Chemical Depot, Colorado, the Secretary of the  
2 Army shall continue to implement fully the alternative  
3 technology for such destruction at that depot selected by  
4 the Under Secretary of Defense for Acquisition, Tech-  
5 nology, and Logistics on July 16, 2002.

6 “(2) In carrying out the destruction of lethal chem-  
7 ical munitions at Blue Grass Army Depot, Kentucky, the  
8 Secretary of the Army shall continue to implement fully  
9 the alternative technology for such destruction at that  
10 depot selected by the Under Secretary of Defense for Ac-  
11 quisition, Technology, and Logistics on February 3,  
12 2003.”.

13 **SEC. 922. CLARIFICATION OF COOPERATIVE AGREEMENT**  
14 **AUTHORITY UNDER CHEMICAL DEMILI-**  
15 **TARIZATION PROGRAM.**

16 (a) AGREEMENTS WITH FEDERALLY RECOGNIZED  
17 INDIAN TRIBAL GOVERNMENTS.—Section 1412(c)(4) of  
18 the Department of Defense Authorization Act, 1986 (50  
19 U.S.C 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 “Addi-  
4 tionally, the Secretary ” as subparagraph (B);

5 (4) in the first sentence of subparagraph (B),  
6 as 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 organi-  
12 zation’ and ‘Indian tribes’ have the meanings given those  
13 terms in subsections (e) and (l), respectively, of section  
14 4 of the Indian Self-Determination and Education Assist-  
15 ance Act (25 U.S.C. 450b).”.

16 (b) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) shall take effect as of December 5, 1991,  
18 and shall apply with respect to cooperative agreements en-  
19 tered 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 find-  
25 ings:



1           (1) Open-source intelligence (OSINT) is intel-  
2           ligence that is produced from publicly available in-  
3           formation 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  
13          is 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  
18          open-source intelligence inherently enables informa-  
19          tion sharing as it is produced without the use of sen-  
20          sitive sources and methods. Open-source intelligence  
21          products can be shared with the American public  
22          and foreign allies because of its unclassified nature.

23          (5) The National Commission on Terrorist At-  
24          tacks Upon the United States, in its Final Report  
25          released on July 22, 2004, identified shortfalls in

1 the ability of the United States to employ all-source  
2 intelligence, a large component of which is open-  
3 source intelligence.

4 (6) The Intelligence Reform and Terrorism Pre-  
5 vention Act of 2004 (Public Law 108–458) advo-  
6 cates for coordination of the collection, analysis, pro-  
7 duction, and dissemination of open-source intel-  
8 ligence.

9 (7) The Commission on the Intelligence Capa-  
10 bilities of the United States Regarding Weapons of  
11 Mass Destruction, in its report to the President re-  
12 leased on March 31, 2005, found “that the need for  
13 exploiting open-source material is greater now than  
14 ever before,” but that “the Intelligence Community’s  
15 open source programs have not expanded commensu-  
16 rate with either the increase in available information  
17 or with the growing importance of open source data  
18 to today’s problems”.

19 (b) STRATEGY FOR OPEN-SOURCE INTELLIGENCE.—

20 (1) DEVELOPMENT OF STRATEGY.—The Sec-  
21 retary of Defense shall develop a strategy, to be  
22 known as the “Strategy for Open-Source Intel-  
23 ligence”, to be incorporated within the larger mili-  
24 tary intelligence strategy, for the purpose of inte-

1       grating open-source intelligence into the military in-  
2       telligence cycle.

3           (2) SUBMISSION.—The Secretary shall submit  
4       the Strategy for Open-Source Intelligence to Con-  
5       gress not later than January 31, 2006.

6           (3) MATTERS TO BE INCLUDED.—The Strategy  
7       for Open-Source Intelligence shall include the fol-  
8       lowing:

9           (A) An investment strategy for the devel-  
10       opment of a robust open-source intelligence ca-  
11       pability, with particular emphasis on exploi-  
12       tation and dissemination.

13          (B) A description of how management of  
14       open-source intelligence collection is currently  
15       performed at the Department level and how it  
16       can be improved in the future.

17          (C) A description of the tools, systems,  
18       centers, personnel, and procedures that will be  
19       used to perform open-source intelligence  
20       tasking, collection, exploitation, and dissemina-  
21       tion.

22          (D) A description of proven tradecraft for  
23       effective open-source intelligence exploitation, to  
24       include consideration of operational security.

1           (E) A detailed description on how open-  
2 source intelligence will be fused with all other  
3 intelligence sources across the Department of  
4 Defense.

5           (F) A description of open-source intel-  
6 ligence training plan and guidance for Depart-  
7 ment of Defense and service intelligence per-  
8 sonnel.

9           (G) A plan to incorporate the open-source  
10 intelligence oversight function into the Office of  
11 the Undersecretary of Defense for Intelligence  
12 and into service intelligence organizations.

13          (H) A plan to incorporate and identify an  
14 open-source intelligence specialty into Depart-  
15 ment and service personnel systems.

16          (I) A plan to use reserve component intel-  
17 ligence personnel to augment and support the  
18 open-source intelligence mission.

19          (J) A plan for the use of the Open-Source  
20 Information System for the purpose of exploi-  
21 tation and dissemination.

1 **SEC. 932. COMPREHENSIVE INVENTORY OF DEPARTMENT**  
 2 **OF DEFENSE INTELLIGENCE AND INTEL-**  
 3 **LIGENCE-RELATED PROGRAMS AND**  
 4 **PROJECTS.**

5 (a) REPORT.—Not later than 180 days after the date  
 6 of the enactment of this Act, the Secretary of Defense  
 7 shall submit to the congressional committees specified in  
 8 subsection (b) a report providing a comprehensive inven-  
 9 tory of Department of Defense intelligence and intel-  
 10 ligence-related programs and projects. The Secretary shall  
 11 prepare the inventory in consultation with the Director of  
 12 National Intelligence, as appropriate.

13 (b) COMMITTEES.—The congressional committees re-  
 14 ferred to in subsection (a) are the following:

15 (1) The Committee on Armed Services and the  
 16 Select Committee on Intelligence of the Senate.

17 (2) The Committee on Armed Services and the  
 18 Permanent Select Committee on Intelligence of the  
 19 House of Representatives.

20 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial matters

Sec. 1001. Transfer authority.

Sec. 1002. Authorization of supplemental appropriations for fiscal year 2005.

Sec. 1003. Increase in fiscal year 2005 general transfer authority.

Sec. 1004. Reports on feasibility and desirability of capital budgeting for major  
 defense acquisition programs.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Seattle, Washington.

Sec. 1012. Conveyance, Navy drydock, Jacksonville, Florida.

- Sec. 1013. Conveyance, Navy drydock, Port Arthur, Texas.
- Sec. 1014. Transfer of U.S.S. IOWA.
- Sec. 1015. Transfer of ex-U.S.S. Forrest Sherman.
- Sec. 1016. Limitation on leasing of foreign-built vessels.
- Sec. 1017. Establishment of memorial to U.S.S. Oklahoma.

#### Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension of Department of Defense authority to support counter-drug activities.
- Sec. 1022. Resumption of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1023. Clarification of authority for joint task forces to support law enforcement agencies conducting counter-terrorism activities.

#### Subtitle D—Matters Related to Homeland Security

- Sec. 1031. Responsibilities of Assistant Secretary of Defense for Homeland Defense relating to nuclear, chemical, and biological emergency response.
- Sec. 1032. Testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons.
- Sec. 1033. Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response teams.
- Sec. 1034. Repeal of Department of Defense emergency response assistance program.
- Sec. 1035. Assignment of members of the Armed Forces to assist Bureau of Border Security and Bureau of Citizenship and Immigration Services of the Department of Homeland Security.

#### Subtitle E—Other Matters

- Sec. 1041. Commission on the Long-Term Implementation of the New Strategic Posture of the United States.
- Sec. 1042. Reestablishment of EMP Commission.
- Sec. 1043. Modernization of authority relating to security of defense property and facilities.
- Sec. 1044. Revision of Department of Defense counterintelligence polygraph program.
- Sec. 1045. Repeal of requirement for report to Congress regarding global strike capability.
- Sec. 1046. Technical and clerical amendments.
- Sec. 1047. Deletion of obsolete definitions in titles 10 and 32, United States Code.
- Sec. 1048. Sense of Congress recognizing the diversity of the members of the Armed Forces killed in Operation Iraqi Freedom and Operation Enduring Freedom and honoring their sacrifices and the sacrifices of their families.
- Sec. 1049. Department of Defense support for youth organizations, including the Boy Scouts of America.
- Sec. 1050. Preservation of information and records pertaining to radioactive fallout.
- Sec. 1051. Special immigrant status for persons serving as translators with United States Armed Forces.

## 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.

18      (b) **LIMITATIONS.**—The authority provided by this  
19     section to transfer authorizations—

20          (1) may only be used to provide authority for  
21     items that have a higher priority than the items  
22     from which authority is transferred; and

23          (2) may not be used to provide authority for an  
24     item that has been denied authorization by Con-  
25     gress.

1 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
2 transfer made from one account to another under the au-  
3 thority of this section shall be deemed to increase the  
4 amount authorized for the account to which the amount  
5 is transferred by an amount equal to the amount trans-  
6 ferred.

7 (d) NOTICE TO CONGRESS.—The Secretary shall  
8 promptly notify Congress of each transfer made under  
9 subsection (a).

10 **SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPRO-**  
11 **PRIATIONS FOR FISCAL YEAR 2005.**

12 Amounts authorized to be appropriated to the De-  
13 partment of Defense and the Department of Energy for  
14 fiscal year 2005 in the Ronald W. Reagan National De-  
15 fense Authorization Act for Fiscal Year 2005 (Public Law  
16 108–375) are hereby adjusted, with respect to any such  
17 authorized amount, by the amount by which appropria-  
18 tions pursuant to such authorization are increased by a  
19 supplemental appropriation or decreased by a rescission,  
20 or both, or are increased by a transfer of funds, pursuant  
21 to title I and chapter 2 of title IV of division A of the  
22 Emergency Supplemental Appropriations Act for Defense,  
23 the Global War on Terror, and Tsunami Relief, 2005  
24 (Public Law 109–13).



1 **SEC. 1003. INCREASE IN FISCAL YEAR 2005 GENERAL**  
2 **TRANSFER AUTHORITY.**

3 Section 1001(a)(2) of the Ronald W. Reagan Na-  
4 tional Defense Authorization Act for Fiscal Year 2005  
5 (Public Law 108–375; 118 Stat. 2037) is amended by  
6 striking “\$3,500,000,000” and inserting  
7 “\$6,185,000,000”.

8 **SEC. 1004. REPORTS ON FEASIBILITY AND DESIRABILITY**  
9 **OF CAPITAL BUDGETING FOR MAJOR DE-**  
10 **FENSE ACQUISITION PROGRAMS.**

11 (a) CAPITAL BUDGETING DEFINED.—For the pur-  
12 poses of this section, the term “capital budgeting” means  
13 a budget process that—

14 (1) identifies large capital outlays that are ex-  
15 pected to be made in future years, together with  
16 identification of the proposed means to finance those  
17 outlays and the expected benefits of those outlays;

18 (2) separately identifies revenues and outlays  
19 for capital assets from revenues and outlays for an  
20 operating budget;

21 (3) allows for the issue of long-term debt to fi-  
22 nance capital investments; and

23 (4) provides the budget authority for acquiring  
24 a capital asset over several fiscal years (rather than  
25 in a single fiscal year at the beginning of such acqui-  
26 sition).

1 (b) REPORTS REQUIRED.—Not later than July 1,  
2 2006, the Secretary of Defense and the Secretary of each  
3 military department shall each submit to Congress a re-  
4 port analyzing the feasibility and desirability of using a  
5 capital budgeting system for the financing of major de-  
6 fense acquisition programs. Each such report shall ad-  
7 dress the following matters:

8 (1) The potential long-term effect on the de-  
9 fense industrial base of the United States of con-  
10 tinuing with the current full up-front funding system  
11 for major defense acquisition programs.

12 (2) Whether use of a capital budgeting system  
13 could create a more effective decisionmaking process  
14 for long-term investments in major defense acquisi-  
15 tion programs.

16 (3) The manner in which a capital budgeting  
17 system for major defense acquisition programs  
18 would affect the budget planning and formulation  
19 process of the military departments.

20 (4) The types of financial mechanisms that  
21 would be needed to provide funds for such a capital  
22 budgeting system.

1           **Subtitle B—Naval Vessels and**  
2                           **Shipyards**

3   **SEC. 1011. CONVEYANCE, NAVY DRYDOCK, SEATTLE, WASH-**  
4                           **INGTON.**

5           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
6 the Navy is authorized to sell the yard floating drydock  
7 YFD–70, located in Seattle, Washington, to Todd Pacific  
8 Shipyards Corporation, that company being the current  
9 user of the drydock.

10          (b) CONDITION OF CONVEYANCE.—The Secretary  
11 shall require as a condition of the conveyance under sub-  
12 section (a) that the drydock remain at the facilities of  
13 Todd Pacific Shipyards Corporation until at least Sep-  
14 tember 30, 2010.

15          (c) CONSIDERATION.—As consideration for the con-  
16 veyance of the drydock under subsection (a), the pur-  
17 chaser shall pay to the United States an amount equal  
18 to the fair market value of the drydock, as determined  
19 by the Secretary.

20          (d) TRANSFERS AT NO COST TO UNITED STATES.—  
21 The provisions of section 7306(c) of title 10, United  
22 States Code, shall apply to the conveyance under this sec-  
23 tion.

24          (e) ADDITIONAL TERMS AND CONDITIONS.—The  
25 Secretary may require such additional terms and condi-

1 tions in connection with the conveyance under subsection  
2 (a) as the Secretary considers appropriate to protect the  
3 interests of the United States.

4 **SEC. 1012. CONVEYANCE, NAVY DRYDOCK, JACKSONVILLE,**  
5 **FLORIDA.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
7 the Navy is authorized to sell the medium auxiliary float-  
8 ing drydock SUSTAIN (AFDM-7), located in Duval  
9 County, Florida, to Atlantic Marine Property Holding  
10 Company, that company being the current user of the dry-  
11 dock.

12 (b) CONDITION OF CONVEYANCE.—The Secretary  
13 shall require as a condition of the conveyance under sub-  
14 section (a) that the drydock remain at the facilities of At-  
15 lantic Marine Property Holding Company until at least  
16 September 30, 2010.

17 (c) CONSIDERATION.—As consideration for the con-  
18 veyance of the drydock under subsection (a), the pur-  
19 chaser shall pay to the United States an amount equal  
20 to the fair market value of the drydock, as determined  
21 by the Secretary.

22 (d) TRANSFERS AT NO COST TO UNITED STATES.—  
23 The provisions of section 7306(c) of title 10, United  
24 States Code, shall apply to the conveyance under this sec-  
25 tion.

1 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
2 Secretary may require such additional terms and condi-  
3 tions in connection with the conveyance under subsection  
4 (a) as the Secretary considers appropriate to protect the  
5 interests of the United States.

6 **SEC. 1013. CONVEYANCE, NAVY DRYDOCK, PORT ARTHUR,**  
7 **TEXAS.**

8 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
9 the Navy is authorized to convey, without consideration,  
10 to the port authority of the city of Port Arthur, Texas,  
11 the inactive medium auxiliary floating drydock designated  
12 as AFDM–2, currently administered through the National  
13 Defense Reserve Fleet.

14 (b) CONDITION OF CONVEYANCE.—The Secretary  
15 shall require as a condition of the conveyance under sub-  
16 section (a) that the drydock remain at the facilities of the  
17 port authority named in subsection (a).

18 (d) TRANSFERS AT NO COST TO UNITED STATES.—  
19 The provisions of section 7306(c) of title 10, United  
20 States Code, shall apply to the conveyance under this sec-  
21 tion.

22 (c) ADDITIONAL TERMS AND CONDITIONS.—The  
23 Secretary may require such additional terms and condi-  
24 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the  
2 interests of the United States.

3 **SEC. 1014. TRANSFER OF U.S.S. IOWA.**

4 (a) WAIVER OF REQUIREMENT FOR CONTINUED  
5 LISTING ON NAVAL VESSEL REGISTER.—The provisions  
6 of the following laws do not apply with respect to the  
7 U.S.S. IOWA (BB–61):

8 (1) Section 1011 of the National Defense Au-  
9 thorization Act for Fiscal Year 1996 (Public Law  
10 104–106; 110 Stat. 421).

11 (2) Section 1011 of the Strom Thurmond Na-  
12 tional Defense Authorization Act for Fiscal Year  
13 1999 (Public Law 105–261; 112 Stat. 2118).

14 (b) TRANSFER.—The Secretary of the Navy shall—

15 (1) strike the U.S.S. IOWA (BB–61) from the  
16 Naval Vessel Register; and

17 (2) subject to the submission of a donation ap-  
18 plication for that vessel that is satisfactory to the  
19 Secretary, transfer that vessel to the Port of Stock-  
20 ton, California, subject to subsections (b) and (c) of  
21 section 7306 of title 10, United States Code.

22 **SEC. 1015. TRANSFER OF EX-U.S.S. FORREST SHERMAN.**

23 (a) TRANSFER.—The Secretary of the Navy shall  
24 transfer the decommissioned destroyer ex-U.S.S. Forrest  
25 Sherman (DD–931) to the USS Forrest Sherman DD–

1 931 Foundation, Inc., a nonprofit organization under the  
2 laws of the State of Maryland, subject to the submission  
3 of a donation application for that vessel that is satisfac-  
4 tory to the Secretary.

5 (b) APPLICABLE LAW.—The transfer under this sec-  
6 tion is subject to subsections (b) and (c) of section 7306  
7 of title 10, United States Code. Subsection (d) of that sec-  
8 tion is hereby waived with respect to such transfer.

9 (c) ADDITIONAL TERMS AND CONDITIONS.—The  
10 Secretary may require such additional terms and condi-  
11 tions in connection with the transfer under subsection (a)  
12 as the Secretary considers appropriate.

13 (d) EXPIRATION OF AUTHORITY.—The authority  
14 granted by subsection (a) shall expire at the end of the  
15 five-year period beginning on the date of the enactment  
16 of this Act.

17 **SEC. 1016. LIMITATION ON LEASING OF FOREIGN-BUILT**  
18 **VESSELS.**

19 (a) IN GENERAL.—

20 (1) CONTRACTS FOR LEASES FOR MORE THAN  
21 24 MONTHS.—Chapter 141 of title 10, United States  
22 Code, is amended by inserting after section 2401a  
23 the following new section:

1 **“§ 2401b. Limitation on lease of foreign-built vessels**

2       “(a) LIMITATION.—The Secretary of a military de-  
3 partment may not make a contract for a lease or charter  
4 of a vessel for a term of more than 24 months (including  
5 all options to renew or extend the contract) if the hull,  
6 or a component of the hull and superstructure of the ves-  
7 sel, is constructed in a foreign shipyard.

8       “(b) PRESIDENTIAL WAIVER FOR NATIONAL SECUR-  
9 RITY INTEREST.—(1) The President may authorize excep-  
10 tions to the limitation in subsection (a) when the President  
11 determines that it is in the national security interest of  
12 the United States to do so.

13       “(2) The President shall transmit notice to Congress  
14 of any such determination, and no contract may be made  
15 pursuant to the exception authorized until the end of the  
16 30-day period beginning on the date on which the notice  
17 of the determination is received by Congress.”.(2) CLER-  
18 ICAL AMENDMENT.—The table of sections at the begin-  
19 ning of such chapter is amended by inserting after the  
20 item relating to section 2401a the following new item:

“2401b. Limitation on lease of foreign-built vessels.”.

21       (b) EFFECTIVE DATE.—Section 2401b of title 10,  
22 United States Code, as added by subsection (a), shall  
23 apply with respect to contracts entered into after the date  
24 of the enactment of this Act.



1 **SEC. 1017. ESTABLISHMENT OF MEMORIAL TO U.S.S. OKLA-**  
2 **HOMA.**

3 (a) IDENTIFICATION OF SITE FOR MEMORIAL.—The  
4 Secretary of the Navy, in consultation with the Secretary  
5 of the Interior, shall identify an appropriate site on Ford  
6 Island, Hawaii, for the location of a memorial to the  
7 U.S.S. Oklahoma, which was sunk during the attack on  
8 Pearl Harbor on December 7, 1941.

9 (b) ESTABLISHMENT AND ADMINISTRATION.—After  
10 the site for the memorial is identified under subsection  
11 (a), the Secretary of the Interior shall establish and ad-  
12 minister a memorial to the U.S.S. Oklahoma as part of  
13 the USS Arizona National Memorial, a unit of the Na-  
14 tional Park System, in accordance with the laws and regu-  
15 lations applicable to lands administered by the National  
16 Park Service.

17 (c) MEMORIALIZATION PLAN.—Not later than one  
18 year after the date of the enactment of this Act, the Sec-  
19 retary of the Navy shall submit to Congress a memori-  
20 alization plan for the portion of Pearl Harbor where  
21 United States naval vessels were attacked on December  
22 7, 1941. The Secretary of the Navy shall prepare the plan  
23 in consultation with the Secretary of the Interior.

1                   **Subtitle C—Counter-Drug**  
2                   **Activities**

3   **SEC. 1021. EXTENSION OF DEPARTMENT OF DEFENSE AU-**  
4                   **THORITY TO SUPPORT COUNTER-DRUG AC-**  
5                   **TIVITIES.**

6           Section 1004(a) of the National Defense Authoriza-  
7   tion Act for Fiscal Year 1991 (Public Law 101–510; 10  
8   U.S.C. 374 note), as amended by section 1021 of the Na-  
9   tional Defense Authorization Act for Fiscal Year 2002  
10  (Public Law 107–107; 115 Stat. 1212), is amended by  
11  striking “2006” and inserting “2011”.

12   **SEC. 1022. RESUMPTION OF REPORTING REQUIREMENT RE-**  
13                   **GARDING DEPARTMENT OF DEFENSE EX-**  
14                   **PENDITURES TO SUPPORT FOREIGN**  
15                   **COUNTER-DRUG ACTIVITIES.**

16           (a) **ADDITIONAL REPORT REQUIRED.**—Section 1022  
17  of the Floyd D. Spence National Defense Authorization  
18  Act for Fiscal Year 2001 (as enacted into law by Public  
19  Law 106–398; 114 Stat. 1654A–255), as amended by sec-  
20  tion 1022 of the National Defense Authorization Act for  
21  Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1215),  
22  is further amended by striking “January 1, 2001, and  
23  April 15, 2002,” and inserting “April 15, 2006,”.

24           (b) **ADDITIONAL INFORMATION REQUIRED.**—Such  
25  section is further amended—

1           (1) by redesignating paragraph (3) as para-  
2           graph (4); and

3           (2) by inserting after paragraph (2) the fol-  
4           lowing new paragraph (3):

5           “(3) A description of each base of operation or  
6           training facility established, constructed, or operated  
7           using the assistance, including any minor construc-  
8           tion projects carried out using such assistance, and  
9           the amount of assistance expended on base of oper-  
10          ations and training facilities.”.

11 **SEC. 1023. CLARIFICATION OF AUTHORITY FOR JOINT TASK**  
12                           **FORCES TO SUPPORT LAW ENFORCEMENT**  
13                           **AGENCIES CONDUCTING COUNTER-TER-**  
14                           **RORISM ACTIVITIES.**

15          Section 1022 of the National Defense Authorization  
16 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
17 1594) is amended—

18           (1) by redesignating subsection (b) as sub-  
19           section (c); and

20           (2) by inserting after subsection (a) the fol-  
21           lowing new subsection (b):

22           “(b) AVAILABILITY OF FUNDS.—Funds available to  
23 a joint task force to support counter-drug activities may  
24 also be used to provide the counter-terrorism support au-  
25 thorized 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.  
9 2313) is amended to read as follows:

10           “(a) DEPARTMENT OF DEFENSE.—The Assistant  
11 Secretary of Defense for Homeland Defense is responsible  
12 for the coordination of Department of Defense assistance  
13 to Federal, State, and local officials in responding to  
14 threats involving nuclear, radiological, biological, chemical  
15 weapons, or high-yield explosives or related materials or  
16 technologies, including assistance in identifying, neutral-  
17 izing, dismantling, and disposing of nuclear, radiological,  
18 biological, chemical weapons, and high-yield explosives and  
19 related 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,  
19 and”;

20 (3) in paragraph (2), by striking “during each  
21 of fiscal years 1997 through 2013” and inserting  
22 “in accordance with sections 102(c) and 430(c)(1) of  
23 the Homeland Security Act of 2002 (6 U.S.C.  
24 112(c), 238(c)(1))”; and

25 (4) in paragraph (3)—

1           (A) by inserting “the Secretary of De-  
2           fense,” before “the Director of the Federal Bu-  
3           reau of Investigation”; and

4           (B) by striking “the Director of the Fed-  
5           eral Emergency Management Agency,”.

6           (b) REPEAL OF SECRETARY OF ENERGY FUNC-  
7           TIONS.—Such section is further amended by striking sub-  
8           section (b).

9           (c) CONFORMING AMENDMENTS.—Subsection (c) of  
10          such section—

11           (1) is redesignated as subsection (b); and

12           (2) is amended—

13           (A) in the first sentence, by striking “The  
14           official responsible for carrying out a program  
15           developed under subsection (a) or (b) shall re-  
16           vise the program” and inserting “The Secretary  
17           of Homeland Security shall revise the program  
18           developed under subsection (a)”; and

19           (B) in the second sentence, by striking  
20           “the official” and inserting “the Secretary”.

21           (d) REPEAL OF OBSOLETE PROVISIONS.—Such sec-  
22           tion is further amended by striking subsections (d) and  
23           (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  
5 Mass Destruction Act of 1996 (50 U.S.C. 2314) is amend-  
6 ed as 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  
13 by striking “or related materials” and inserting “ra-  
14 diological, 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 Sec-  
21 retary of Homeland Security shall incorporate  
22 into the National Response Plan prepared pur-  
23 suant to section 502(6) of the Homeland Secu-  
24 rity Act of 2002 (6 U.S.C. 312(6)), other exist-  
25 ing Federal emergency response plans, and”;  
26 and

1 (C) in the second sentence—

2 (i) by striking “Director” and insert-  
3 ing “Secretary of Homeland Security”;  
4 and

5 (ii) by striking “consultation” and in-  
6 serting “coordination”.

7 **SEC. 1034. REPEAL OF DEPARTMENT OF DEFENSE EMER-**  
8 **GENCY RESPONSE ASSISTANCE PROGRAM.**

9 Section 1412 of the Defense Against Weapons of  
10 Mass Destruction Act of 1996 (50 U.S.C. 2312) is re-  
11 pealed.

12 **SEC. 1035. ASSIGNMENT OF MEMBERS OF THE ARMED**  
13 **FORCES TO ASSIST BUREAU OF BORDER SE-**  
14 **CURITY AND BUREAU OF CITIZENSHIP AND**  
15 **IMMIGRATION SERVICES OF THE DEPART-**  
16 **MENT OF HOMELAND SECURITY.**

17 (a) ASSIGNMENT AUTHORITY OF SECRETARY OF DE-  
18 FENSE.—Chapter 18 of title 10, United States Code, is  
19 amended by inserting after section 374 the following new  
20 section:

21 **“§ 374a. Assignment of members to assist border pa-**  
22 **trol and control**

23 “(a) ASSIGNMENT AUTHORIZED.—Upon submission  
24 of a request consistent with subsection (b), the Secretary



1 of Defense may assign members of the Army, Navy, Air  
2 Force, and Marine Corps to assist—

3 “(1) the Bureau of Border Security of the De-  
4 partment of Homeland Security in preventing the  
5 entry of terrorists, drug traffickers, and illegal aliens  
6 into the United States; and

7 “(2) the United States Customs Service of the  
8 Department of Homeland Security in the inspection  
9 of cargo, vehicles, and aircraft at points of entry  
10 into the United States to prevent the entry of weap-  
11 ons of mass destruction, components of weapons of  
12 mass destruction, prohibited narcotics or drugs, or  
13 other terrorist or drug trafficking items.

14 “(b) REQUEST FOR ASSIGNMENT.—The assignment  
15 of members under subsection (a) may occur only if—

16 “(1) the assignment is at the request of the  
17 Secretary of Homeland Security; and

18 “(2) the request is accompanied by a certifi-  
19 cation by the Secretary of Homeland Security that  
20 the assignment of members pursuant to the request  
21 is necessary to respond to a threat to national secu-  
22 rity posed by the entry into the United States of ter-  
23 rorists, drug traffickers, or illegal aliens.

24 “(c) TRAINING PROGRAM REQUIRED.—The Sec-  
25 retary of Homeland Security and the Secretary of De-

1 fense, shall establish a training program to ensure that  
2 members receive general instruction regarding issues af-  
3 fecting law enforcement in the border areas in which the  
4 members may perform duties under an assignment under  
5 subsection (a). A member may not be deployed at a border  
6 location pursuant to an assignment under subsection (a)  
7 until the member has successfully completed the training  
8 program.

9 “(d) CONDITIONS OF USE.—(1) Whenever a member  
10 who is assigned under subsection (a) to assist the Bureau  
11 of Border Security or the United States Customs Service  
12 is performing duties at a border location pursuant to the  
13 assignment, a civilian law enforcement officer from the  
14 agency concerned shall accompany the member.

15 “(2) Nothing in this section shall be construed to—

16 “(A) authorize a member assigned under sub-  
17 section (a) to conduct a search, seizure, or other  
18 similar law enforcement activity or to make an ar-  
19 rest; and

20 “(B) supersede section 1385 of title 18 (popu-  
21 larly known as the ‘Posse Comitatus Act’).

22 “(e) ESTABLISHMENT OF ONGOING JOINT TASK  
23 FORCES.—(1) The Secretary of Homeland Security may  
24 establish ongoing joint task forces if the Secretary of  
25 Homeland Security determines that the joint task force,

1 and the assignment of members to the joint task force,  
2 is necessary to respond to a threat to national security  
3 posed by the entry into the United States of terrorists,  
4 drug traffickers, or illegal aliens.

5 “(2) If established, the joint task force shall fully  
6 comply with the standards as set forth in this section.

7 “(f) NOTIFICATION REQUIREMENTS.—The Secretary  
8 of Homeland Security shall provide to the Governor of the  
9 State in which members are to be deployed pursuant to  
10 an assignment under subsection (a) and to local govern-  
11 ments in the deployment area notification of the deploy-  
12 ment of the members to assist the Department of Home-  
13 land Security under this section and the types of tasks  
14 to be performed by the members.

15 “(g) REIMBURSEMENT REQUIREMENT.—Section 377  
16 of this title shall apply in the case of members assigned  
17 under subsection (a).”.

18 (b) COMMENCEMENT OF TRAINING PROGRAM.—The  
19 training program required by subsection (b) of section  
20 374a of title 10, United States Code, shall be established  
21 as soon as practicable after the date of the enactment of  
22 this Act.

23 (c) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of such chapter is amended by inserting

1 after the item relating to section 374 the following new  
2 item:

“374a. Assignment of members to assist border patrol and control.”.

### 3 **Subtitle E—Other Matters**

#### 4 **SEC. 1041. COMMISSION ON THE LONG-TERM IMPLEMENTA-** 5 **TION OF THE NEW STRATEGIC POSTURE OF** 6 **THE UNITED STATES.**

7 (a) ESTABLISHMENT OF COMMISSION.—

8 (1) ESTABLISHMENT.—There is hereby estab-  
9 lished a commission to be known as the “Commis-  
10 sion on the Long-Term Implementation of the New  
11 Strategic Posture of the United States”. The Sec-  
12 retary of Defense shall enter into a contract with a  
13 federally funded research and development center to  
14 provide for the organization, management, and sup-  
15 port of the Commission. Such contract shall be en-  
16 tered into in consultation with the Secretary of En-  
17 ergy. The selection of the federally funded research  
18 and development center shall be subject to the ap-  
19 proval of the chairman of the Commission.

20 (2) COMPOSITION.—(A) The Commission shall  
21 be composed of 12 members who shall be appointed  
22 by the Secretary of Defense. In selecting individuals  
23 for appointment to the Commission, the Secretary of  
24 Defense shall consult with the chairman and ranking  
25 minority member of the Committee on Armed Serv-

1       ices of the Senate and the chairman and ranking mi-  
2       nority member of the Committee on Armed Services  
3       of the House of Representatives.

4               (B) Members of the Commission shall be ap-  
5       pointed from among private United States citizens  
6       with knowledge and expertise in the political, mili-  
7       tary, operational, and technical aspects of nuclear  
8       strategy.

9               (3) CHAIRMAN OF THE COMMISSION.—The Sec-  
10      retary of Defense shall designate one of the mem-  
11      bers of the Commission to serve as chairman of the  
12      Commission.

13              (4) PERIOD OF APPOINTMENT; VACANCIES.—  
14      Members shall be appointed for the life of the Com-  
15      mission. Any vacancy in the Commission shall be  
16      filled in the same manner as the original appoint-  
17      ment.

18              (5) SECURITY CLEARANCES.—All members of  
19      the Commission shall hold appropriate security  
20      clearances.

21              (b) DUTIES OF COMMISSION.—

22              (1) REVIEW OF LONG-TERM IMPLEMENTATION  
23      OF THE NUCLEAR POSTURE REVIEW.—The Commis-  
24      sion shall examine long-term programmatic require-  
25      ments to achieve the goals set forth in the report of

1 the Secretary of Defense submitted to Congress on  
2 December 31, 2001, providing the results of the Nu-  
3 clear Posture Review conducted pursuant to section  
4 1041 of the Floyd D. Spence National Defense Au-  
5 thorization Act for Fiscal Year 2001 (as enacted  
6 into law by Public Law 106–398; 114 Stat. 1654,  
7 1654A–262) and results of periodic assessments of  
8 the Nuclear Posture Review. Matters examined by  
9 the Commission shall include the following:

10 (A) The process of establishing require-  
11 ments for strategic forces and how that process  
12 accommodates employment of nonnuclear strike  
13 platforms and munitions in a strategic role.

14 (B) How strategic intelligence, reconnais-  
15 sance, and surveillance requirements differ from  
16 nuclear intelligence, reconnaissance, and sur-  
17 veillance requirements.

18 (C) The ability of a limited number of  
19 strategic platforms to carry out a growing  
20 range of nonnuclear strategic strike missions.

21 (D) The limits of tactical systems to per-  
22 form nonnuclear global strategic missions in a  
23 prompt manner.

1           (E) An assessment of the ability of the  
2           current nuclear stockpile to address the evolving  
3           strategic threat environment through 2025.

4           (2) RECOMMENDATIONS.—The Commission  
5           shall include in its report recommendations with re-  
6           spect to the following:

7           (A) Changes to the requirements process  
8           to employ nonnuclear strike platforms and mu-  
9           nitions in a strategic role.

10          (B) Changes to the nuclear stockpile and  
11          infrastructure required to preserve a nuclear ca-  
12          pability commensurate with the changes to the  
13          strategic threat environment through 2025.

14          (C) Actions the Secretary of Defense and  
15          the Secretary of Energy can take to preserve  
16          flexibility of the defense nuclear complex while  
17          reducing the cost of a Cold War strategic infra-  
18          structure.

19          (D) Identify shortfalls in the strategic  
20          modernization programs of the United States  
21          that would undermine the ability of the United  
22          States to develop new nonnuclear strategic  
23          strike capabilities.

24          (3) COOPERATION FROM GOVERNMENT OFFI-  
25          CIALS.—(A) In carrying out its duties, the Commis-

1 sion shall receive the full and timely cooperation of  
2 the Secretary of Defense, the Secretary of Energy,  
3 and any other United States Government official in  
4 providing the Commission with analyses, briefings,  
5 and other information necessary for the fulfillment  
6 of its responsibilities.

7 (B) The Secretary of Energy and the Secretary  
8 of Defense shall each designate at least one officer  
9 or employee of the Department of Energy and the  
10 Department of Defense, respectively, to serve as a li-  
11 aison officer between the department and the Com-  
12 mission.

13 (c) REPORTS.—

14 (1) COMMISSION REPORT.—The Commission  
15 shall submit to the Secretary of Defense and the  
16 Committees on Armed Services of the Senate and  
17 House of Representatives a report on the Commis-  
18 sion's findings and conclusions. Such report shall be  
19 submitted not later than 28 months after the date of  
20 the first meeting of the Commission.

21 (2) SECRETARY OF DEFENSE RESPONSE.—Not  
22 later than one year after the date on which the Com-  
23 mission submits its report under paragraph (1), the  
24 Secretary of Defense shall submit to Congress a re-  
25 port—



1 (A) commenting on the Commission's find-  
2 ings and conclusions; and

3 (B) explaining what actions, if any, the  
4 Secretary intends to take to implement the rec-  
5 ommendations of the Commission and, with re-  
6 spect to each such recommendation, the Sec-  
7 retary's reasons for implementing, or not imple-  
8 menting, the recommendation.

9 (d) HEARINGS AND PROCEDURES.—

10 (1) HEARINGS.—The Commission may, for the  
11 purpose of carrying out the purposes of this section,  
12 hold hearings and take testimony.

13 (2) PROCEDURES.—The federally funded re-  
14 search and development center with which a contract  
15 is entered into under subsection (a)(1) shall be re-  
16 sponsible for establishing appropriate procedures for  
17 the Commission.

18 (3) DETAIL OF GOVERNMENT EMPLOYEES.—  
19 Upon request of the chairman of the Commission,  
20 the head of any Federal department or agency may  
21 detail, on a nonreimbursable basis, personnel of that  
22 department or agency to the Commission to assist it  
23 in carrying out its duties.

1 (e) FUNDING.—Funds for activities of the Commis-  
2 sion shall be provided from amounts appropriated for the  
3 Department of Defense.

4 (f) TERMINATION OF COMMISSION.—The Commis-  
5 sion shall terminate 60 days after the date of the submis-  
6 sion of its report under subsection (c)(1).

7 (g) IMPLEMENTATION.—

8 (1) FFRDC CONTRACT.—The Secretary of De-  
9 fense shall enter into the contract required under  
10 subsection (a)(1) not later than 60 days after the  
11 date of the enactment of this Act.

12 (2) FIRST MEETING.—The Commission shall  
13 convene its first meeting not later than 60 days  
14 after the date as of which all members of the Com-  
15 mission have been appointed.

16 **SEC. 1042. REESTABLISHMENT OF EMP COMMISSION.**

17 (a) REESTABLISHMENT.—The commission estab-  
18 lished pursuant to title XIV of the Floyd D. Spence Na-  
19 tional Defense Authorization Act for Fiscal Year 2001 (as  
20 enacted into law by Public Law 106–398; 114 Stat.  
21 1654A–345), known as the Commission to Assess the  
22 Threat to the United States from Electromagnetic Pulse  
23 Attack, is hereby reestablished.

24 (b) MEMBERSHIP.—The Commission as reestablished  
25 shall have the same membership as the Commission had

1 as of the date of the submission of the report of the Com-  
2 mission pursuant to section 1403(a) of such Act, as in  
3 effect before the date of the enactment of this Act. Service  
4 on the Commission is voluntary, and Commissioners may  
5 elect to terminate their service on the Commission.

6 (c) COMMISSION CHARTER DEFINED.—In this sec-  
7 tion, the term “Commission charter” means title XIV of  
8 the Floyd D. Spence National Defense Authorization Act  
9 for Fiscal Year 2001 (as enacted into law by Public Law  
10 106–398; 114 Stat. 1654A–345 et seq.).

11 (d) ESTABLISHMENT AND PURPOSE.—Section 1401  
12 of the Commission charter (114 Stat. 1654A–345) is  
13 amended—

14 (1) by striking subsections (e) and (g);

15 (2) by redesignating subsections (b), (c), and  
16 (d) as subsections (c), (d), and (e), respectively;

17 (3) by inserting after subsection (a) the fol-  
18 lowing new subsection (b):

19 “(b) PURPOSE.—The purpose of the Commission is  
20 to monitor, investigate, make recommendations, and re-  
21 port to Congress on the evolving threat to the United  
22 States from electromagnetic pulse (hereinafter in this title  
23 referred to as ‘EMP’) attack resulting from the detonation  
24 of a nuclear weapon or weapons at high altitude.”;

1           (4) in subsection (c), as redesignated by para-  
2           graph (2), by striking the second and third sen-  
3           tences and inserting “In the event of a vacancy in  
4           the membership of the Commission, the Secretary of  
5           Defense shall appoint a new member.”; and

6           (5) in subsection (d), as redesignated by para-  
7           graph (2), by striking “pulse (hereafter” and all  
8           that follows and inserting “pulse effects referred to  
9           in subsection (b).”.

10          (e) DUTIES OF COMMISSION.—Section 1402 of the  
11          Commission charter (114 Stat. 1654A–346) is amended  
12          to read as follows:

13          **“SEC. 1402. DUTIES OF COMMISSION.**

14          “The Commission shall on an ongoing basis assess  
15          the following:

16                 “(1) The nature and magnitude of potential  
17                 EMP threats to the United States from terrorists  
18                 and all other potentially hostile actors.

19                 “(2) The proliferation of technology relevant to  
20                 the EMP threat.

21                 “(3) The vulnerability of electric-dependent  
22                 military systems and other electric-dependent sys-  
23                 tems in the United States to an EMP attack, giving  
24                 special attention to the progress, or lack of progress,  
25                 by the Department of Defense, other Government

1 departments and agencies of the United States, and  
2 entities of the private sector in taking steps to pro-  
3 tect such systems from such an attack.”.

4 (f) REPORT.—Section 1403 of the Commission char-  
5 ter (114 Stat. 1654A–345) is amended to read as follows:

6 **“SEC. 1403. REPORTS.**

7 “(a) ANNUAL REPORT.—Not later than March 1  
8 each year (beginning in 2007 and ending three years  
9 later), the Commission shall submit to Congress an annual  
10 report providing the Commission’s current assessment of  
11 the matters specified in section 1402.

12 “(b) ADDITIONAL REPORTS.—The Commission may  
13 submit to Congress additional reports at such other times  
14 as the Commission considers appropriate.

15 “(c) CONTENT OF REPORTS.—Each annual report  
16 under subsection (a) shall include recommendations for  
17 any steps the Commission believes should be taken by the  
18 United States to better protect systems referred to in sec-  
19 tion 1402(3) from an EMP attack.”.

20 (g) CLERICAL AMENDMENT.—The heading for sub-  
21 section (c) of section 1405 of the Commission charter (114  
22 Stat. 1654A–347) is amended by striking “Commission”  
23 and inserting “Panels”.

24 (h) COMMISSION PERSONNEL MATTERS.—Section  
25 1406(c)(2) of the Commission charter (114 Stat. 1654A–

1 347) is amended by striking “for grade GS–15 of the Gen-  
2 eral Schedule” and inserting “for senior level and sci-  
3 entific or professional positions”.

4 (i) FUNDING.—Section 1408 of the Commission char-  
5 ter (114 Stat. 1654A–348) is amended—

6 (1) by inserting “for any fiscal year” after “ac-  
7 tivities of the Commission”; and

8 (2) by striking “for fiscal year 2001” and in-  
9 serting “for that fiscal year”.

10 (j) TERMINATION OF COMMISSION.—Section 1409 of  
11 the Commission charter (114 Stat. 1654A–348) is amend-  
12 ed by striking “60 days” and all that follows through “sec-  
13 tion 1403(a)” and inserting “on May 1, 2010”.

14 **SEC. 1043. MODERNIZATION OF AUTHORITY RELATING TO**  
15 **SECURITY OF DEFENSE PROPERTY AND FA-**  
16 **CILITIES.**

17 Section 21 of the Internal Security Act of 1950 (50  
18 U.S.C. 797) is amended to read as follows:

19 “PENALTY FOR VIOLATION OF SECURITY REGULATIONS  
20 AND ORDERS

21 “SEC. 21. (a) MISDEMEANOR VIOLATION OF DE-  
22 FENSE PROPERTY SECURITY REGULATIONS.—

23 “(1) MISDEMEANOR.—Whoever willfully violates  
24 any defense property security regulation shall be  
25 fined under title 18, United States Code, or impris-  
26 oned not more than one year, or both.

1           “(2) DEFENSE PROPERTY SECURITY REGULA-  
2           TION DESCRIBED.—For purposes of paragraph (1),  
3           a defense property security regulation is a property  
4           security regulation that, pursuant to lawful author-  
5           ity—

6                   “(A) shall be or has been promulgated or  
7                   approved by the Secretary of Defense (or by a  
8                   military commander designated by the Sec-  
9                   retary of Defense or by a military officer, or a  
10                  civilian officer or employee of the Department  
11                  of Defense, holding a senior Department of De-  
12                  fense director position designated by the Sec-  
13                  retary of Defense) for the protection or security  
14                  of Department of Defense property; or

15                   “(B) shall be or has been promulgated or  
16                   approved by the Administrator of the National  
17                   Aeronautics and Space Administration for the  
18                   protection or security of NASA property.

19           “(3) PROPERTY SECURITY REGULATION DE-  
20           SCRIBED.—For purposes of paragraph (2), a prop-  
21           erty security regulation, with respect to any prop-  
22           erty, is a regulation—

23                   “(A) relating to fire hazards, fire protec-  
24                   tion, lighting, machinery, guard service, dis-  
25                   repair, disuse, or other unsatisfactory condi-

1           tions on such property, or the ingress thereto or  
2           egress or removal of persons therefrom; or

3           “(B) otherwise providing for safeguarding  
4           such property against destruction, loss, or in-  
5           jury by accident or by enemy action, sabotage,  
6           or other subversive actions.

7           “(4) DEFINITIONS.—In this subsection:

8           “(A) DEPARTMENT OF DEFENSE PROP-  
9           PERTY.—The term ‘Department of Defense  
10          property’ means covered property subject to the  
11          jurisdiction, administration, or in the custody of  
12          the Department of Defense, any Department or  
13          agency of which that Department consists, or  
14          any officer or employee of that Department or  
15          agency.

16          “(B) NASA PROPERTY.—The term ‘NASA  
17          property’ means covered property subject to the  
18          jurisdiction, administration, or in the custody of  
19          the National Aeronautics and Space Adminis-  
20          tration or any officer or employee thereof.

21          “(C) COVERED PROPERTY.—The term  
22          ‘covered property’ means aircraft, airports, air-  
23          port facilities, vessels, harbors, ports, piers,  
24          water-front facilities, bases, forts, posts, labora-



1           tories, stations, vehicles, equipment, explosives,  
2           or other property or places.

3           “(D) REGULATION AS INCLUDING  
4           ORDER.—The term ‘regulation’ includes an  
5           order.

6           “(b) POSTING.—Any regulation or order covered by  
7           subsection (a) shall be posted in conspicuous and appro-  
8           priate places.”.

9   **SEC. 1044. REVISION OF DEPARTMENT OF DEFENSE COUN-**  
10                           **TERINTELLIGENCE POLYGRAPH PROGRAM.**

11           (a) IN GENERAL.—Section 1564a of title 10, United  
12           States Code, is amended to read as follows:

13   **“§ 1564a. Counterintelligence polygraph program**

14           “(a) AUTHORITY FOR PROGRAM.—The Secretary of  
15           Defense may carry out a program for the administration  
16           of counterintelligence polygraph examinations to persons  
17           described in subsection (b). The program shall be con-  
18           ducted in accordance with the standards specified in sub-  
19           section (e).

20           “(b) PERSONS COVERED.—Except as provided in  
21           subsection (d), the following persons, if their duties are  
22           described in subsection (e), are subject to this section:

23                   “(1) Military and civilian personnel of the De-  
24           partment of Defense.

25                   “(2) Personnel of defense contractors.

1           “(3) A person assigned or detailed to the De-  
2           partment of Defense.

3           “(4) An applicant for a position in the Depart-  
4           ment of Defense.

5           “(c) COVERED TYPES OF DUTIES.—The Secretary of  
6           Defense may provide, under standards established by the  
7           Secretary, that a person described in subsection (b) is sub-  
8           ject to this section if that person’s duties involve—

9           “(1) access to information that—

10           “(A) has been classified at the level of top  
11           secret; or

12           “(B) is designated as being within a spe-  
13           cial access program under section 4.4(a) of Ex-  
14           ecutive Order No. 12958 (or a successor Execu-  
15           tive order); or

16           “(2) assistance in an intelligence or military  
17           mission in a case in which the unauthorized disclo-  
18           sure or manipulation of information, as determined  
19           under standards established by the Secretary of De-  
20           fense, could reasonably be expected to—

21           “(A) jeopardize human life or safety;

22           “(B) result in the loss of unique or unique-  
23           ly productive intelligence sources or methods  
24           vital to United States security; or

1           “(C) compromise technologies, operational  
2           plans, or security procedures vital to the stra-  
3           tegic advantage of the United States and its al-  
4           lies.

5           “(d) EXCEPTIONS FROM COVERAGE FOR CERTAIN  
6 INTELLIGENCE AGENCIES AND FUNCTIONS.—This section  
7 does not apply to the following persons:

8           “(1) A person assigned or detailed to the Cen-  
9           tral Intelligence Agency or to an expert or consult-  
10          ant under a contract with the Central Intelligence  
11          Agency.

12          “(2) A person who is—

13               “(A) employed by or assigned or detailed  
14               to the National Security Agency;

15               “(B) an expert or consultant under con-  
16               tract to the National Security Agency;

17               “(C) an employee of a contractor of the  
18               National Security Agency; or

19               “(D) a person applying for a position in  
20               the National Security Agency.

21          “(3) A person assigned to a space where sen-  
22          sitive cryptographic information is produced, proc-  
23          essed, or stored.

24          “(4) A person employed by, or assigned or de-  
25          tailed to, an office within the Department of Defense

1 for the collection of specialized national foreign intel-  
2 ligence through reconnaissance programs or a con-  
3 tractor of such an office.

4 “(e) STANDARDS.—(1) Polygraph examinations con-  
5 ducted under this section shall comply with all applicable  
6 laws and regulations.

7 “(2) Such examinations may be authorized for any  
8 of the following purposes:

9 “(A) To assist in determining the initial eligi-  
10 bility for duties described in subsection (c) of, and  
11 aperiodically thereafter, on a random basis, to assist  
12 in determining the continued eligibility of, persons  
13 described in subsections (b) and (c).

14 “(B) With the consent of, or upon the request  
15 of, the examinee, to—

16 “(i) resolve serious credible derogatory in-  
17 formation developed in connection with a per-  
18 sonnel security investigation; or

19 “(ii) exculpate him- or herself of allega-  
20 tions or evidence arising in the course of a  
21 counterintelligence or personnel security inves-  
22 tigation.

23 “(C) To assist, in a limited number of cases  
24 when operational exigencies require the immediate  
25 use of a person’s services before the completion of

1 a personnel security investigation, in determining  
2 the interim eligibility for duties described in sub-  
3 section (c) of the person.

4 “(3) Polygraph examinations conducted under this  
5 section shall provide adequate safeguards, prescribed by  
6 the Secretary of Defense, for the protection of the rights  
7 and privacy of persons subject to this section under sub-  
8 section (b) who are considered for or administered poly-  
9 graph examinations under this section. Such safeguards  
10 shall include the following:

11 “(A) The examinee shall receive timely notifica-  
12 tion of the examination and its intended purpose  
13 and may only be given the examination with the con-  
14 sent of the examinee.

15 “(B) The examinee shall be advised of the  
16 examinee’s right to consult with legal counsel.

17 “(C) All questions asked concerning the matter  
18 at issue, other than technical questions necessary to  
19 the polygraph technique, must have a relevance to  
20 the subject of the inquiry.

21 “(f) OVERSIGHT.—(1) The Secretary shall establish  
22 a process to monitor responsible and effective application  
23 of polygraph examinations within the Department of De-  
24 fense.

1           “(2) The Secretary shall make information on the use  
2 of polygraphs within the Department of Defense available  
3 to the congressional defense committees.

4           “(g) POLYGRAPH RESEARCH PROGRAM.—The Sec-  
5 retary shall carry out a continuing research program to  
6 support the polygraph examination activities of the De-  
7 partment of Defense. The program shall include the fol-  
8 lowing:

9                   “(1) An on-going evaluation of the validity of  
10 polygraph techniques used by the Department.

11                   “(2) Research on polygraph countermeasures  
12 and anti- countermeasures.

13                   “(3) Developmental research on polygraph tech-  
14 niques, instrumentation, and analytic methods.”.

15           (b) EFFECTIVE DATE; IMPLEMENTATION.—The  
16 amendment made by subsection (a) shall apply with re-  
17 spect to polygraph examinations administered beginning  
18 on the date of the enactment of this Act.

19 **SEC. 1045. REPEAL OF REQUIREMENT FOR REPORT TO**  
20 **CONGRESS REGARDING GLOBAL STRIKE CA-**  
21 **PABILITY.**

22           (a) REPEAL OF REQUIREMENT FOR ANNUAL UP-  
23 DATE TO PLAN FOR GLOBAL STRIKE CAPABILITY.—Sub-  
24 section (a) of section 1032 of the National Defense Au-  
25 thorization Act for Fiscal Year 2004 (Public Law 108–

1 136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by  
2 striking the second sentence.

3 (b) REPEAL OF 2006 REPORT REQUIREMENT.—Sub-  
4 section (b)(1) of such section is amended by striking “,  
5 2005, and 2006” and inserting “and 2005”.

6 **SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.**

7 (a) AMENDMENTS RELATING TO DEFINITION OF  
8 CONGRESSIONAL DEFENSE COMMITTEES.—

9 (1) Chapter 169 of title 10, United States  
10 Code, is amended as follows:

11 (A) Paragraph (4) of section 2801(c) is  
12 amended to read as follows:

13 “(4) The term ‘congressional defense commit-  
14 tees’ includes, with respect to any project to be car-  
15 ried out by, or for the use of, an intelligence compo-  
16 nent of the Department of Defense—

17 “(A) the Permanent Select Committee on  
18 Intelligence of the House of Representatives;  
19 and

20 “(B) the Select Committee on Intelligence  
21 of the Senate.”.

22 (B) The following sections are amended by  
23 striking “appropriate committees of Congress”  
24 each place it appears and inserting “congres-  
25 sional defense committees”: sections 2803(b),

1           2804(b), 2805(b)(2), 2806(c)(2), 2807(b),  
2           2807(c), 2808(b), 2809(f)(1), 2811(d),  
3           2812(c)(1)(A), 2813(c), 2814(a)(2)(A),  
4           2814(g)(1), 2825(b)(1), 2827(b), 2828(f),  
5           2837(c)(2), 2853(c)(2), 2854(b), 2854a(c)(1),  
6           2865(e)(2), 2866(c)(2), 2875(e), 2881a(d)(2),  
7           2881a(e), 2883(f), and 2884(a).

8                   (C) Section 2835 is amended by adding at  
9           the end the following new subsection:

10           “(i) APPROPRIATE COMMITTEES OF CONGRESS DE-  
11 FINED.—In this section, the term ‘appropriate committees  
12 of Congress’ means the congressional defense committees  
13 and, with respect to the Coast Guard, the Committee on  
14 Transportation and Infrastructure of the House of Rep-  
15 resentatives and the Committee on Commerce, Science,  
16 and Transportation of the Senate.”.

17                   (D) Section 2836 is amended by adding at  
18           the end the following new subsection:

19           “(h) APPROPRIATE COMMITTEES OF CONGRESS DE-  
20 FINED.—In this section, the term ‘appropriate committees  
21 of Congress’ means the congressional defense committees  
22 and, with respect to the Coast Guard, the Committee on  
23 Transportation and Infrastructure of the House of Rep-  
24 resentatives and the Committee on Commerce, Science,  
25 and Transportation of the Senate.”.



1 (2) Section 2694a of such title is amended—

2 (A) in subsection (e), by striking “appro-  
3 priate committees of Congress” and inserting  
4 “congressional defense committees”; and

5 (B) in subsection (i), by striking para-  
6 graph (1) and redesignating paragraphs (2),  
7 (3), and (4) as paragraphs (1), (2), and (3), re-  
8 spectively.

9 (b) AMENDMENTS RELATING TO DEFINITION OF  
10 BASE CLOSURE LAWS.—

11 (1) Section 2694a(i) of title 10, United States  
12 Code, is amended by striking paragraph (2).

13 (2) Paragraph (1) of section 1333(i) of the Na-  
14 tional Defense Authorization Act for Fiscal Year  
15 1994 (Public Law 103–160; 10 U.S.C. 2701 note)  
16 is amended to read as follows:

17 “(1) BASE CLOSURE LAW.—The term ‘base clo-  
18 sure law’ has the meaning given such term in section  
19 101(a)(17) of title 10, United States Code.”.

20 (3) Subsection (b) of section 2814 of the Mili-  
21 tary Construction Authorization Act for Fiscal Year  
22 1995 (division B of Public Law 103–337; 10 U.S.C.  
23 2687 note) is amended to read as follows:

24 “(b) BASE CLOSURE LAW DEFINED.—In this sec-  
25 tion, the term ‘base closure law’ has the meaning given

1 such term in section 101(a)(17) of title 10, United States  
2 Code.”.

3 (4) Subsection (c) of section 3341 of title 5,  
4 United States Code, is amended to read as follows:

5 “(c) For purposes of this section, the term ‘base clo-  
6 sure law’ has the meaning given such term in section  
7 101(a)(17) of title 10.”.

8 (5) Chapter 5 of title 40, United States Code,  
9 is amended—

10 (A) in section 554(a)(1), by striking  
11 “means” and all that follows and inserting “has  
12 the meaning given that term in section  
13 101(a)(17) of title 10.”; and

14 (B) in section 572(b)(1)(B), by striking  
15 “section 2667(h)(2)” and inserting “section  
16 101(a)(17) of title 10”.

17 (6) The Act of November 13, 2000, entitled  
18 “An Act to Amend the Organic Act of Guam, and  
19 for other purposes” (Public Law 106–504, 114 Stat.  
20 2309) is amended by striking paragraph (2) of sec-  
21 tion 1(c) and inserting the following new paragraph  
22 (2):

23 “(2) The term ‘base closure law’ has the mean-  
24 ing given such term in section 101(a)(17) of title 10,  
25 United States Code.”.

1 (c) DEFINITION OF STATE FOR PURPOSES OF SEC-  
2 TION 2694A.—Subsection (i) of section 2694a of title 10,  
3 United States Code, as amended by subsections (a)(2)(B)  
4 and (b)(1), is further amended—

5 (1) by redesignating paragraphs (3) and (4) as  
6 paragraphs (1) and (2), respectively; and

7 (2) in paragraph (2), as so redesignated, by  
8 striking “and the territories and possessions of the  
9 United States” and inserting “, Guam, the Virgin  
10 Islands, and American Samoa”.

11 (d) OTHER MISCELLANEOUS CORRECTIONS TO  
12 TITLE 10, UNITED STATES CODE.—Title 10, United  
13 States Code, is amended as follows:

14 (1) Section 101(e)(4)(B)(ii) is amended by  
15 striking the comma after “bulk explosives”.

16 (2) Section 127b(d)(1) is amended by striking  
17 “policies” in the second sentence and inserting “poli-  
18 cies”.

19 (3) Section 1732 is amended—

20 (A) in subsection (c)—

21 (i) by striking “(b)(2)(A) and  
22 (b)(2)(B)” in paragraphs (1) and (2) and  
23 inserting “(b)(1)(A) and (b)(1)(B)”;

24 (ii) by striking paragraph (3); and

1 (B) in subsection (d)(2), by striking  
2 “(b)(2)(A)(ii)” and inserting “(b)(1)(A)(ii)”.

3 (4) Section 2410n(b) is amended by striking  
4 “compeititon” in the second sentence and inserting  
5 “competition”.

6 (5) Section 2507(d) is amended by striking  
7 “section (a)” and inserting “subsection (a)”.

8 (6) Section 2665(a) is amended by striking  
9 “under section 2664 of this title”.

10 (7) Section 2703(b) is amended by striking  
11 “The terms ‘unexploded ordnance’, ‘discarded mili-  
12 tary munitions’, and” and inserting “In this sub-  
13 section, the terms ‘discarded military munitions’  
14 and”.

15 (8) Section 2773a(a) is amended by inserting  
16 “by” after “incorrect payment made” in the first  
17 sentence.

18 (9) Section 2801(d) is amended by striking  
19 “sections 2830 and 2835” and inserting “sections  
20 2830, 2835, and 2836 of this chapter”.

21 (10) Section 2881a(f) is amended by striking  
22 “Notwithstanding section 2885 of this title, the”  
23 and inserting “The”.

1           (11) Section 3084 is amended by striking the  
2           semicolon in the section heading and inserting a  
3           colon.

4           (e) RONALD W. REAGAN NATIONAL DEFENSE AU-  
5 THORIZATION ACT FOR FISCAL YEAR 2005.—The Bob  
6 Stump National Defense Authorization Act for Fiscal  
7 Year 2003 (Public Law 108–375) is amended as follows:

8           (1) Section 513(e)(2)(C) (118 Stat. 1881) is  
9           amended by striking “404(a)(4)” and inserting  
10          “416(a)(4)”.

11          (2) Section 1105(h) (118 Stat. 2075) is amend-  
12          ed by striking “(21 U.S.C.” and inserting “(20  
13          U.S.C.”.

14          (f) BOB STUMP NATIONAL DEFENSE AUTHORIZA-  
15 TION ACT FOR FISCAL YEAR 2003.—The Bob Stump Na-  
16 tional Defense Authorization Act for Fiscal Year 2003  
17 (Public Law 107–314) is amended as follows:

18          (1) Section 314 (116 Stat. 2508) is amended—

19               (A) in subsection (d), by striking “(40  
20               U.S.C.” and inserting “(42 U.S.C.”; and

21               (B) in subsection (e)(2), by striking “(40  
22               U.S.C.” and inserting “(42 U.S.C.)”.

23          (2) Section 635(a) (116 Stat. 2574) is amended  
24          by inserting “the first place it appears” after “by  
25          striking ‘a claim’”.

1 (g) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
2 FISCAL YEAR 1994.—Section 1605(a)(4) of the National  
3 Defense Authorization Act for Fiscal Year 1994 (22  
4 U.S.C. 2751 note) is amended by striking “Logisitics” in  
5 the first sentence and inserting “Logistics”.

6 (h) TITLE 38, UNITED STATES CODE.—Section  
7 8111(b)(1) of title 38, United States Code, is amended  
8 by inserting “of 1993” after “the Government Perform-  
9 ance and Results Act”.

10 **SEC. 1047. DELETION OF OBSOLETE DEFINITIONS IN TI-**  
11 **TLES 10 AND 32, UNITED STATES CODE.**

12 (a) DELETING OBSOLETE DEFINITION OF “TERRI-  
13 TORY” IN TITLE 10.—Title 10, United States Code, is  
14 amended as follows:

15 (1) Section 101(a) is amended by striking para-  
16 graph (2).

17 (2) The following sections are amended by  
18 striking the terms “Territory or”, “or Territory”, “a  
19 Territorial Department,” “or a Territory”, “Terri-  
20 tory and”, “its Territories,” and “and Territories”  
21 each place they appear: sections 101(a)(3), 332,  
22 822, 1072, 1103, 2671, 3037, 5148, 8037, 8074,  
23 12204, and 12642.

24 (3) The following sections are amended by  
25 striking the terms “Territory,” and “Territories,”

1 each place they appear: sections 849, 858, 888,  
2 2668, 2669, 7545, and 9773.

3 (4) Section 808 is amended by striking “Terri-  
4 tory, Commonwealth, or possession,” and inserting  
5 “Commonwealth, possession,”.

6 (5) The following sections are amended are by  
7 striking “Territories, Commonwealths, or posses-  
8 sions” each place it appears and inserting “Com-  
9 monwealths or possessions”: sections 846, 847,  
10 2734, 3062, 3074, 4747, 4778, 5986, 7652, 7653,  
11 8062, 9778, and 12406.

12 (6) The following sections are amended by  
13 striking “Territories, Commonwealths, and posses-  
14 sions” each place it appears and inserting “Com-  
15 monwealths and possessions”: sections 3062, 3074,  
16 4747, 4778, 8062, and 9778.

17 (7) Section 312 is amended by striking “States  
18 and Territories, and Puerto Rico” and inserting  
19 “States, the Commonwealth of Puerto Rico, Guam,  
20 and the Virgin Islands”.

21 (8) Section 335 is amended by striking “the  
22 unincorporated territories of”.

23 (9) Sections 4301 and 9301 are amended by  
24 striking “State or Territory, Puerto Rico, or the  
25 District of Columbia” each place it appears and in-

1       serting “State, the Commonwealth of Puerto Rico,  
2       the District of Columbia, Guam, or the Virgin Is-  
3       lands”.

4               (10) Sections 4685 and 9685 are amended by  
5       striking “State or Territory concerned” each place it  
6       appears and inserting “State concerned or Guam or  
7       the Virgin Islands” and by striking “State and Ter-  
8       ritorial” each place it appears and inserting “State,  
9       Guam, and the Virgin Islands”.

10              (11) Section 7851 is amended by striking  
11       “States, the Territories, and the District of Colum-  
12       bia” and inserting “States, the District of Columbia,  
13       Guam, and the Virgin Islands”.

14              (12) Section 7854 is amended by striking “any  
15       State, any Territory, or the District of Columbia”  
16       and inserting “any State, the District of Columbia,  
17       Guam, or the Virgin Islands”.

18       (b) DELETING OBSOLETE DEFINITION OF “TERRI-  
19       TORY” IN TITLE 32.—Title 32, United States Code, is  
20       amended as follows:

21              (1) Paragraph (1) of section 101 is amended to  
22       read as follows:

23              “(1) For purposes of other laws relating to the  
24       militia, the National Guard, the Army National  
25       Guard of the United States, and the Air National



1 Guard of the United States, the term ‘Territory’ in-  
2 cludes Guam and the Virgin Islands.’’.

3 (2) Sections 103, 104(c), 314, 315, 708(d), and  
4 711 are amended by striking “State and Territory,  
5 Puerto Rico and the District of Columbia” and  
6 “State or Territory, Puerto Rico, and the District of  
7 Columbia” each place they appear and inserting  
8 “State, the Commonwealth of Puerto Rico, the Dis-  
9 trict of Columbia, Guam, and the Virgin Islands”.

10 (3) Sections 104(d), 107, 109, 503, 703, 704,  
11 710, and 712 are amended by striking “State or  
12 Territory, Puerto Rico or the District of Columbia”  
13 and “State or Territory, Puerto Rico, the Virgin Is-  
14 lands or the District of Columbia” each place they  
15 appear and inserting “State, the Commonwealth of  
16 Puerto Rico, the District of Columbia, Guam, or the  
17 Virgin Islands”.

18 (4) Sections 104(a), 505, 702(a), and 708(a)  
19 are amended by striking “State or Territory and  
20 Puerto Rico” and “State or Territory, Puerto Rico”  
21 each place they appear and inserting “State, the  
22 Commonwealth of Puerto Rico, Guam, and the Vir-  
23 gin Islands”.

24 (5) Section 324 is amended by striking “State  
25 or Territory of whose National Guard he is a mem-

1 ber, or by the laws of Puerto Rico, or the District  
2 of Columbia, if he is a member of its National  
3 Guard” and inserting “State of whose National  
4 Guard he is a member, or by the laws of the Com-  
5 monwealth of Puerto Rico, or the District of Colum-  
6 bia, Guam, or the Virgin Islands, whose National  
7 Guard he is a member”.

8 (6) Section 325 is amended by striking “State  
9 or Territory, or of Puerto Rico” and “State or Ter-  
10 ritory or Puerto Rico” each place they appear and  
11 inserting “State, or of the Commonwealth of Puerto  
12 Rico, Guam, or the Virgin Islands”.

13 (7) Sections 326, 327, and 501 are amended by  
14 striking “States and Territories, Puerto Rico, and  
15 the District of Columbia” each place it appears and  
16 inserting “States, the Commonwealth of Puerto  
17 Rico, the District of Columbia, Guam, and the Vir-  
18 gin Islands”.

19 **SEC. 1048. SENSE OF CONGRESS RECOGNIZING THE DIVER-**  
20 **SITY OF THE MEMBERS OF THE ARMED**  
21 **FORCES KILLED IN OPERATION IRAQI FREE-**  
22 **DOM AND OPERATION ENDURING FREEDOM**  
23 **AND HONORING THEIR SACRIFICES AND THE**  
24 **SACRIFICES OF THEIR FAMILIES.**

25 (a) FINDINGS.—Congress finds the following:

1           (1) Over 1,500 members of the United States  
2           Armed Forces have been killed while serving in Op-  
3           eration Iraqi Freedom and Operation Enduring  
4           Freedom.

5           (2) The members of the Armed Forces killed in  
6           Operation Iraqi Freedom and Operation Enduring  
7           Freedom came from diverse ethnic backgrounds.

8           (3) All of these members of the Armed Forces  
9           lost their lives defending the cause of freedom, de-  
10          mocracy, and liberty.

11          (4) Diversity is an essential part of the strength  
12          of the Armed Forces, in which members having dif-  
13          ferent ethnic backgrounds and faiths share the same  
14          goal of defending the cause of freedom, democracy,  
15          and liberty.

16          (5) The Armed Forces are representative of the  
17          diverse culture and backgrounds that make the  
18          United States a great nation.

19          (b) SENSE OF CONGRESS.—It is the sense of Con-  
20          gress that the United States should—

21                 (1) recognize and celebrate the diversity of the  
22                 Armed Forces; and

23                 (2) recognize and honor the sacrifices being  
24                 made by the diverse members of the Armed Forces  
25                 and their families in the war against terrorism.

1 **SEC. 1049. DEPARTMENT OF DEFENSE SUPPORT FOR**  
2 **YOUTH ORGANIZATIONS, INCLUDING THE**  
3 **BOY SCOUTS OF AMERICA.**

4 (a) SUPPORT FOR YOUTH ORGANIZATIONS.—No  
5 Federal law (including any rule, regulation, directive, in-  
6 struction, or order) shall be construed to limit the Depart-  
7 ment of Defense from providing any form of support de-  
8 scribed in subsection (b) to a youth organization (includ-  
9 ing the Boy Scouts of America and any group officially  
10 affiliated with the Boy Scouts of America) described in  
11 part B of subtitle II of title 36, United States Code, that  
12 is intended to serve individuals under the age of 21 years  
13 that would result in the Department of Defense providing  
14 less support to that youth organization than was provided  
15 by the Department of Defense during each of the pre-  
16 ceding four fiscal years.

17 (b) TYPES OF SUPPORT.—Support referred to in sub-  
18 section (a) includes—

- 19 (1) holding meetings, camping events, or other  
20 activities on defense property; and  
21 (2) hosting any official event of the youth orga-  
22 nization.

1 **SEC. 1050. PRESERVATION OF INFORMATION AND**  
2 **RECORDS PERTAINING TO RADIOACTIVE**  
3 **FALLOUT.**

4 (a) PROHIBITION OF DESTRUCTION OF CERTAIN  
5 DOCUMENTS.—The Secretary of Defense may not destroy  
6 any document in the custody or control of the Department  
7 of Defense that is a historical record (or part of a histor-  
8 ical record) relating to radioactive fallout from the testing  
9 of any nuclear device.

10 (b) PRESERVATION AND PUBLICATION OF INFORMA-  
11 TION.—The Secretary of Defense shall identify, preserve,  
12 and publish information contained in documents referred  
13 to in subsection (a).

14 **SEC. 1051. SPECIAL IMMIGRANT STATUS FOR PERSONS**  
15 **SERVING AS TRANSLATORS WITH UNITED**  
16 **STATES ARMED FORCES.**

17 (a) IN GENERAL.—For purposes of the Immigration  
18 and Nationality Act (8 U.S.C. 1101 et seq.), subject to  
19 subsection (c)(1), the Secretary of Homeland Security  
20 may provide an alien described in subsection (b) with the  
21 status of a special immigrant under section 101(a)(27) of  
22 such Act (8 U.S.C. 1101(a)(27)), if the alien—

23 (1) files with the Secretary of Homeland Secu-  
24 rity a petition under section 204 of such Act (8  
25 U.S.C. 1154) for classification under section  
26 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

1           (2) is otherwise eligible to receive an immigrant  
2 visa and is otherwise admissible to the United States  
3 for permanent residence, except in determining such  
4 admissibility, the grounds for inadmissibility speci-  
5 fied in section 212(a)(4) of such Act (8 U.S.C.  
6 1182(a)(4)) shall not apply.

7 (b) ALIENS DESCRIBED.—

8           (1) PRINCIPAL ALIENS.—An alien is described  
9 in this subsection if the alien—

10           (A) is a national of Iraq or Afghanistan;

11           (B) worked directly with United States  
12 Armed Forces as a translator for a period of at  
13 least 12 months;

14           (C) obtained a favorable written rec-  
15 ommendation from the first general or flag offi-  
16 cer in the chain of command of the United  
17 States Armed Forces unit that was supported  
18 by the alien; and

19           (D) prior to filing the petition described in  
20 subsection (a)(1), cleared a background check  
21 and screening, as determined by the first gen-  
22 eral or flag officer in the chain of command of  
23 the United States Armed Forces unit that was  
24 supported by the alien.

1           (2) SPOUSES AND CHILDREN.—An alien is de-  
2       scribed in this subsection if the alien is the spouse  
3       or child of a principal alien described in paragraph  
4       (1), and is following or accompanying to join the  
5       principal alien.

6       (c) NUMERICAL LIMITATIONS.—

7           (1) IN GENERAL.—The total number of prin-  
8       cipal aliens who may be provided special immigrant  
9       status under this section during any fiscal year shall  
10      not exceed 50.

11          (2) COUNTING AGAINST SPECIAL IMMIGRANT  
12      CAP.—For purposes of the application of sections  
13      201 through 203 of the Immigration and Nationality  
14      Act (8 U.S.C. 1151–1153) in any fiscal year, aliens  
15      eligible to be provided status under this section shall  
16      be treated as special immigrants described in section  
17      101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who  
18      are not described in subparagraph (A), (B), (C), or  
19      (K) of such section.

20          (d) APPLICATION OF IMMIGRATION AND NATION-  
21      ALITY ACT PROVISIONS.—The definitions in subsections  
22      (a) and (b) of section 101 of the Immigration and Nation-  
23      ality Act (8 U.S.C. 1101) shall apply in the administration  
24      of this section.

1 **TITLE XI—CIVILIAN PERSONNEL**  
2 **MATTERS**

- Sec. 1101. Extension of eligibility to continue Federal employee health benefits.  
Sec. 1102. Extension of Department of Defense voluntary reduction in force authority.  
Sec. 1103. Extension of authority to make lump sum severance payments.  
Sec. 1104. Authority for heads of agencies to allow shorter length of required service by Federal employees after completion of training.  
Sec. 1105. Authority to waive annual limitation on total compensation paid to Federal civilian employees.  
Sec. 1106. Transportation of family members incident to repatriation of Federal employees held captive.  
Sec. 1107. Permanent extension of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.  
Sec. 1108. Veterans' preference status for certain veterans who served on active duty during the period beginning on September 11, 2001, and ending as of the close of Operation Iraqi Freedom.

3 **SEC. 1101. EXTENSION OF ELIGIBILITY TO CONTINUE FED-**  
4 **ERAL EMPLOYEE HEALTH BENEFITS.**

5 Section 8905a(d)(4)(B) of title 5, United States  
6 Code, is amended—

7 (1) in clause (i), by striking “October 1, 2006”  
8 and inserting “October 1, 2010”; and

9 (2) in clause (ii)—

10 (A) by striking “February 1, 2007” and  
11 inserting “February 1, 2011”; and

12 (B) by striking “October 1, 2006” and in-  
13 serting “October 1, 2010”.



1 **SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE VOL-**  
2 **UNTARY REDUCTION IN FORCE AUTHORITY.**

3 Section 3502(f)(5) of title 5, United States Code, is  
4 amended by striking “September 30, 2005” and inserting  
5 “September 30, 2010”.

6 **SEC. 1103. EXTENSION OF AUTHORITY TO MAKE LUMP SUM**  
7 **SEVERANCE PAYMENTS.**

8 Section 5595(i)(4) of title 5, United States Code, is  
9 amended by striking “October 1, 2006” and inserting  
10 “October 1, 2010”.

11 **SEC. 1104. AUTHORITY FOR HEADS OF AGENCIES TO**  
12 **ALLOW SHORTER LENGTH OF REQUIRED**  
13 **SERVICE BY FEDERAL EMPLOYEES AFTER**  
14 **COMPLETION OF TRAINING.**

15 Section 4108 of title 5, United States Code, is  
16 amended—

17 (1) by redesignating subsections (b) and (c) as  
18 subsections (c) and (d);

19 (2) by striking “subsection (b)” in subsection  
20 (d) (as so redesignated) and inserting “subsection  
21 (c)”; and

22 (3) by inserting after subsection (a) the fol-  
23 lowing new subsection (b):

24 “(b) The head of an agency that authorized training  
25 for an employee may require a period of service for the  
26 employee that is shorter than the period required under

1 subsection (a)(1) if the head of the agency determines it  
2 is in the best interests of the agency to require a shorter  
3 period.”.

4 **SEC. 1105. AUTHORITY TO WAIVE ANNUAL LIMITATION ON**  
5 **TOTAL COMPENSATION PAID TO FEDERAL CI-**  
6 **VILIAN EMPLOYEES.**

7 (a) **WAIVER AUTHORITY.**—During 2006 and notwith-  
8 standing section 5547 of title 5, United States Code, the  
9 head of an executive agency may waive, subject to sub-  
10 section (b), the limitation established in that section for  
11 total compensation (including limitations on the aggregate  
12 of basic pay and premium pay payable in a calendar year)  
13 of an employee who performs work while in an overseas  
14 location that is in the area of responsibility of the com-  
15 mander of the United States Central Command, in direct  
16 support of or directly related to a military operation (in-  
17 cluding a contingency operation as defined in section  
18 101(13) of title 10, United States Code).

19 (b) **\$200,000 MAXIMUM TOTAL COMPENSATION .—**  
20 The total compensation of an employee whose pay is cov-  
21 ered by a waiver under subsection (a) may not exceed  
22 \$200,000 in a calendar year.

23 (c) **ADDITIONAL PAY NOT CONSIDERED BASIC**  
24 **PAY.**—To the extent that a waiver under subsection (a)  
25 results in payment of additional premium pay of a type

1 that is normally creditable as basic pay for retirement or  
2 any other purpose, such additional pay—

3 (1) shall not be considered to be basic pay for  
4 any purpose; and

5 (2) shall not be used in computing a lump sum  
6 payment for accumulated and accrued annual leave  
7 under section 5551 of title 5, United States Code.

8 **SEC. 1106. TRANSPORTATION OF FAMILY MEMBERS INCI-**  
9 **DENT TO REPATRIATION OF FEDERAL EM-**  
10 **PLOYEES HELD CAPTIVE.**

11 (a) ALLOWANCES AUTHORIZED.—Chapter 57 of title  
12 5, United States Code, is amended by adding at the end  
13 the following new section:

14 **“§ 5760. Travel and transportation allowances: trans-**  
15 **portation of family members incident to**  
16 **repatriation of employees held captive**

17 “(a) ALLOWANCES AUTHORIZED.—(1) The head of  
18 an agency may provide the travel and transportation al-  
19 lowances described in subsection (c) to not more than  
20 three family members of an employee as defined in section  
21 2105 of this title who—

22 “(A) was held captive, as determined by the  
23 head of the agency, and

24 “(B) is repatriated to a site in or outside the  
25 United States.

1       “(2) In circumstances determined to be appropriate  
2 by the head of the agency concerned, the head of the agen-  
3 cy may waive the limitation on the number of family mem-  
4 bers provided travel and transportation allowances under  
5 this section.

6       “(b) ELIGIBLE PERSONS.—(1) In this section, the  
7 term ‘family member’ has the meaning given that term  
8 in section 411h(b) of title 37.

9       “(2) The head of an agency may also provide such  
10 travel and transportation allowances to an attendant who  
11 accompanies a family member if the head of the agency  
12 determines that—

13               “(A) the family member is unable to travel un-  
14 attended because of age, physical condition, or other  
15 justifiable reason; and

16               “(B) no other family member who is receiving  
17 the allowances under this section is able to serve as  
18 an attendant for the family member.

19       “(3) If no family member is able to travel to the repa-  
20 triation site, the head of the agency concerned may pro-  
21 vide the travel and transportation allowances to not more  
22 than two persons who are related to the member (but who  
23 do not satisfy the definition of family member) and are  
24 selected by the member.

1       “(c) ALLOWANCES DESCRIBED.—(1) The transpor-  
2       tation authorized by subsection (a) is round-trip transpor-  
3       tation between—

4               “(A) the home of the family member (or the  
5       home of an attendant or other person provided  
6       transportation pursuant to paragraph (2) or (3) of  
7       subsection (b)); and

8               “(B) the location of the repatriation site or  
9       other location determined to be appropriate by the  
10       head of the agency concerned.

11       “(2) In addition to the transportation authorized by  
12       subsection (a), the head of an agency may provide a per  
13       diem allowance or reimbursement for the actual and nec-  
14       essary expenses of the travel, or a combination thereof,  
15       but not to exceed the rates established under section  
16       404(d) of title 37.

17       “(d) PROVISION OF ALLOWANCES.—(1) The trans-  
18       portation authorized by subsection (a) may be provided  
19       by any of the following means:

20               “(A) Transportation in-kind.

21               “(B) A monetary allowance in place of trans-  
22       portation in-kind at a rate to be prescribed by the  
23       heads of the agencies concerned.

24               “(C) Reimbursement for the commercial cost of  
25       transportation.

1       “(2) An allowance payable under this subsection may  
2 be paid in advance.

3       “(3) Reimbursement payable under this subsection  
4 may not exceed the cost of government-procured commer-  
5 cial round-trip air travel.

6       “(e) REGULATIONS.—The heads of the agencies con-  
7 cerned shall prescribe uniform regulations to carry out  
8 this section.”.

9       (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of chapter 57 of title 5, United States  
11 Code, is amended by adding at the end the following new  
12 item:

“5760. Travel and transportation allowances: transportation of family members  
incident to repatriation of employees held captive.”.

13 **SEC. 1107. PERMANENT EXTENSION OF SCIENCE, MATHE-**  
14 **MATICS, AND RESEARCH FOR TRANS-**  
15 **FORMATION (SMART) DEFENSE EDUCATION**  
16 **PROGRAM.**

17       (a) PERMANENT EXTENSION.—Section 1105 of the  
18 Ronald W. Reagan National Defense Authorization Act  
19 for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
20 2074; 10 U.S.C. 2192 note) is amended—

21               (1) by striking “pilot” each place it appears in  
22 the section and subsection headings and the text;

23               (2) in subsection (a)—

24                       (A) by striking “(1)”;

1 (B) by striking paragraph (2); and

2 (C) by inserting “foreign languages,” after

3 “engineering,”; and

4 (3) in subsection (b)—

5 (A) in paragraph (1)(B), by striking “un-

6 dergraduate” and inserting “associates degree,

7 undergraduate degree,”; and

8 (B) by adding at the end the following new

9 paragraph:

10 “(3) Financial assistance provided under a

11 scholarship awarded under this section may be paid

12 directly to the recipient of such scholarship or to an

13 administering entity for disbursement of the funds.”.

14 (b) CODIFICATION.—

15 (1) AMENDMENT TO TITLE 10.—Chapter 111 of

16 title 10, United States Code, is amended—

17 (A) by inserting after section 2192 the fol-

18 lowing:

19 “§ 2192a. **Science, Mathematics, and Research for**

20 **Transformation (SMART) Defense Schol-**

21 **arship Program”;**

22 and

23 (B) by transferring and inserting the text

24 of section 1105 of the Ronald W. Reagan Na-

25 tional Defense Authorization Act for Fiscal

1 Year 2005 (Public Law 108–375; 118 Stat.  
2 2074; 10 U.S.C. 2192 note), as amended by  
3 subsection (a), so as to appear below the section  
4 heading for section 2192a, as added by sub-  
5 paragraph (A).

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of such chapter is amended  
8 by inserting after the item relating to section 2192  
9 the following new item:

“2192a. Science, Mathematics, and Research for Transformation (SMART) De-  
fense Scholarship Program.”.

10 (c) CONFORMING AMENDMENT.—Section 1105 of the  
11 Ronald W. Reagan National Defense Authorization Act  
12 for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
13 2074; 10 U.S.C. 2192 note) is amended by striking sub-  
14 sections (a), (b), (c), (d), (e), (f), and (h).

15 **SEC. 1108. VETERANS’ PREFERENCE STATUS FOR CERTAIN**  
16 **VETERANS WHO SERVED ON ACTIVE DUTY**  
17 **DURING THE PERIOD BEGINNING ON SEP-**  
18 **TEMBER 11, 2001, AND ENDING AS OF THE**  
19 **CLOSE OF OPERATION IRAQI FREEDOM.**

20 (a) DEFINITION OF VETERAN.—Section 2108(1) of  
21 title 5, United States Code, is amended—

22 (1) in subparagraph (B), by striking “or” at  
23 the end;



1           (2) in subparagraph (C), by adding “or” after  
2           the semicolon; and

3           (3) by inserting after subparagraph (C) the fol-  
4           lowing:

5                     “(D) served on active duty as defined by  
6                     section 101(21) of title 38 at any time in the  
7                     armed forces for a period of more than 180  
8                     consecutive days any part of which occurred  
9                     during the period beginning on September 11,  
10                    2001, and ending on the date prescribed by  
11                    Presidential proclamation or by law as the last  
12                    date of Operation Iraqi Freedom;”.

13           (b)           CONFORMING            AMENDMENT.—Section  
14           2108(3)(B) of such title is amended by striking “para-  
15           graph (1)(B) or (C)” and inserting “paragraph (1)(B),  
16           (C), or (D)”.

17           **TITLE XII—MATTERS RELATING**  
18           **TO FOREIGN NATIONS**

                                  Subtitle A—Assistance and Training

- Sec. 1201. Extension of humanitarian and civic assistance provided to host na-  
                                  tions in conjunction with military operations.
- Sec. 1202. Commanders’ Emergency Response Program.
- Sec. 1203. Military educational exchanges between senior officers and officials  
                                  of the United States and Taiwan.
- Sec. 1204. Modification of geographic restriction under bilateral and regional  
                                  cooperation programs for payment of certain expenses of de-  
                                  fense personnel of developing countries.
- Sec. 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.
- Sec. 1206. Two-year extension of authority for payment of certain administra-  
                                  tive services and support for coalition liaison officers.

Subtitle B—Nonproliferation Matters and Countries of Concern

- Sec. 1211. Report on acquisition by Iran of nuclear weapons.  
 Sec. 1212. Procurement sanctions against foreign persons that transfer certain defense articles and services to the People’s Republic of China.  
 Sec. 1213. Prohibition on procurements from Communist Chinese military companies.

Subtitle C—Other Matters

- Sec. 1221. Purchase of weapons overseas for force protection purposes.  
 Sec. 1222. Requirement for establishment of certain criteria applicable to ongoing Global Posture Review.  
 Sec. 1223. War-related reporting requirements.  
 Sec. 1224. Sense of Congress concerning cooperation with Russia on issues pertaining to missile defense.

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  
 8 section 401 of title 10, United States Code is amended  
 9 by striking “\$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,”  
 14           both places it appears; and

15           (2) by inserting “, including education, train-  
 16           ing, and technical assistance related to the care pro-  
 17           vided” before the period at the end.

1 **SEC. 1202. COMMANDERS' EMERGENCY RESPONSE PRO-**  
2 **GRAM.**

3 (a) **FISCAL YEAR 2006 AUTHORITY.**—During fiscal  
4 year 2006, from funds made available to the Department  
5 of Defense for operation and maintenance pursuant to  
6 title XV, not to exceed \$500,000,000 may be used by the  
7 Secretary of Defense to provide funds—

8 (1) for the Commanders' Emergency Response  
9 Program established by the Administrator of the Co-  
10 alition Provisional Authority for the purpose of ena-  
11 bling United States military commanders in Iraq to  
12 respond to urgent humanitarian relief and recon-  
13 struction requirements within their areas of respon-  
14 sibility by carrying out programs that will imme-  
15 diately assist the Iraqi people; and

16 (2) for a similar program to assist the people  
17 of Afghanistan.

18 (b) **QUARTERLY REPORTS.**—Not later than 15 days  
19 after the end of each fiscal-year quarter, the Secretary of  
20 Defense shall submit to the congressional defense commit-  
21 tees a report regarding the source of funds and the alloca-  
22 tion and use of funds during that quarter that were made  
23 available pursuant to the authority provided in this section  
24 or under any other provision of law for the purposes stated  
25 in subsection (a).

1 (c) LIMITATION ON USE OF FUNDS.—Funds author-  
2 ized for the Commanders' Emergency Response Program  
3 by this section may not be used to provide goods, services,  
4 or funds to national armies, national guard forces, border  
5 security forces, civil defense forces, infrastructure protec-  
6 tion forces, highway patrol units, police, special police, or  
7 intelligence or other security forces.

8 (d) SECRETARY OF DEFENSE GUIDANCE.—Not later  
9 than 90 days after the date of the enactment of this Act,  
10 the Secretary of Defense shall issue to the commander of  
11 the United States Central Command detailed guidance  
12 concerning the types of activities for which United States  
13 military commanders in Iraq may use funds under the  
14 Commanders' Emergency Response Program to respond  
15 to urgent relief and reconstruction requirements and the  
16 terms under which such funds may be expended. The Sec-  
17 retary shall simultaneously provide a copy of that guid-  
18 ance to the congressional defense committees.

19 **SEC. 1203. MILITARY EDUCATIONAL EXCHANGES BETWEEN**  
20 **SENIOR OFFICERS AND OFFICIALS OF THE**  
21 **UNITED STATES AND TAIWAN.**

22 (a) DEFENSE EXCHANGES.—The Secretary of De-  
23 fense shall undertake a program of senior military officer  
24 and senior official exchanges with Taiwan designed to im-

1 prove Taiwan’s defenses against the People’s Liberation  
2 Army of the People’s Republic of China.

3 (b) EXCHANGES DESCRIBED.—For the purposes of  
4 this section, the term “exchange” means an activity, exer-  
5 cise, event, or observation opportunity between Armed  
6 Forces personnel or Department of Defense officials of the  
7 United States and armed forces personnel and officials of  
8 Taiwan.

9 (c) FOCUS OF EXCHANGES.—The senior military offi-  
10 cer and senior official exchanges undertaken pursuant to  
11 subsection (a) shall include exchanges focused on the fol-  
12 lowing, especially as they relate to defending Taiwan  
13 against potential submarine attack and potential missile  
14 attack:

15 (1) Threat analysis.

16 (2) Military doctrine.

17 (3) Force planning.

18 (4) Logistical support.

19 (5) Intelligence collection and analysis.

20 (6) Operational tactics, techniques, and proce-  
21 dures.

22 (d) CIVIL-MILITARY AFFAIRS.—The senior military  
23 officer and senior official exchanges undertaken pursuant  
24 to subsection (a) shall include activities and exercises fo-

1 cused on civil-military relations, including parliamentary  
2 relations.

3 (e) LOCATION OF EXCHANGES.—The senior military  
4 officer and senior official exchanges undertaken pursuant  
5 to subsection (a) shall be conducted in both the United  
6 States and Taiwan.

7 (f) DEFINITIONS.—For purposes of this section:

8 (1) The term “senior military officer” means a  
9 general or flag officer of the Armed Forces on active  
10 duty.

11 (2) The term “senior official” means a civilian  
12 official of the Department of Defense at the level of  
13 Deputy Assistant Secretary of Defense or above.

14 **SEC. 1204. MODIFICATION OF GEOGRAPHIC RESTRICTION**  
15 **UNDER BILATERAL AND REGIONAL CO-**  
16 **OPERATION PROGRAMS FOR PAYMENT OF**  
17 **CERTAIN EXPENSES OF DEFENSE PER-**  
18 **SONNEL OF DEVELOPING COUNTRIES.**

19 Section 1051(b)(1) of title 10, United States Code,  
20 is amended—

21 (1) by inserting “to and” after “in connection  
22 with travel”; and

23 (2) by striking “in which the developing country  
24 is located” and inserting “in which the meeting for  
25 which expenses are authorized is located”.

1 **SEC. 1205. AUTHORITY FOR DEPARTMENT OF DEFENSE TO**  
2 **ENTER INTO ACQUISITION AND CROSS-SERV-**  
3 **ICING AGREEMENTS WITH REGIONAL ORGA-**  
4 **NIZATIONS OF WHICH THE UNITED STATES IS**  
5 **NOT A MEMBER.**

6 Subchapter I of chapter 138 of title 10, United States  
7 Code, is amended by striking “of which the United States  
8 is a member” in sections 2341(1), 2342(a)(1)(C), and  
9 2344(b)(4).

10 **SEC. 1206. TWO-YEAR EXTENSION OF AUTHORITY FOR PAY-**  
11 **MENT OF CERTAIN ADMINISTRATIVE SERV-**  
12 **ICES AND SUPPORT FOR COALITION LIAISON**  
13 **OFFICERS.**

14 Section 1051a(e) of title 10, United States Code, is  
15 amended by striking “September 30, 2005” and inserting  
16 “September 30, 2007”.

17 **Subtitle B—Nonproliferation**  
18 **Matters and Countries of Concern**

19 **SEC. 1211. REPORT ON ACQUISITION BY IRAN OF NUCLEAR**  
20 **WEAPONS.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that—

23 (1) the Iran Nonproliferation Act of 2000  
24 (Public Law 106–178) has been a critical tool in  
25 preventing the spread of weapons of mass destruc-  
26 tion and their associated delivery systems to Iran;

1           (2) the prevention of the development by Iran  
2 of weapons of mass destruction and their associated  
3 delivery systems remains the paramount policy goal  
4 of the United States with respect to matters associ-  
5 ated with Iran; and

6           (3) the Iran Nonproliferation Act of 2000  
7 should not be weakened by creating exceptions to re-  
8 quirements of such Act that are intended to serve  
9 lesser policy priorities.

10       (b) REPORT.—Not later than nine months after the  
11 date of the enactment of this Act, the Secretary of Defense  
12 and Chairman of the Joint Chiefs of Staff shall submit  
13 to Congress a report that examines the strategic and mili-  
14 tary implications of the acquisition by Iran of nuclear  
15 weapons during the five-year period beginning on the date  
16 of the enactment of this Act. The report shall include the  
17 following:

18           (1) An assessment of the acquisition by Iran of  
19 nuclear weapons on the balance of power among  
20 states within the area of responsibility of the United  
21 States Central Command.

22           (2) A description of the active and passive de-  
23 fense systems of the United States that may be able  
24 to counter such nuclear weapons based on the fu-  
25 ture-years defense program under section 221 of



1 title 10, United States Code, extant at the time of  
2 the fiscal year 2005 defense budget request.

3 (3) A description of the military capabilities  
4 that the United States possesses that would enable  
5 it to deal with the potential acquisition and use of  
6 nuclear weapons by Iran within the area of responsi-  
7 bility of the United States Central Command.

8 (4) An assessment of Iran's ability to deliver  
9 and detonate nuclear weapons outside of the area of  
10 responsibility of the United States Central Com-  
11 mand.

12 (5) A summary of the entities that have pro-  
13 vided technology, knowledge, or assistance useful in  
14 the efforts of Iran to develop weapons of mass de-  
15 struction or their associated delivery systems during  
16 the ten-year period ending on the date of the enact-  
17 ment of this Act.

18 (c) FORM.—The report described in subsection (b)  
19 shall be submitted in unclassified form as appropriate,  
20 with a classified annex as necessary.

1 **SEC. 1212. PROCUREMENT SANCTIONS AGAINST FOREIGN**  
2 **PERSONS THAT TRANSFER CERTAIN DE-**  
3 **FENSE ARTICLES AND SERVICES TO THE**  
4 **PEOPLE'S REPUBLIC OF CHINA.**

5 (a) DECLARATION OF POLICY.—Congress declares  
6 that it is the policy of the United States to deny the Peo-  
7 ple's Republic of China such defense goods and defense  
8 technology that could be used to threaten the United  
9 States or undermine the security of Taiwan or the stability  
10 of the Western Pacific region.

11 (b) PROCUREMENT SANCTION.—(1) The Secretary of  
12 Defense may not procure, by contract or otherwise, any  
13 goods or services from—

14 (A) any foreign person the Secretary of Defense  
15 determines has, with actual knowledge, on or after  
16 the date of the enactment of this Act, exported,  
17 transferred, or otherwise provided to governmental  
18 or nongovernmental entities of the People's Republic  
19 of China any item or class of items on the United  
20 States Munitions List (or any item or class of items  
21 that are identical, substantially identical, or directly  
22 competitive to an item or class of items on the  
23 United States Munitions List); or

24 (B) any foreign person the Secretary of Defense  
25 determines—

1 (i) is a successor entity to a person re-  
2 ferred to in paragraph (1);

3 (ii) is a parent or subsidiary of a person  
4 referred to in paragraph (1); or

5 (iii) is an affiliate of a person referred to  
6 in paragraph (1) if that affiliate is controlled in  
7 fact by such person.

8 (2) The prohibition under paragraph (1) with respect  
9 to a foreign person shall last for a period of five years  
10 after a determination is made by the Secretary of Defense  
11 with respect to that person under paragraph (1)(A).

12 (c) PUBLIC AVAILABILITY OF LIST OF SANCTIONED  
13 PERSONS.—(1) The Secretary of Defense shall annually  
14 publish in the Federal Register a current list of any for-  
15 eign persons sanctioned under subsection (b). The removal  
16 of foreign persons from, and the addition of foreign per-  
17 sons to, the list shall also be so published.

18 (2) The Secretary shall maintain the list published  
19 under paragraph (1) on the Internet website of the De-  
20 partment of Defense.

21 (d) REMOVAL FROM LIST OF SANCTIONED PER-  
22 SONS.—The Secretary of Defense may remove a person  
23 from the list of sanctioned persons referred to in sub-  
24 section (c) only after the five-year prohibition period im-

1 posed under subsection (b) with respect to the person has  
2 expired.

3 (e) EXCEPTIONS.—(1) Subsection (b) shall not  
4 apply—

5 (A) to contracts, or subcontracts under such  
6 contracts, in existence on the date of the enactment  
7 of this Act, including options under such contracts;

8 (B) if the Secretary of Defense determines in  
9 writing that the person to which the sanctions would  
10 otherwise be applied is a sole source supplier of the  
11 goods or services being procured, that the goods or  
12 services are essential, and that alternative sources  
13 are not readily or reasonably available;

14 (C) in the case of a contract for routine serv-  
15 icing and maintenance, if the Secretary of Defense  
16 determines in writing alternative sources for per-  
17 forming the contract are not readily or reasonably  
18 available; or

19 (D) if the Secretary of Defense determines in  
20 writing that goods or services proposed to be pro-  
21 cured under the contract are essential to the na-  
22 tional security of the United States.

23 (2) Determinations under paragraph (1) shall be pub-  
24 lished in the Federal Register.

25 (f) DEFINITIONS.—In this section:

1           (1) The term “foreign person” has the meaning  
2           given the term in section 14 of the Iran and Libya  
3           Sanctions Act of 1996 (50 U.S.C. 1701 note).

4           (2) The term “United States Munitions List”  
5           means the list referred to in section 38(a)(1) of the  
6           Arms Export Control Act (22 U.S.C. 2778(a)(1)).

7   **SEC. 1213. PROHIBITION ON PROCUREMENTS FROM COM-**  
8                           **MUNIST CHINESE MILITARY COMPANIES.**

9           (a) PROHIBITION.—The Secretary of Defense may  
10          not procure goods or services, through a contract or any  
11          subcontract (at any tier) under a contract, from any Com-  
12          munist Chinese military company.

13          (b) DEFINITION.—In this section, the term “Com-  
14          munist Chinese military company” has the meaning pro-  
15          vided that term by section 1237(b)(4) of the Strom Thur-  
16          mond National Defense Authorization Act for Fiscal Year  
17          1999 (50 U.S.C. 1701 note).

18                           **Subtitle C—Other Matters**

19   **SEC. 1221. PURCHASE OF WEAPONS OVERSEAS FOR FORCE**  
20                           **PROTECTION PURPOSES.**

21          (a) PURCHASES IN COUNTRIES IN WHICH COMBAT  
22          OPERATIONS ARE ONGOING.—

23                  (1) FORCE PROTECTION PURCHASES.—Chapter  
24                  3 of title 10, United States Code, is amended by in-  
25                  serting after section 127b the following new section:

1 **“§ 127c. Purchase of weapons overseas: force protec-**  
2 **tion**

3 “(a) **AUTHORITY.**—When elements of the armed  
4 forces are engaged in ongoing military operations in a  
5 country, the Secretary of Defense may, for the purpose  
6 of protecting United States forces in that country, pur-  
7 chase weapons from any foreign person, foreign govern-  
8 ment, international organization, or other entity located  
9 in that country.

10 “(b) **LIMITATION.**—The total amount expended dur-  
11 ing any fiscal year for purchases under this section may  
12 not exceed \$15,000,000.

13 “(c) **ANNUAL CONGRESSIONAL REPORT.**—Not later  
14 than 30 days after the end of each fiscal year during which  
15 the authority under subsection (a) is used, the Secretary  
16 of Defense shall submit to the congressional defense com-  
17 mittees a report on the use of that authority during that  
18 fiscal year. Each such report shall include the following:

19 “(1) The number and type of weapons pur-  
20 chased during that fiscal year under subsection (a),  
21 together with the amount spent for those weapons  
22 and the Secretary’s estimate of the fair market value  
23 of those weapons.

24 “(2) A description of the dispositions (if any)  
25 during that fiscal year of weapons purchased under  
26 subsection (a).”.



1           (3) The strategic benefit of rotational deploy-  
2           ments through countries with which the United  
3           States is developing a close or new security relation-  
4           ship.

5           (4) The relative speed and complexity of con-  
6           ducting negotiations with a particular country.

7           (5) The appropriate and available funding  
8           mechanisms for changes to specific Main Operating  
9           Bases, Forward Operating Bases, or Cooperative Se-  
10          curity Locations.

11          (6) The effect on military quality of life of es-  
12          tablishing or maintaining any of such types of facili-  
13          ties.

14          (7) Other criteria as Secretary of Defense de-  
15          termines appropriate.

16          (b) ANALYSIS OF ALTERNATIVES TO BASING OR OP-  
17          ERATING LOCATIONS.—The Secretary of Defense shall de-  
18          velop a mechanism for analyzing alternatives to any par-  
19          ticular overseas basing or operating location. Such a mech-  
20          anism shall incorporate the factors specified in paragraphs  
21          (1) through (4) of subsection (a).

22          (c) MINIMAL INFRASTRUCTURE REQUIREMENTS FOR  
23          OVERSEAS INSTALLATIONS.—The Secretary of Defense  
24          shall develop a template of minimal infrastructure require-  
25          ments for each of the following types of facilities:



1           (1) Facilities categorized as Main Operating  
2 Bases.

3           (2) Facilities categorized as Forward Operating  
4 Bases.

5           (3) Facilities categorized as Cooperative Secu-  
6 rity Locations.

7           (d) CONSULTATION WITH SENIOR MILITARY OFFI-  
8 CERS.—The Secretary of Defense shall carry out sub-  
9 sections (a), (b), and (c) in consultation with the Chair-  
10 man of the Joint Chiefs of Staff and the commanders of  
11 the regional combatant commands.

12          (e) ANNUAL BUDGET ELEMENT.—The Secretary of  
13 Defense shall provide to Congress, as an element of the  
14 annual budget request of the Secretary, information re-  
15 garding the funding sources for changes to individual  
16 Main Operating Bases, Forward Operating Bases, or Co-  
17 operative Security Locations.

18          (f) REPORT.—Not later than March 30, 2006, the  
19 Secretary of Defense shall submit to Congress a report  
20 on the matters specified in subsections (a) through (c).

21 **SEC. 1223. WAR-RELATED REPORTING REQUIREMENTS.**

22          (a) REPORTS REQUIRED FOR OPERATION IRAQI  
23 FREEDOM, OPERATION ENDURING FREEDOM, AND OPER-  
24 ATION NOBLE EAGLE.—The Secretary of Defense shall  
25 submit to the congressional defense committees, in accord-

1 ance with this section, war-related reports on costs, recon-  
2 stitution, and military construction for each of Operation  
3 Iraqi Freedom, Operation Enduring Freedom, and Oper-  
4 ation Noble Eagle.

5 (b) SUBMISSION TO GAO OF CERTAIN REPORTS ON  
6 COSTS.—The Secretary of Defense shall submit to the  
7 Comptroller General, no later than 45 days after the end  
8 of each reporting month, the Department of Defense Sup-  
9 plemental and Cost of War Execution reports. Based on  
10 these reports, the Comptroller General shall provide Con-  
11 gress quarterly updates on war costs.

12 (c) RECONSTITUTION.—

13 (1) PROCUREMENT.—The report prepared  
14 under subsection (a) shall identify, for each war-re-  
15 lated procurement funding request since fiscal year  
16 2003, end-item quantities requested and the purpose  
17 of the request (such as replacement for battle losses,  
18 improved capability, increase in force size, restruc-  
19 turing of forces), shown by service.

20 (2) EQUIPMENT MAINTENANCE.—The report  
21 prepared under subsection (a) shall provide an as-  
22 sessment that compares peacetime versus wartime  
23 equipment maintenance requirements. The assess-  
24 ment should include the effect of war operations on  
25 the backlog of maintenance requirements over the

1 period of fiscal years 2003 to the present. It should  
2 also examine the extent that war operations have  
3 precluded maintenance from being performed be-  
4 cause equipment was unavailable.

5 (3) SUBMISSION REQUIREMENTS.—The report  
6 under this subsection shall be submitted to the Con-  
7 gress not later than 180 days after the date of the  
8 enactment of this Act. The Secretary of Defense  
9 shall submit updated procurement and equipment  
10 maintenance reports concurrently with future war-  
11 related funding requests.

12 (d) MILITARY CONSTRUCTION.—

13 (1) MILITARY CONSTRUCTION.—The report pre-  
14 pared under subsection (a) shall identify the number  
15 of United States military personnel that can be sup-  
16 ported by the facility infrastructure in Iraq and Af-  
17 ghanistan and in the neighboring countries from  
18 where Operation Iraq Freedom and Operation En-  
19 during Freedom are supported.

20 (2) SUBMISSION REQUIREMENTS.—The report  
21 shall be submitted to Congress not later than 180  
22 days after the date of the enactment of this Act.  
23 The Secretary of Defense shall submit an updated  
24 military construction report concurrently with future  
25 war-related funding requests.

1 **SEC. 1224. SENSE OF CONGRESS CONCERNING COOPERA-**  
2 **TION WITH RUSSIA ON ISSUES PERTAINING**  
3 **TO MISSILE DEFENSE.**

4 It is the sense of Congress that—

5 (1) cooperation between the United States and  
6 Russia with regard to missile defense is in the inter-  
7 est of the United States;

8 (2) there does not exist strong enough engage-  
9 ment between the United States and Russia with re-  
10 spect to missile defense cooperation;

11 (3) the United States should explore innovative  
12 and nontraditional means of cooperation with Russia  
13 on issues pertaining to missile defense; and

14 (4) as part of such an effort, the Secretary of  
15 Defense should consider the possibilities for United  
16 States-Russian cooperation with respect to missile  
17 defense through—

18 (A) the testing of specific elements of the  
19 detection and tracking equipment of the Missile  
20 Defense Agency of the United States Depart-  
21 ment of Defense through the use of Russian  
22 target missiles; and

23 (B) the provision of early warning radar to  
24 the Missile Defense Agency by the use of Rus-  
25 sian radar data.

1 **TITLE** **XIII—COOPERATIVE**  
2 **THREAT REDUCTION WITH**  
3 **STATES OF THE FORMER SO-**  
4 **VIET UNION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Authority to obligate weapons of mass destruction proliferation prevention funds for nuclear weapons storage security.

Sec. 1304. Extension of limited waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.

Sec. 1305. Report on elimination of impediments to nuclear threat-reduction and nonproliferation programs in the Russian Federation.

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
8 poses of section 301 and other provisions of this Act, Co-  
9 operative Threat Reduction programs are the programs  
10 specified in section 1501(b) of the National Defense Au-  
11 thorization Act for Fiscal Year 1997 (Public Law 104-  
12 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

13 (b) FISCAL YEAR 2006 COOPERATIVE THREAT RE-  
14 Duction FUNDS DEFINED.—As used in this title, the  
15 term “fiscal year 2006 Cooperative Threat Reduction  
16 funds” means the funds appropriated pursuant to the au-  
17 thorization of appropriations in section 301 for Coopera-  
18 tive Threat Reduction programs.

19 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
20 pursuant to the authorization of appropriations in section

1 301 for Cooperative Threat Reduction programs shall be  
2 available for obligation for three fiscal years.

3 **SEC. 1302. FUNDING ALLOCATIONS.**

4 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
5 \$415,549,000 authorized to be appropriated to the De-  
6 partment of Defense for fiscal year 2006 in section  
7 301(19) for Cooperative Threat Reduction programs, the  
8 following amounts may be obligated for the purposes spec-  
9 ified:

10 (1) For strategic offensive arms elimination in  
11 Russia, \$78,900,000.

12 (2) For nuclear weapons storage security in  
13 Russia, \$74,100,000.

14 (3) For nuclear weapons transportation security  
15 in Russia, \$30,000,000.

16 (4) For weapons of mass destruction prolifera-  
17 tion prevention in the states of the former Soviet  
18 Union, \$40,600,000.

19 (5) For chemical weapons destruction in Rus-  
20 sia, \$108,500,000.

21 (6) For biological weapons proliferation preven-  
22 tion in the former Soviet Union, \$60,849,000.

23 (7) For defense and military contacts,  
24 \$8,000,000.

1           (8) For activities designated as Other Assess-  
2           ments/Administrative Support, \$14,600,000.

3           (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
4 FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Co-  
5 operative Threat Reduction funds may be obligated or ex-  
6 pended for a purpose other than a purpose listed in para-  
7 graphs (1) through (8) of subsection (a) until 30 days  
8 after the date that the Secretary of Defense submits to  
9 Congress a report on the purpose for which the funds will  
10 be obligated or expended and the amount of funds to be  
11 obligated or expended. Nothing in the preceding sentence  
12 shall be construed as authorizing the obligation or expend-  
13 iture of fiscal year 2006 Cooperative Threat Reduction  
14 funds for a purpose for which the obligation or expendi-  
15 ture of such funds is specifically prohibited under this title  
16 or any other provision of law.

17          (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
18 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any  
19 case in which the Secretary of Defense determines that  
20 it is necessary to do so in the national interest, the Sec-  
21 retary may obligate amounts appropriated for fiscal year  
22 2006 for a purpose listed in any of the paragraphs in sub-  
23 section (a) in excess of the specific amount authorized for  
24 that purpose.

1       (2) An obligation of funds for a purpose stated in  
2 any of the paragraphs in subsection (a) in excess of the  
3 specific amount authorized for such purpose may be made  
4 using the authority provided in paragraph (1) only after—

5           (A) the Secretary submits to Congress notifica-  
6 tion of the intent to do so together with a complete  
7 discussion of the justification for doing so; and

8           (B) 15 days have elapsed following the date of  
9 the notification.

10       (3) The Secretary may not, under the authority pro-  
11 vided in paragraph (1), obligate amounts for a purpose  
12 stated in any of paragraphs (5) through (8) of subsection  
13 (a) in excess of 125 percent of the specific amount author-  
14 ized for such purpose.

15 **SEC. 1303. AUTHORITY TO OBLIGATE WEAPONS OF MASS**  
16 **DESTRUCTION PROLIFERATION PREVENTION**  
17 **FUNDS FOR NUCLEAR WEAPONS STORAGE**  
18 **SECURITY.**

19       (a) IN GENERAL.—Subject to subsection (b), in any  
20 case in which the Secretary of Defense determines that  
21 it is necessary to do so in the national interest, the Sec-  
22 retary may obligate amounts appropriated for fiscal year  
23 2006 for the purpose listed in subsection (c)(4) of section  
24 1302 for the purpose listed in subsection (c)(2) of that  
25 section.



1 (b) LIMITATION.—The authority provided in sub-  
2 section (a) may be used only after—

3 (1) the Secretary submits to Congress notification of  
4 the intent to do so together with a complete discussion  
5 of the justification for doing so; and

6 (2) 15 days have elapsed following the date of the  
7 notification.

8 **SEC. 1304. EXTENSION OF LIMITED WAIVER OF RESTRIC-**  
9 **TIONS ON USE OF FUNDS FOR THREAT RE-**  
10 **DUCTION IN STATES OF THE FORMER SOVIET**  
11 **UNION.**

12 Section 1306 of the Bob Stump National Defense  
13 Authorization Act for Fiscal Year 2003 (22 U.S.C. 5952  
14 note) is amended by adding at the end the following new  
15 subsection:

16 “(f) COVERAGE OF CALENDAR YEARS.—The author-  
17 ity under subsection (a) applies with respect to calendar  
18 years 2005, 2006, and 2007 in the same manner as it  
19 applies to fiscal years. The authority under this subsection  
20 shall expire on December 31, 2007.”.

21 **SEC. 1305. REPORT ON ELIMINATION OF IMPEDIMENTS TO**  
22 **NUCLEAR THREAT-REDUCTION AND NON-**  
23 **PROLIFERATION PROGRAMS IN THE RUSSIAN**  
24 **FEDERATION.**

25 (a) FINDINGS.—Congress finds that—

1           (1) despite the importance of programs and ac-  
2           tivities to assist in securing nuclear weapons and  
3           fissile materials in the states of the former Soviet  
4           Union, the effective conduct of some programs and  
5           activities in the Russian Federation is impeded by  
6           numerous legal and administrative disagreements re-  
7           garding a variety of issues, including issues relating  
8           to access to sites, liability, and taxation; and

9           (2) it has been possible to resolve disagreements  
10          of that nature in other republics of the former So-  
11          viet Union through committed and high-level discus-  
12          sions between the United States and those republics.

13          (b) REPORT.—Not later than November 1, 2006, the  
14          President shall submit to Congress a report on impedi-  
15          ments in the states of the former Soviet Union to the ef-  
16          fective conduct of programs and activities of the United  
17          States relating to securing nuclear weapons and fissile ma-  
18          terials in those states. The report shall—

19               (1) identify the impediments to the rapid, effi-  
20               cient, and effective conduct of programs and activi-  
21               ties of the Department of Defense, the Department  
22               of State, and the Department of Energy to assist in  
23               securing such materials in those states, including  
24               issues relating to access to sites, liability, and tax-  
25               ation; and

1           (2) describe the plans of the United States to  
 2           overcome or ameliorate such impediments, including  
 3           an identification and discussion of new models and  
 4           approaches that might be used to develop new rela-  
 5           tionships with entities in Russia capable of assisting  
 6           in removing or ameliorating those impediments, and  
 7           any congressional action that may be necessary for  
 8           that purpose.

9           **TITLE XIV—CONTRACT DISPUTE**  
 10           **ENHANCEMENT**

                                  Subtitle A—General provisions

Sec. 1411. Definitions.

                                  Subtitle B—Establishment of civilian and defense Boards of contract appeals

Sec. 1421. Establishment.

Sec. 1422. Membership.

Sec. 1423. Chairmen.

Sec. 1424. Rulemaking authority.

Sec. 1425. Authorization of appropriations.

                                  Subtitle C—Functions of defense and civilian Boards of contract appeals

Sec. 1431. Contract disputes.

Sec. 1432. Enhanced access for small business.

Sec. 1433. Applicability to certain contracts.

                                  Subtitle D—Transfers and transition, savings, and conforming provisions

Sec. 1441. Transfer and allocation of appropriations and personnel.

Sec. 1442. Terminations and savings provisions.

Sec. 1443. Contract disputes authority of Boards.

Sec. 1444. References to agency Boards of contract appeals.

Sec. 1445. Conforming amendments.

                                  Subtitle E—Effective Date; Regulations and Appointment of Chairmen

Sec. 1451. Effective date.

Sec. 1452. Regulations.

Sec. 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 Procure-  
4       ment Policy Act (41 U.S.C. 401 et seq.) is amended by  
5       adding 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 es-  
13       tablished pursuant to section 8(a)(1) of the Contract  
14       Disputes 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  
17       to section 8(b)(1) of the Contract Disputes Act of  
18       1978 (41 U.S.C. 607).

19           “(3) The term ‘Board judge’ means a member  
20       of the Defense Board or the Civilian Board, as the  
21       case may be.

22           “(4) The term ‘Chairman’ means the Chairman  
23       of the Defense Board or the Civilian Board, as the  
24       case may be.

25           “(5) The term ‘Board concerned’ means—

1           “(A) the Defense Board with respect to  
2 matters within its jurisdiction; and

3           “(B) the Civilian Board with respect to  
4 matters within its jurisdiction.

5           “(6) The term ‘executive agency’—

6           “(A) with respect to contract disputes  
7 under the jurisdiction of the Defense Board,  
8 means the Department of Defense, the Depart-  
9 ment of the Army, the Department of the Navy,  
10 the Department of the Air Force, or the Na-  
11 tional Aeronautics and Space Administration;  
12 and

13           “(B) with respect to contract disputes  
14 under the jurisdiction of the Civilian Board, has  
15 the meaning given by section 4(1) of this Act  
16 except that the term does not include the De-  
17 partment of Defense, the Department of the  
18 Army, the Department of the Navy, the Depart-  
19 ment of the Air Force, the National Aero-  
20 nautics and Space Administration, and the Ten-  
21 nessee Valley Authority.”.

22           (b) CONFORMING AMENDMENTS.—The Office of  
23 Federal Procurement Policy Act (41 U.S.C. 401 et seq.)  
24 is further amended—

25           (1) by inserting the following before section 1:

1 **“TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY”;**  
2

3 and

4 (2) in section 4, by striking out “As used in  
5 this Act:” and inserting in lieu thereof “Except as  
6 otherwise specifically provided, as used in this Act:”.

7 **Subtitle B—Establishment of Civil-**  
8 **ian and Defense Boards of Con-**  
9 **tract Appeals**

10 **SEC. 1421. ESTABLISHMENT.**

11 (a) DEFENSE BOARD.—Subsection (a)(1) of section  
12 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607)  
13 is amended to read as follows:

14 “(a)(1) There is established in the Department of De-  
15 fense a board of contract appeals to be known as the De-  
16 partment of Defense Board of Contract Appeals.”.

17 (b) CIVILIAN BOARD.—Subsection (b)(1) of section  
18 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607)  
19 is amended to read as follows:

20 “(b)(1) There is established in the General Services  
21 Administration a board of contract appeals to be known  
22 as the Civilian Board of Contract Appeals.”.

1 **SEC. 1422. MEMBERSHIP.**

2 The Office of Federal Procurement Policy Act (41  
3 U.S.C. 401 et seq.), as amended by section 1411, is fur-  
4 ther amended by adding at the end the following:

5 **“SEC. 202. MEMBERSHIP.**

6 “(a) APPOINTMENT.—(1)(A) The Defense Board  
7 shall consist of judges appointed by the Secretary of De-  
8 fense from a register of applicants maintained by the De-  
9 fense Board, in accordance with rules issued by the De-  
10 fense Board for establishing and maintaining a register  
11 of eligible applicants and selecting Defense Board judges.  
12 The Secretary shall appoint a judge without regard to po-  
13 litical affiliation and solely on the basis of the professional  
14 qualifications required to perform the duties and respon-  
15 sibilities of a Defense Board judge.

16 “(B) The Civilian Board shall consist of judges ap-  
17 pointed by the Administrator for Federal Procurement  
18 Policy from a register of applicants maintained by the Ad-  
19 ministrator, in accordance with rules issued by the Admin-  
20 istrator for establishing and maintaining a register of eli-  
21 gible applicants and selecting Civilian Board judges. The  
22 Administrator shall appoint a judge without regard to po-  
23 litical affiliation and solely on the basis of the professional  
24 qualifications required to perform the duties and respon-  
25 sibilities of a Civilian Board judge.

1       “(2) The members of the Defense Board and the Ci-  
2 vilian Board shall be selected and appointed to serve in  
3 the same manner as administrative law judges appointed  
4 pursuant to section 3105 of title 5, United States Code,  
5 with an additional requirement that such members shall  
6 have had not fewer than five years of experience in public  
7 contract law.

8       “(3) Notwithstanding paragraph (2) and subject to  
9 subsection (b), the following persons shall serve as Board  
10 judges:

11           “(A) For the Defense Board, any full-time  
12 member of the Armed Services Board of Contract  
13 Appeals serving as such on the day before the effec-  
14 tive date of this title.

15           “(B) For the Civilian Board, any full-time  
16 member of any agency board of contract appeals  
17 other than the Armed Services Board of Contract  
18 Appeals, the Postal Service Board of Contract Ap-  
19 peals, and the board of contract appeals of the Ten-  
20 nessee Valley Authority serving as such on the day  
21 before the effective date of this title.

22       “(b) REMOVAL.—Members of the Defense Board and  
23 the Civilian Board shall be subject to removal in the same  
24 manner as administrative law judges, as provided in sec-  
25 tion 7521 of title 5, United States Code.



1       “(c) COMPENSATION.—Compensation for the Chair-  
2 man of the Defense Board and the Chairman of the Civil-  
3 ian Board and all other members of each Board shall be  
4 determined under section 5372a of title 5, United States  
5 Code.”.

6 **SEC. 1423. CHAIRMEN.**

7       The Office of Federal Procurement Policy Act (41  
8 U.S.C. 401 et seq.), as amended by section 1422, is fur-  
9 ther amended by adding at the end the following:

10 **“SEC. 203. CHAIRMEN.**

11       “(a) DESIGNATION.—(1)(A) The Chairman of the  
12 Defense Board shall be designated by the Secretary of De-  
13 fense to serve for a term of five years. The Secretary shall  
14 select the Chairman from among sitting judges each of  
15 whom has had at least five years of service as a member  
16 of the Armed Services Board of Contract Appeals.

17       “(B) The Chairman of the Civilian Board shall be  
18 designated by the Administrator for Federal Procurement  
19 Policy to serve for a term of five years. The Administrator  
20 shall select the Chairman from among sitting judges each  
21 of whom has had at least five years of service as a member  
22 of an agency board of contract appeals other than the  
23 Armed Services Board of Contract Appeals.

24       “(2) A Chairman of a Board may continue to serve  
25 after the expiration of the Chairman’s term until a suc-

1 cessor has taken office. A Chairman may be reappointed  
2 any number of times.

3 “(b) RESPONSIBILITIES.—The Chairman of the De-  
4 fense Board or the Civilian Board, as the case may be,  
5 shall be responsible on behalf of the Board for the execu-  
6 tive and administrative operation of the Board, including  
7 functions of the Board with respect to the following:

8 “(1) The selection, appointment, and fixing of  
9 the compensation of such personnel, pursuant to  
10 part III of title 5, United States Code, as the Chair-  
11 man considers necessary or appropriate, including a  
12 Clerk of the Board, a General Counsel, and clerical  
13 and legal assistance for Board judges.

14 “(2) The supervision of personnel employed by  
15 or assigned to the Board, and the distribution of  
16 work among such personnel.

17 “(3) The operation of an Office of the Clerk of  
18 the Board, including the receipt of all filings made  
19 with the Board, the assignment of cases, and the  
20 maintenance of all records of the Board.

21 “(4) The prescription of such rules and regula-  
22 tions as the Chairman considers necessary or appro-  
23 priate for the administration and management of the  
24 Board.

1       “(c) VICE CHAIRMEN.—The Chairman of the De-  
2 fense Board or the Civilian Board, as the case may be,  
3 may designate up to two other Board judges as Vice  
4 Chairmen. The Vice Chairmen, in the order designated by  
5 the Chairman, shall act in the place and stead of the  
6 Chairman during the absence of the Chairman.”.

7 **SEC. 1424. RULEMAKING AUTHORITY.**

8       The Office of Federal Procurement Policy Act (41  
9 U.S.C. 401 et seq.), as amended by section 1423, is fur-  
10 ther amended by adding at the end the following:

11 **“SEC. 204. RULEMAKING AUTHORITY.**

12       “Except as provided by section 1452 of the National  
13 Defense Authorization Act for Fiscal Year 2006, the  
14 Chairman of the Defense Board and the Chairman of the  
15 Civilian Board, in consultation with the Administrator for  
16 Federal Procurement Policy, shall jointly issue and main-  
17 tain—

18               “(1) such procedural rules and regulations as  
19       are necessary to the exercise of the functions of the  
20       Boards under section 211; and

21               “(2) statements of policy of general applica-  
22       bility 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 fur-  
4 ther 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 fur-  
18 ther 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 pro-  
24 vided by section 8(a)(1) of the Contract Disputes Act of  
25 1978 (41 U.S.C. 607(a)). The Civilian Board shall have

1 jurisdiction as provided by section 8(b)(1) of such Act (41  
2 U.S.C. 607(b)).”.

3 **SEC. 1432. ENHANCED ACCESS FOR SMALL BUSINESS.**

4 Section 9(a) of the Contract Disputes Act of 1978  
5 (41 U.S.C. 608) is amended by striking out the period  
6 at the end of the first sentence and inserting the following:  
7 “or, in the case of a small business concern (as defined  
8 in the Small Business Act and regulations under that  
9 Act), \$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 fur-  
13 ther 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 QUISSION THRESHOLD.—Notwithstanding section 33 of  
17 this Act, the authority conferred on the Defense Board  
18 and the Civilian Board by this title is applicable to con-  
19 tracts in amounts not greater than the simplified acquisi-  
20 tion threshold.

21 “(b) CONTRACTS FOR COMMERCIAL ITEMS.—Not-  
22 withstanding section 34 of this Act, the authority con-  
23 ferred on the Defense Board and the Civilian Board by  
24 this title is applicable to contracts for the procurement of  
25 commercial 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,  
10 records, and unexpended balance of appropriations,  
11 authorizations, allocations, and other funds em-  
12 ployed, held, used, arising from, available to, or to  
13 be made available in connection with the functions  
14 vested by law in the Armed Services Board of Con-  
15 tract Appeals established pursuant to section 8 of  
16 the Contract Disputes Act of 1978 (41 U.S.C. 607)  
17 (as in effect on the day before the effective date de-  
18 scribed in section 1451), shall be transferred to the  
19 Department of Defense Board of Contract Appeals  
20 for appropriate allocation by the Chairman of that  
21 Board.

22 (2) OTHER BOARDS OF CONTRACTS APPEALS.—

23 The personnel employed in connection with, and the  
24 assets, liabilities, contracts, property, records, and  
25 unexpended balance of appropriations, authoriza-

1 tions, allocations, and other funds employed, held,  
2 used, arising from, available to, or to be made avail-  
3 able in connection with the functions vested by law  
4 in the boards of contract appeals established pursu-  
5 ant to section 8 of the Contract Disputes Act of  
6 1978 (41 U.S.C. 607) (as in effect on the day before  
7 the effective date described in section 1451) other  
8 than the Armed Services Board of Contract Appeals,  
9 the board of contract appeals of the Tennessee Val-  
10 ley Authority, and the Postal Service Board of Con-  
11 tract Appeals shall be transferred to the Civilian  
12 Board of Contract Appeals for appropriate allocation  
13 by the Chairman of that Board.

14 (b) EFFECT ON PERSONNEL.—Personnel transferred  
15 pursuant to this subtitle shall not be separated or reduced  
16 in compensation for one year after such transfer, except  
17 for cause.

18 (c) REGULATIONS.—(1) The Department of Defense  
19 Board of Contract Appeals and the Civilian Board of Con-  
20 tract Appeals shall each prescribe regulations for the re-  
21 lease of competing employees in a reduction in force that  
22 gives due effect to—

- 23 (A) efficiency or performance ratings;
- 24 (B) military preference; and
- 25 (C) tenure of employment.

1           (2) In prescribing the regulations, the Board con-  
2 cerned shall provide for military preference in the same  
3 manner as set forth in subchapter I of chapter 35 of title  
4 5, United 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 sec-  
8 tion 1451, the boards of contract appeals established pur-  
9 suant to section 8 of the Contract Disputes Act of 1978  
10 (41 U.S.C. 607) (as in effect on the day before such effec-  
11 tive date), other than the board of contract appeals of the  
12 Tennessee Valley Authority and the Postal Service Board  
13 of Contract Appeals, 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  
17 proceedings pending on the effective date described in sec-  
18 tion 1451 before any board of contract appeals terminated  
19 by subsection (a).

20           (2) In the case of any such proceedings pending be-  
21 fore the Armed Services Board of Contract Appeals, the  
22 proceedings shall be continued by the Department of De-  
23 fense Board of Contract Appeals, and orders which were  
24 issued in any such proceeding by the Armed Services  
25 Board of Contract Appeals shall continue in effect until



1 modified, terminated, superseded, or revoked by the De-  
2 partment of Defense Board of Contract Appeals, by a  
3 court of competent jurisdiction, or by operation of law.

4 (3) In the case of any such proceedings pending be-  
5 fore an agency board of contract appeals other than the  
6 Armed Services Board of Contract Appeals or the board  
7 of contract appeals of the Tennessee Valley Authority, the  
8 proceedings shall be continued by the Civilian Board of  
9 Contract Appeals, and orders which were issued in any  
10 such proceeding by the agency board shall continue in ef-  
11 fect until modified, terminated, superseded, or revoked by  
12 the Civilian Board of Contract Appeals, by a court of com-  
13 petent jurisdiction, or by operation of law.

14 **SEC. 1443. CONTRACT DISPUTES AUTHORITY OF BOARDS.**

15 (a) Section 2 of the Contract Disputes Act of 1978  
16 (41 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  
25 of 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 Ap-  
5           peals established under section 8(b)(1) of this  
6           Act;

7           “(3) the board of contract appeals of the  
8           Tennessee Valley Authority; or

9           “(4) the Postal Service Board of Contract  
10          Appeals established under section 8(h) of this  
11          Act;” and

12          (4) by inserting after paragraph (6) the fol-  
13          lowing new paragraphs:

14                 “(7) the term ‘Defense Board’ means the De-  
15                 partment of Defense Board of Contract Appeals es-  
16                 tablished under section 8(a)(1) of this Act;

17                 “(8) the term ‘Civilian Board’ means the Civil-  
18                 ian Board of Contract Appeals established under  
19                 section 8(b)(1) of this Act; and”.

20          (b) Section 8 of the Contract Disputes Act of 1978  
21          (41 U.S.C. 607), as amended by section 1421, is further  
22          amended—

23                 (1) by striking out subsection (c);

24                 (2) in subsection (d)—

1 (A) by striking out the first sentence and  
2 inserting in lieu thereof the following: “The De-  
3 fense Board shall have jurisdiction to decide  
4 any appeal from a decision of a contracting offi-  
5 cer of the Department of Defense, the Depart-  
6 ment of the Army, the Department of the Navy,  
7 the Department of the Air Force, or the Na-  
8 tional Aeronautics and Space Administration  
9 relative to a contract made by that department  
10 or agency. The Civilian Board shall have juris-  
11 diction to decide any appeal from a decision of  
12 a contracting officer of any executive agency  
13 (other than the Department of Defense, the De-  
14 partment of the Army, the Department of the  
15 Navy, the Department of the Air Force, the  
16 National Aeronautics and Space Administra-  
17 tion, the United States Postal Service, the Post-  
18 al Rate Commission, or the Tennessee Valley  
19 Authority) relative to a contract made by that  
20 agency. Each other agency board shall have ju-  
21 risdiction to decide any appeal from a decision  
22 of a contracting officer relative to a contract  
23 made by its agency.”; and

1 (B) in the second sentence, by striking out  
2 “Claims Court” and inserting in lieu thereof  
3 “Court of Federal Claims”;

4 (3) by striking out subsection (h) and inserting  
5 in lieu thereof the following:

6 “(h) There is established an agency board of contract  
7 appeals to be known as the ‘Postal Service Board of Con-  
8 tract Appeals’. Such board shall have jurisdiction to decide  
9 any appeal from a decision of a contracting officer of the  
10 United States Postal Service or the Postal Rate Commis-  
11 sion relative to a contract made by either agency. Such  
12 board shall consist of judges appointed by the Postmaster  
13 General who shall meet the qualifications of and serve in  
14 the same manner as judges of the Civilian Board of Con-  
15 tract Appeals. This Act and title II of the Office of Fed-  
16 eral Procurement Policy Act shall apply to contract dis-  
17 putes before the Postal Service Board of Contract Appeals  
18 in the same manner as they apply to contract disputes  
19 before the Civilian Board.”; and

20 (4) by striking out subsection (i).

21 **SEC. 1444. REFERENCES TO AGENCY BOARDS OF CON-**  
22 **TRACT APPEALS.**

23 (a) DEFENSE BOARD.—Any reference to the Armed  
24 Services Board of Contract Appeals in any provision of  
25 law or in any rule, regulation, or other paper of the United

1 States shall be treated as referring to the Department of  
2 Defense Board of Contract Appeals.

3 (b) CIVILIAN BOARD.—Any reference to an agency  
4 board of contract appeals other than the Armed Services  
5 Board of Contract Appeals, the board of contract appeals  
6 of the Tennessee Valley Authority, or the Postal Service  
7 Board of Contract Appeals in any provision of law or in  
8 any rule, regulation, or other paper of the United States  
9 shall be treated as referring to the Civilian Board of Con-  
10 tract Appeals.

11 **SEC. 1445. CONFORMING AMENDMENTS.**

12 (a) TITLE 5.—Section 5372a(a)(1) of title 5, United  
13 States Code, is amended by inserting after “of 1978” the  
14 following: “or a member of the Department of Defense  
15 Board of Contract Appeals or the Civilian Board of Con-  
16 tract Appeals appointed under section 202 of the Office  
17 of Federal Procurement Policy Act”.

18 (b) OFFICE OF FEDERAL PROCUREMENT POLICY  
19 ACT.—

20 (1) The table of contents for the Office of Fed-  
21 eral Procurement Policy Act (contained in section  
22 1(b)) is amended by inserting the following before  
23 the item relating to section 1:

“TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY”.

1           (2) The table of contents for the Office of Fed-  
 2           eral Procurement Policy Act (contained in section  
 3           1(b)) is 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.”.

4   **Subtitle E—Effective Date; Regula-**  
 5       **tions and Appointment of Chair-**  
 6       **men**

7   **SEC. 1451. EFFECTIVE DATE.**

8           Title II of the Office of Federal Procurement Policy  
 9   Act, as added by this title, and the amendments and re-  
 10   peals made by this title shall take effect 1 year after the  
 11   date of the enactment of this Act.

12   **SEC. 1452. REGULATIONS.**

13           (a) REGULATIONS REGARDING CLAIMS.—Not later  
 14   than 1 year after the date of the enactment of this Act,  
 15   the Chairman of the Armed Services Board of Contract  
 16   Appeals and the Chairman of the General Services Board  
 17   of Contract Appeals, in consultation with the Adminis-  
 18   trator for Federal Procurement Policy, shall jointly  
 19   issue—

1           (1) such procedural rules and regulations as are  
2           necessary to the exercise of the functions of the De-  
3           partment of Defense Board of Contract Appeals and  
4           the Civilian Board of Contract Appeals under sec-  
5           tions 211 of the Office of Federal Procurement Pol-  
6           icy Act (as added by this title); and

7           (2) statements of policy of general applicability  
8           with respect to such functions.

9           (b) REGULATIONS REGARDING APPOINTMENT OF  
10          JUDGES.—Not later than 1 year after the date of the en-  
11          actment of this Act—

12           (1) the Chairman of the Armed Services Board  
13           of Contract Appeals shall issue rules governing the  
14           establishment and maintenance of a register of eligi-  
15           ble applicants and the selection of judges for the De-  
16           partment of Defense Board of Contract Appeals;  
17           and

18           (2) the Administrator for Federal Procurement  
19           Policy shall issue rules governing the establishment  
20           and maintenance of a register of eligible applicants  
21           and the selection of judges for the Civilian Board of  
22           Contract Appeals.

1 **SEC. 1453. APPOINTMENT OF CHAIRMEN OF DEFENSE**  
 2 **BOARD AND CIVILIAN BOARD.**

3 Notwithstanding section 1451, not later than 1 year  
 4 after the date of the enactment of this Act—

5 (1) the Secretary of Defense shall appoint the  
 6 Chairman of the Department of Defense Board of  
 7 Contract Appeals; and

8 (2) the Administrator for Federal Procurement  
 9 Policy shall appoint the Chairman of the Civilian  
 10 Board of Contract Appeals.

11 **TITLE XV—AUTHORIZATION FOR**  
 12 **INCREASED COSTS DUE TO**  
 13 **OPERATION IRAQI FREEDOM**  
 14 **AND OPERATION ENDURING**  
 15 **FREEDOM**

Subtitle A—General Increases

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Navy and Marine Corps procurement.
- Sec. 1504. Defense-wide activities procurement.
- Sec. 1505. Research, development, test, and evaluation, defense-wide activities.
- Sec. 1506. Operation and maintenance.
- Sec. 1507. Defense working capital funds.
- Sec. 1508. Defense Health Program.
- Sec. 1509. Military personnel.
- Sec. 1510. Iraq Freedom Fund.
- Sec. 1511. Classified programs.
- Sec. 1512. Treatment as additional authorizations.
- Sec. 1513. Transfer authority.
- Sec. 1514. Availability of funds.

Subtitle B—Personnel Provisions

- Sec. 1521. Increase in active Army and Marine Corps strength levels.
- Sec. 1522. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.



- Sec. 1523. Military death gratuity enhancement.
- Sec. 1524. Permanent prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
- Sec. 1525. Permanent authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone.
- Sec. 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.
- Sec. 1527. Availability of special pay for members during rehabilitation from combat-related injuries.
- Sec. 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

- Sec. 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  
 4 appropriations for the Department of Defense for fiscal  
 5 year 2006 to provide funds for additional costs due to Op-  
 6 eration Iraqi Freedom and Operation Enduring Freedom.  
 7 Funds authorized for appropriation in this title are avail-  
 8 able upon the enactment of this Act.

9   **SEC. 1502. ARMY PROCUREMENT.**

10          Funds are hereby authorized to be appropriated for  
 11 fiscal year 2006 for procurement accounts of the Army  
 12 in 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.

1 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

2 (a) NAVY.—Funds are hereby authorized to be appro-  
3 priated for fiscal year 2006 for procurement accounts for  
4 the Navy in amounts as follows:

5 (1) For weapons procurement, \$36,800,000.

6 (2) For other procurement, \$15,300,000.

7 (b) MARINE CORPS.—Funds are hereby authorized to  
8 be appropriated for fiscal year 2006 for procurement for  
9 the Marine Corps in the amount of \$445,400,000.

10 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
11 are hereby authorized to be appropriated for fiscal year  
12 2006 for procurement of ammunition for the Navy and  
13 the Marine Corps in the amount of \$144,721,000.

14 **SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2006 for the procurement account for Defense-  
17 wide procurement in the amount of \$103,900,000.

18 **SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
19 **TION, DEFENSE-WIDE ACTIVITIES.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 2006 for the Department of Defense for re-  
22 search, development, test and evaluation, Defense-wide, in  
23 the amount of \$75,000,000.

24 **SEC. 1506. OPERATION AND MAINTENANCE.**

25 Funds are hereby authorized to be appropriated for  
26 fiscal year 2006 for the use of the Armed Forces for ex-

1 penses, not otherwise provided for, for operation and  
2 maintenance, in amounts as follows:

3 (1) For the Army, \$20,305,001,000.

4 (2) For the Navy, \$1,838,000,000.

5 (3) For the Marine Corps, \$1,791,800,000.

6 (4) For the Air Force, \$3,195,352,000.

7 (5) For Defense-wide, \$2,870,333,000.

8 (6) For the Army National Guard,  
9 \$159,500,000.

10 (7) For the Army Reserve, \$26,400,000.

11 **SEC. 1507. DEFENSE WORKING CAPITAL FUNDS.**

12 Funds are hereby authorized to be appropriated for  
13 fiscal year 2006 for the Defense Working Capital Fund  
14 in the amount of \$1,700,000,000.

15 **SEC. 1508. DEFENSE HEALTH PROGRAM.**

16 Funds are hereby authorized to be appropriated for  
17 the Department of Defense for fiscal year 2006 for ex-  
18 penses, not otherwise provided for, for the Defense Health  
19 Program in the amount of \$846,000,000, for Operation  
20 and Maintenance.

21 **SEC. 1509. MILITARY PERSONNEL.**

22 There is hereby authorized to be appropriated to the  
23 Department of Defense for military personnel accounts for  
24 fiscal year 2006 a total of \$9,390,010,000.

1 **SEC. 1510. IRAQ FREEDOM FUND.**

2 (a) IN GENERAL.—Funds are hereby authorized to  
3 be appropriated for fiscal year 2006 for the account of  
4 the Iraq Freedom Fund in amount of \$1,000,000,000, to  
5 remain available for transfer to other accounts in this title  
6 until April 30, 2006. Amounts of authorization so trans-  
7 ferred shall be merged with, and be made available for,  
8 the same purposes as the authorization to which trans-  
9 ferred.

10 (b) NOTICE TO CONGRESS.—A transfer may be made  
11 from the Iraq Freedom Fund only after the Secretary of  
12 Defense notifies the congressional defense subcommittees  
13 with respect to the proposed transfer in writing not less  
14 than five days before the transfer is made.

15 **SEC. 1511. CLASSIFIED PROGRAMS.**

16 There is hereby authorized to be appropriated for fis-  
17 cal year 2006 for classified programs the amount of  
18 \$2,500,000,000.

19 **SEC. 1512. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

20 The amounts authorized to be appropriated by this  
21 title are in addition to amounts otherwise authorized to  
22 be appropriated by this Act.

23 **SEC. 1513. TRANSFER AUTHORITY.**

24 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

25 (1) AUTHORITY.—Upon determination by the  
26 Secretary of Defense that such action is necessary in

1 the national interest, the Secretary may transfer  
2 amounts of authorizations made available to the De-  
3 partment of Defense in this title for fiscal year 2006  
4 between any such authorizations for that fiscal year  
5 (or any subdivisions thereof). Amounts of authoriza-  
6 tions so transferred shall be merged with and be  
7 available for the same purposes as the authorization  
8 to which transferred.

9 (2) LIMITATION.—The total amount of author-  
10 izations that the Secretary may transfer under the  
11 authority of this section may not exceed  
12 \$3,000,000,000. The transfer authority provided in  
13 this section is in addition to any other transfer au-  
14 thority available to the Secretary of Defense.

15 (b) LIMITATIONS.—The authority provided by this  
16 section to transfer authorizations—

17 (1) may only be used to provide authority for  
18 items that have a higher priority than the items  
19 from which authority is transferred;

20 (2) may not be used to provide authority for an  
21 item that has been denied authorization by Con-  
22 gress; and

23 (3) may not be combined with the authority  
24 under section 1001.

1           (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
2 transfer made from one account to another under the au-  
3 thority of this section shall be deemed to increase the  
4 amount authorized for the account to which the amount  
5 is transferred by an amount equal to the amount trans-  
6 ferred.

7           (d) NOTICE TO CONGRESS.—A transfer may be made  
8 under the authority of this section only after the Secretary  
9 of Defense—

10               (1) consults with the chairmen and ranking  
11 members of the congressional defense committees  
12 with respect to the proposed transfer; and

13               (2) after such consultation, notifies those com-  
14 mittees in writing of the proposed transfer not less  
15 than five days before the transfer is made.

16 **SEC. 1514. AVAILABILITY OF FUNDS.**

17           Funds in this title shall be made available for obliga-  
18 tion to the Army, Navy, Marine Corps, Air Force, and  
19 Defense-wide components by the end of the second quarter  
20 of fiscal year 2006.

## 1     **Subtitle B—Personnel Provisions**

### 2     **SEC. 1521. INCREASE IN ACTIVE ARMY AND MARINE CORPS** 3                     **STRENGTH LEVELS.**

4             (a) AUTHORIZED END STRENGTHS.—The end  
5 strength level authorized for fiscal year 2006 under sec-  
6 tion 401—

7                     (1) for the Army is hereby increased by 30,000;

8             and

9                     (2) for the Marine Corps is hereby increased by  
10             4,000.

11            (b) STATUTORY MINIMUM ACTIVE STRENGTH LEV-  
12            ELS.—

13                    (1) ARMY.—The minimum strength for the  
14            Army under section 691(b) of title 10, United States  
15            Code (notwithstanding the number specified in para-  
16            graph (1) of that section) for the period beginning  
17            on October 1, 2005, and ending on September 30,  
18            2006, shall be the number specified in section  
19            401(1) of this Act, increased by 30,000.

20                    (2) MARINE CORPS.—The minimum strength  
21            for the Marine Corps under section 691(b) of title  
22            10, United States Code (notwithstanding the num-  
23            ber specified in paragraph (3) of that section) for  
24            the period beginning on October 1, 2005, and ending  
25            on September 30, 2006, shall be the number speci-

1       fied in section 401(3) of this Act, increased by  
2       4,000.

3       (c) LIMITATION.—The authorized strengths for the  
4 Army and Marine Corps provided in subsection (a) for ac-  
5 tive duty personnel for fiscal year 2006 are subject to the  
6 condition that costs of active-duty personnel of the Army  
7 and the Marine Corps for that fiscal year in excess of  
8 482,400 and 175,000, respectively, shall be paid out of  
9 funds appropriated for that fiscal year for a contingent  
10 emergency reserve fund or as an emergency supplemental  
11 appropriation.

12 **SEC. 1522. ADDITIONAL AUTHORITY FOR INCREASES OF**  
13 **ARMY AND MARINE CORPS ACTIVE DUTY END**  
14 **STRENGTHS FOR FISCAL YEARS 2007**  
15 **THROUGH 2009.**

16       Effective October 1, 2006, the text of section 403 of  
17 the Ronald W. Reagan National Defense Authorization  
18 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
19 1863) is amended to read as follows:

20       “(a) AUTHORITY.—

21               “(1) ARMY.—For each of fiscal years 2007,  
22       2008, and 2009, the Secretary of Defense may, as  
23       the Secretary determines necessary for the purposes  
24       specified in paragraph (3), establish the active-duty  
25       end strength for the Army at a number greater than



1 the number otherwise authorized by law up to the  
2 number equal to the fiscal-year 2006 baseline plus  
3 20,000.

4 “(2) MARINE CORPS.—For each of fiscal years  
5 2007, 2008, and 2009, the Secretary of Defense  
6 may, as the Secretary determines necessary for the  
7 purposes specified in paragraph (3), establish the ac-  
8 tive-duty end strength for the Marine Corps at a  
9 number greater than the number otherwise author-  
10 ized by law up to the number equal to the fiscal-year  
11 2006 baseline plus 5,000.

12 “(3) PURPOSE OF INCREASES.—The purposes  
13 for which increases may be made in Army and Ma-  
14 rine Corps active duty end strengths under para-  
15 graphs (1) and (2) are—

16 “(A) to support operational missions; and

17 “(B) to achieve transformational reorga-  
18 nization objectives, including objectives for in-  
19 creased numbers of combat brigades and battal-  
20 ions, increased unit manning, force stabilization  
21 and shaping, and rebalancing of the active and  
22 reserve component forces.

23 “(4) FISCAL-YEAR 2006 BASELINE.—In this  
24 subsection, the term ‘fiscal-year 2006 baseline’, with  
25 respect to the Army and Marine Corps, means the

1 active-duty end strength authorized for those serv-  
2 ices in section 1521 of the National Defense Author-  
3 ization Act for Fiscal Year 2006.

4 “(5) ACTIVE-DUTY END STRENGTH.—In this  
5 subsection, the term ‘active-duty end strength’  
6 means the strength for active-duty personnel of one  
7 the Armed Forces as of the last day of a fiscal year.

8 “(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AU-  
9 THORITY.—Nothing in this section shall be construed to  
10 limit the President’s authority under section 123a of title  
11 10, United States Code, to waive any statutory end  
12 strength in a time of war or national emergency.

13 “(c) RELATIONSHIP TO OTHER VARIANCE AUTHOR-  
14 ITY.—The authority under subsection (a) is in addition  
15 to the authority to vary authorized end strengths that is  
16 provided in subsections (e) and (f) of section 115 of title  
17 10, United States Code.

18 “(d) BUDGET TREATMENT.—

19 “(1) FISCAL YEAR 2007 BUDGET.—The budget  
20 for the Department of Defense for fiscal year 2007  
21 as submitted to Congress shall comply, with respect  
22 to funding, with subsections (c) and (d) of section  
23 691 of title 10, United States Code.

24 “(2) OTHER INCREASES.—If the Secretary of  
25 Defense plans to increase the Army or Marine Corps

1 active duty end strength for a fiscal year under sub-  
2 section (a), then the budget for the Department of  
3 Defense for that fiscal year as submitted to Con-  
4 gress shall include the amounts necessary for fund-  
5 ing that active duty end strength in excess of the fis-  
6 cal year 2006 active duty end strength authorized  
7 for that service under section 401 of the National  
8 Defense Authorization Act for Fiscal Year 2006.”.

9 **SEC. 1523. MILITARY DEATH GRATUITY ENHANCEMENT.**

10 (a) INCREASE IN AMOUNT.—Section 1478 of title 10,  
11 United States Code, is amended—

12 (1) by redesignating subsections (b) and (c) as  
13 subsections (c) and (e), respectively;

14 (2) by designating the second sentence of sub-  
15 section (a) as subsection (b) and by striking therein  
16 “this purpose” and inserting “the purpose of sub-  
17 section (a)”;

18 (3) in subsection (a), by striking “title shall be  
19 \$12,000 (as adjusted under subsection (c)).” and in-  
20 serting the following: “title—

21 “(1) except as provided in paragraph (2), shall  
22 be \$12,000 (as adjusted under subsection (e)); and

23 “(2) in the case of a death described in sub-  
24 section (d), shall be \$100,000.”;

1           (4) by inserting after subsection (c), as redesignig-  
2           nated by paragraph (1), the following new sub-  
3           section:

4           “(d) A death referred to in subsection (a)(2) is a  
5           death resulting from wounds, injuries, or illnesses that  
6           are—

7           “(1) incurred as described in section  
8           1413a(e)(2) of this title; or

9           “(2) incurred in an operation designated by the  
10          Secretary of Defense as a combat operation or in an  
11          area designated by the Secretary as a combat  
12          zone.”; and

13          (5) in subsection (e), as redesignated by para-  
14          graph (1), by striking “subsection (a)” and inserting  
15          “subsection (a)(1)”.

16          (b) EFFECTIVE DATE.—The amendments made by  
17          subsection (a) shall take effect on October 1, 2005, imme-  
18          diately after the provisions of the second sentence of sec-  
19          tion 1013(e)(2) of division A of the Emergency Supple-  
20          mental Appropriations Act for Defense, the Global War  
21          on Terror, and Tsunami Relief, 2005 (Public Law 109–  
22          13).

1 **SEC. 1524. PERMANENT PROHIBITION AGAINST REQUIRING**  
2 **CERTAIN INJURED MEMBERS TO PAY FOR**  
3 **MEALS PROVIDED BY MILITARY TREATMENT**  
4 **FACILITIES.**

5 (a) PROHIBITION.—Section 402 of title 37, United  
6 States Code, is amended—

7 (1) by redesignating subsection (h) as sub-  
8 section (i); and

9 (2) by inserting after subsection (g) the fol-  
10 lowing new subsection:

11 “(h) NO PAYMENT FOR MEALS RECEIVED AT MILI-  
12 TARY TREATMENT FACILITIES.—(1) A member of the  
13 armed forces who is undergoing medical recuperation or  
14 therapy, or is otherwise in the status of continuous care,  
15 including outpatient care, at a military treatment facility  
16 for an injury, illness, or disease described in paragraph  
17 (2) shall not be required to pay, during any month in  
18 which the member is entitled to a basic allowance for sub-  
19 sistence under this section, any charge for meals provided  
20 to the member by the military treatment facility.

21 “(2) Paragraph (1) applies with respect to an injury,  
22 illness, or disease incurred or aggravated by a member  
23 while the member was serving on active duty—

24 “(A) in support of Operation Iraqi Freedom or  
25 Operation Enduring Freedom; or

1           “(B) in any other operation designated by the  
2           Secretary of Defense as a combat operation or in an  
3           area designated by the Secretary as a combat  
4           zone.”.

5           (b) REPEAL OF TEMPORARY AUTHORITY.—Section  
6           1023 of division A of the Emergency Supplemental Appro-  
7           priations Act for Defense, the Global War on Terror, and  
8           Tsunami Relief, 2005 (Public Law 109–13), is repealed.

9           (c) EFFECTIVE DATE.—The amendments made by  
10          this section shall take effect on the earlier of the following:

- 11                   (1) The date of the enactment of this Act.  
12                   (2) September 30, 2005.

13   **SEC. 1525. PERMANENT AUTHORITY TO PROVIDE TRAVEL**  
14                   **AND TRANSPORTATION ALLOWANCES FOR**  
15                   **DEPENDENTS TO VISIT HOSPITALIZED MEM-**  
16                   **BERS INJURED IN COMBAT OPERATION OR**  
17                   **COMBAT ZONE.**

18           (a) AUTHORITY TO CONTINUE ALLOWANCE.—Effec-  
19           tive as of September 30, 2005, section 1026 of division  
20           A of the Emergency Supplemental Appropriations Act for  
21           Defense, the Global War on Terror, and Tsunami Relief,  
22           2005 (Public Law 109–13), is amended by striking sub-  
23           sections (d) 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  
7 Defense shall submit to Congress a report specifying the  
8 total amount of travel and transportation allowances pro-  
9 vided under such clause in such fiscal year.”.

10 (c) CONFORMING AMENDMENT.—Subsection  
11 (a)(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 MEM-**  
18 **BERS MAY CONTINUE TO OCCUPY MILITARY**  
19 **FAMILY HOUSING OR RECEIVE BASIC ALLOW-**  
20 **ANCE FOR HOUSING.**

21 Effective as of September 30, 2005, section 1022 of  
22 division 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  
6 37, United States Code, is amended by adding at the end  
7 the following new section:

8 **“§ 327. Combat-related injury rehabilitation pay**

9 “(a) SPECIAL PAY AUTHORIZED.—The Secretary  
10 concerned may pay monthly special pay under this section  
11 to a member of the armed forces who incurs a combat-  
12 related injury in a combat operation or combat zone des-  
13 ignated by the Secretary of Defense and is evacuated from  
14 the theater of the combat operation or from the combat  
15 zone for medical treatment.

16 “(b) COMMENCEMENT OF PAYMENT.—Subject to  
17 subsection (c), the special pay authorized by subsection  
18 (a) may be paid to a member described in such subsection  
19 for any month beginning after the date on which the mem-  
20 ber was evacuated from the theater of the combat oper-  
21 ation or the combat zone in which the member incurred  
22 the combat-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  
2 the 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  
11 amount of special pay paid to a member under this section  
12 shall 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 mem-  
19 ber, means a wound, injury, or illness that is incurred (as  
20 determined using the criteria prescribed by the Secretary  
21 of Defense under section 1413a(e)(2) of title 10) by the  
22 member—

23               “(1) as a direct result of armed conflict;

24               “(2) while engaged in hazardous service;

1           “(3) in the performance of duty under condi-  
2           tions simulating war; or

3           “(4) through an instrumentality of war.”.

4           (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of chapter 5 of such title is amended by  
6 adding at the end the following new item:

“327. Combat-related injury rehabilitation pay.”.

7           (c) EFFECTIVE DATE.—The Secretary of a military  
8 department may provide special pay under section 327 of  
9 title 37, United States Code, as added by subsection (a),  
10 for months beginning on or after the date of the enact-  
11 ment of this Act. A member of the Armed Forces who  
12 incurred a combat-related injury, as defined in subsection  
13 (f) of such section, before the date of the enactment of  
14 this Act may receive such pay for months beginning on  
15 or after that date so long as the member continues to sat-  
16 isfy the eligibility criteria specified in such section.

17 **SEC. 1528. ALLOWANCE TO COVER MONTHLY DEDUCTION**  
18 **FROM BASIC PAY FOR SERVICEMEMBERS’**  
19 **GROUP LIFE INSURANCE COVERAGE FOR**  
20 **MEMBERS SERVING IN OPERATION ENDUR-**  
21 **ING FREEDOM OR OPERATION IRAQI FREE-**  
22 **DOM.**

23           (a) ALLOWANCE TO COVER SGLI DEDUCTIONS.—  
24 Chapter 7 of title 37, United States Code, is amended by  
25 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  
9 subchapter III of chapter 19 of title 38 and who serves  
10 in the theater of operations for Operation Enduring Free-  
11 dom or Operation Iraqi Freedom at any time during a  
12 month, the Secretary concerned shall pay the member an  
13 allowance under this section for that month in an amount  
14 equal to the lesser of the following:

15 “(1) The amount of the deduction actually  
16 made for that month from the basic pay of the mem-  
17 ber for the amount of Servicemembers’ Group Life  
18 Insurance coverage obtained by the member under  
19 section 1967 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  
23 the maximum amount of coverage under section  
24 1967(a) 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  
2 in subsection (a), the Secretary concerned shall give the  
3 member 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  
12 provided in section 1967(c) of title 38.”.

13       (b) CLERICAL AMENDMENT.—The table of sections  
14 at the beginning of chapter 7 of title 37, United States  
15 Code, is amended by adding at the end the following new  
16 item:

“437. Allowance to cover monthly premium for Servicemembers’ Group Life In-  
surance: members serving in Operation Enduring Freedom or  
Operation Iraqi Freedom.”.

17       (c) EFFECTIVE DATE; NOTIFICATION.—Section 437  
18 of title 37, United States Code, as added by subsection  
19 (a), shall apply with respect to service by members of the  
20 Armed Forces in the theater of operations for Operation  
21 Enduring Freedom or Operation Iraqi Freedom for  
22 months beginning on or after October 1, 2005. In the case  
23 of members who are serving in the theater of operations  
24 for Operation Enduring Freedom or Operation Iraqi Free-

1 dom as of the date of the enactment of this Act, the Sec-  
2 retary of Defense shall provide such members, as soon as  
3 practicable, the information specified in subsection (b) of  
4 that section.

5 (d) FUNDING SOURCE.—Amounts appropriated pur-  
6 suant to the authorization of appropriations in section  
7 1509 for emergency appropriations for military personnel  
8 accounts for the Department of Defense for fiscal year  
9 2006 shall be available to the Secretary of a military de-  
10 partment to provide the allowance established by section  
11 437 of title 37, United States Code, as added by sub-  
12 section (a).

13 **Subtitle C—Matters Involving Sup-**  
14 **port Provided by Foreign Na-**  
15 **tions**

16 **SEC. 1531. REIMBURSEMENT OF CERTAIN COALITION NA-**  
17 **TIONS FOR SUPPORT PROVIDED TO UNITED**  
18 **STATES MILITARY OPERATIONS.**

19 (a) AUTHORITY.—From funds made available for the  
20 Department of Defense by this title for Defense-Wide Op-  
21 erations and Maintenance, the Secretary of Defense may  
22 reimburse any key cooperating nation for logistical and  
23 military support provided by that nation to or in connec-  
24 tion with United States military operations in Iraq, Af-  
25 ghanistan, and the global war on terrorism.

1           (b) DETERMINATIONS.—Payments authorized under  
2 subsection (a) may be made in such amounts as the Sec-  
3 retary of Defense, with the concurrence of the Secretary  
4 of State and in consultation with the Director of the Office  
5 of Management and Budget, may determine, in the Sec-  
6 retary’s discretion, based on documentation determined by  
7 the Secretary of Defense to adequately account for the  
8 support provided. Any such determination by the Sec-  
9 retary of Defense shall be final and conclusive upon the  
10 accounting officers of the United States. To the maximum  
11 extent practicable, the Secretary shall develop standards  
12 for determining the kinds of logistical and military support  
13 to the United States that shall be considered reimbursable  
14 under this section.

15           (c) LIMITATIONS.—

16           (1) TOTAL AMOUNT.—The total amount of pay-  
17 ments made under the authority of this section dur-  
18 ing fiscal year 2006 may not exceed \$1,500,000,000.

19           (2) PROHIBITION ON CONTRACTUAL OBLIGA-  
20 TIONS TO MAKE PAYMENTS.—The Secretary may  
21 not enter into any contractual obligation to make a  
22 payment under the authority of this section.

23           (d) CONGRESSIONAL NOTIFICATIONS.—The Sec-  
24 retary of Defense—



1           (2) Contract personnel are appropriately pro-  
2           hibited from performing inherently governmental  
3           functions.

4           (3) Contract personnel will be present on and  
5           supporting the battlefield of tomorrow providing cru-  
6           cial goods and services for military, humanitarian,  
7           peacekeeping, and reconstruction operations.

8 **SEC. 1603. DEFINITIONS.**

9           In this title:

10           (1) CONTRACTOR ACCOMPANYING THE  
11           FORCE.—

12           (A) IN GENERAL.—The term “contractor  
13           accompanying the force” means a contractor for  
14           a contract with the Department of Defense, a  
15           subcontract at any tier under such a contract,  
16           or a task order at any tier issued under such  
17           a contract, if the contract, subcontract, or task  
18           order—

19           (i) is paid for using funds appro-  
20           priated to or for the use of the Depart-  
21           ment; and

22           (ii) is for the performance of work  
23           that directly supports United States mili-  
24           tary operations overseas or deployed  
25           United States Armed Forces.



1 (B) EMPLOYEES INCLUDED.—The term in-  
2 cludes employees of any contractor described in  
3 subparagraph (A).

4 (2) CONTRACTOR NOT ACCOMPANYING THE  
5 FORCE.—

6 (A) IN GENERAL.—The term “contractor  
7 not accompanying the force” means a con-  
8 tractor for a contract with the Federal Govern-  
9 ment, a subcontract at any tier under such a  
10 contract, or a task order at any tier issued  
11 under such a contract, if the contract, sub-  
12 contract, or task order is for the performance  
13 of work related to private security, reconstruc-  
14 tion, humanitarian assistance, peacekeeping, or  
15 other activities in an area of responsibility of a  
16 commander of a combatant command.

17 (B) EMPLOYEES INCLUDED.—The term in-  
18 cludes employees of any contractor described in  
19 subparagraph (A).

20 (3) COMBATANT COMMAND.—The term “com-  
21 batant command” has the meaning provided in sec-  
22 tion 161(c) of title 10, United States Code.

1 **SEC. 1604. REQUIREMENTS FOR COMMANDERS OF COMBAT-**  
2 **ANT COMMANDS RELATING TO CONTRAC-**  
3 **TORS ACCOMPANYING AND NOT ACCOM-**  
4 **PANYING THE FORCE.**

5 (a) PROTECTION OF CONTRACTORS BY ARMED  
6 FORCES.—

7 (1) CONTRACTORS ACCOMPANYING FORCE.—

8 The Secretary of Defense shall require each com-  
9 mander of a combatant command to make a deter-  
10 mination regarding the appropriate level of security  
11 protection by the Armed Forces of contractors ac-  
12 companying the force in the commander's area of re-  
13 sponsibility, and to include in the operational plans  
14 of the commander the results of the determination.

15 (2) CONTRACTORS NOT ACCOMPANYING  
16 FORCE.—Any requirements for security protection of  
17 contractors accompanying the force included in oper-  
18 ational plans under paragraph (1) may also be ap-  
19 plied by the commander to contractors not accom-  
20 panying the force.

21 (b) COMMUNICATIONS PLAN.—

22 (1) CONTRACTORS ACCOMPANYING FORCE.—

23 The Secretary of Defense shall require each com-  
24 mander of a combatant command to include in the  
25 operational plans of the commander a communica-

1 tions plan for contractors accompanying the force in  
2 the commander's area of responsibility.

3 (2) CONTRACTORS NOT ACCOMPANYING  
4 FORCE.—Such communications plan may be applied  
5 by the commander to contractors not accompanying  
6 the force in such area.

7 (3) PROVISION OF PLAN TO CONTRACTORS.—  
8 Any communications plan included in operational  
9 plans under this subsection shall be provided by the  
10 commander concerned to the affected contractors.

11 (c) SHARING INTELLIGENCE.—

12 (1) CONTRACTORS ACCOMPANYING FORCE.—  
13 The Secretary of Defense shall require each com-  
14 mander of a combatant command to share with con-  
15 tractors accompanying the force open-source intel-  
16 ligence, threat assessments, and information related  
17 to contractor movement to avoid hostile or friendly  
18 fire incidents and to further the missions of both the  
19 Department of Defense and the contractors.

20 (2) CONTRACTORS NOT ACCOMPANYING  
21 FORCE.—The Secretary of Defense shall require  
22 each commander of a combatant command to share,  
23 to the extent practicable, the intelligence, assess-  
24 ments, and information referred to in paragraph (1)  
25 with contractors not accompanying the force.



1 fense or in order to perform work required under the  
2 contract, taking into account the duties required to  
3 be performed under the contract and the security  
4 situation in the area of operations, and, if deter-  
5 mined appropriate, to approve a request referred to  
6 in paragraph (1).

7 (3) A requirement that any contractor accom-  
8 panying the force that is carrying a weapon for self  
9 defense use only a firearm that meets United States  
10 military specifications for self defense and ammuni-  
11 tion that meets United States military specifications.

12 (4) A requirement that a contractor accom-  
13 panying the force must have proof of appropriate  
14 training for using any firearm for self defense, as  
15 determined by the Secretary of Defense.

16 (b) DEEMED APPROVAL FOR CARRYING WEAPON.—  
17 The regulations shall provide that, for purposes of the re-  
18 quirements of paragraphs (1) and (2) of subsection (a),  
19 a requirement in a contract awarded by the Department  
20 that a contractor carry a weapon to perform work under  
21 the contract shall be deemed to be approved by the com-  
22 mander for the contractor to carry such a weapon. The  
23 regulations shall require that the contracting officer for  
24 such a contract shall notify the appropriate commander  
25 of any such requirement.

1 **SEC. 1606. BATTLEFIELD ACCOUNTABILITY.**

2 (a) QUARTERLY LIST OF CONTRACTOR PERSONNEL  
3 IN COMMANDER'S AREA.—The Secretary of Defense shall  
4 require each commander of a combatant command to ob-  
5 tain quarterly from contractors accompanying the force a  
6 list of all contractor personnel who are present in the com-  
7 mander's area of responsibility, with the following infor-  
8 mation for each individual on the list:

9 (1) Whether the individual carries a weapon.

10 (2) Proof of appropriate training with respect  
11 to any weapon carried by the individual.

12 (3) Proof of citizenship.

13 (b) MEETINGS WITH CONTRACTORS.—The Secretary  
14 of Defense shall require each commander of a combatant  
15 command to meet regularly with representatives of con-  
16 tractors both accompanying and not accompanying the  
17 force who are present in the commander's area of respon-  
18 sibility, in order to provide information about the require-  
19 ments of the commander with respect to the contractors  
20 and recommendations to the contractors regarding secu-  
21 rity for the protection of the contractors.

22 (c) DATABASE.—The Secretary of Defense shall re-  
23 quire each commander of a combatant command to main-  
24 tain a central database of the information provided under  
25 subsection (a) with respect to all contractors accom-  
26 panying the force in the commander's area of responsi-

1 bility and shall allow the commander to maintain such a  
2 database with respect to contractors not accompanying the  
3 force. The Secretary shall prescribe a design for the infor-  
4 mation to be collected for the database required under this  
5 subsection, which shall be uniform for all combatant com-  
6 mands. To the extent practicable, the Secretary shall rely  
7 on existing sources in the Department of Defense for the  
8 information to be included in the database and make such  
9 existing information available to each commander.

10 (d) CONTRACTOR REQUIREMENT.—Any contractor  
11 accompanying the force, and, upon determination of the  
12 commander of a combatant command concerned, any con-  
13 tractor not accompanying the force, shall provide informa-  
14 tion sought by a commander of a combatant command for  
15 purposes of subsection (a), upon request from the com-  
16 mander.

## 17 **Division B—Military Construction** 18 **Authorizations**

### 19 **SEC. 2001. SHORT TITLE.**

20 This division may be cited as the “Military Construc-  
21 tion Authorization Act for Fiscal Year 2006”.

## 22 **TITLE XXI—ARMY**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2004  
project.

1 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 2 **ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2104(a)(1), the Secretary of the Army  
 6 may acquire real property and carry out military construc-  
 7 tion projects for the installations or locations inside the  
 8 United States, and in the amounts, set forth in the fol-  
 9 lowing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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
Hawaii .....	Fort Stewart/Hunter Army Air Field .....	\$57,980,000
	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 appropria-  
 3 tions in section 2104(a)(2), the Secretary of the Army  
 4 may acquire real property and carry out military construc-  
 5 tion projects for the installations or locations outside the  
 6 United States, and in the amounts, set forth in the fol-  
 7 lowing 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
	Yongpyong .....	\$1,450,000

8 **SEC. 2102. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using  
 10 amounts appropriated pursuant to the authorization of ap-  
 11 propriations in section 2104(a)(5)(A), the Secretary of the  
 12 Army may construct or acquire family housing units (in-  
 13 cluding land acquisition and supporting facilities) at the  
 14 installations or locations, in the number of units, and in  
 15 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

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2104(a)(5)(A), the Secretary of the Army may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$17,536,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2104(a)(5)(A),  
13 the Secretary of the Army may improve existing military  
14 family housing units in an amount not to exceed  
15 \$300,400,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
18 are hereby authorized to be appropriated for fiscal years  
19 beginning after September 30, 2005, for military con-  
20 struction, land acquisition, and military family housing  
21 functions of the Department of the Army in the total  
22 amount of \$2,955,400,000, as follows:

23 (1) For military construction projects inside the  
24 United States authorized by section 2101(a),  
25 \$985,172,000.

1           (2) For military construction projects outside  
2 the United States authorized by section 2101(b),  
3 \$204,947,000.

4           (3) For unspecified minor military construction  
5 projects authorized by section 2805 of title 10,  
6 United States Code, \$20,000,000.

7           (4) For architectural and engineering services  
8 and construction design under section 2807 of title  
9 10, United States Code, \$168,023,000.

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, \$549,636,000.

14           (B) For support of military family housing  
15 (including the functions described in section  
16 2833 of title 10, United States Code),  
17 \$803,993,000.

18          (6) For the construction of phase 3 of the  
19 Lewis & Clark instructional facility at Fort Leaven-  
20 worth, Kansas, authorized by section 2101(a) of the  
21 Military Construction Authorization Act for Fiscal  
22 Year 2003 (division B of Public Law 107–314; 116  
23 Stat. 2681), \$42,642,000.

24          (7) For the construction of phase 2 of a bar-  
25 racks complex at Vilseck, Germany, authorized by

1 section 2101(b) of the Military Construction Author-  
2 ization Act for Fiscal Year 2004 (division B of Pub-  
3 lic Law 108–136; 117 Stat. 1697), as amended by  
4 section 2105 of this Act, \$13,600,000.

5 (8) For the construction of phase 2 of the  
6 Drum Road upgrade at Helemano Military Reserva-  
7 tion, Hawaii, authorized by section 2101(a) of the  
8 Military Construction Authorization Act for Fiscal  
9 Year 2005 (division B of Public Law 108–375; 118  
10 Stat. 2101), \$41,000,000.

11 (9) For the construction of phase 2 a vehicle  
12 maintenance facility at Schofield Barracks, Hawaii,  
13 authorized by section 2101(a) of the Military Con-  
14 struction Authorization Act for Fiscal Year 2005  
15 (division B of Public Law 108–375; 118 Stat.  
16 2101), \$24,656,000.

17 (10) For the construction of phase 2 of a bar-  
18 racks complex, at Fort Campbell, Kentucky, author-  
19 ized by section 2101(a) of the Military Construction  
20 Authorization Act for Fiscal Year 2005 (division B  
21 of Public Law 108–375; 118 Stat. 2101),  
22 \$24,650,000.

23 (11) For the construction of phase 2 of trainee  
24 barracks, Basic Training Complex 1 at Fort Knox,  
25 Kentucky, authorized by section 2101(a) of the Mili-

1 tary Construction Authorization Act of Fiscal Year  
2 2005 (division B of Public Law 108–375; 118 Stat.  
3 2101), \$21,000,000.

4 (12) For the construction of phase 2 of a li-  
5 brary and learning center at the United States Mili-  
6 tary Academy, West Point, New York, authorized by  
7 section 2101(a) of the Military Construction Author-  
8 ization Act for Fiscal Year 2005 (division B of Pub-  
9 lic Law 108–375; 118 Stat. 2101), \$25,470,000.

10 (13) For the construction of phase 2 of a bar-  
11 racks complex renewal project at Fort Bragg, North  
12 Carolina, authorized by section 2101(a) of the Mili-  
13 tary Construction Authorization Act for Fiscal Year  
14 2005 (division B of Public Law 108–375; 118 Stat.  
15 2101), \$30,611,000.

16 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
17 PROJECTS.—Notwithstanding the cost variations author-  
18 ized by section 2853 of title 10, United States Code, and  
19 any other cost variation authorized by law, the total cost  
20 of all projects carried out under section 2101 of this Act  
21 may not exceed the sum of the following:

22 (1) The total amount authorized to be appro-  
23 priated under paragraphs (1) and (2) of subsection  
24 (a).

1           (2) \$16,500,000 (the balance of the amount au-  
2           thorized under section 2101(a) for construction of a  
3           barracks complex for Fort Drum, New York).

4           (3) \$31,000,000 (the balance of the amount au-  
5           thorized under section 2101(a) for construction of a  
6           barracks complex for the 2nd Brigade at Fort  
7           Bragg, North Carolina).

8           (4) \$50,000,000 (the balance of the amount au-  
9           thorized under section 2101(a) for construction of a  
10          barracks complex for the 3rd Brigade at Fort  
11          Bragg, North Carolina).

12          (5) \$77,400,000 (the balance of the amount au-  
13          thorized under section 2101(a) for construction of a  
14          barracks complex for divisional artillery at Fort  
15          Bragg, North Carolina).

16          (6) \$13,000,000 (the balance of the amount au-  
17          thorized under section 2101(a) for construction of a  
18          defense access road for Fort Belvoir, Virginia).

19 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
20 **CERTAIN FISCAL YEAR 2004 PROJECT.**

21          (a) **MODIFICATION OF OUTSIDE THE UNITED**  
22 **STATES PROJECT.**—The table in section 2101(b) of the  
23 Military Construction Authorization Act for Fiscal Year  
24 2004 (division B of Public Law 108–136; 117 Stat. 1698)  
25 is amended—

1           (1) in the item relating to Vilseck, Germany, by  
2           striking “\$31,000,000” in the amount column and  
3           inserting “\$26,000,000”; and

4           (2) by striking the amount identified as the  
5           total in the amount column and inserting  
6           “\$226,900,000”.

7           (b) CONFORMING AMENDMENT.—Section 2104(b)(6)  
8           of that Act (117 Stat. 1700) is amended by striking  
9           “\$18,900,000” and inserting “\$13,900,000”.

## 10                                   **TITLE XXII—NAVY**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2004  
project.

Sec. 2206. Modifications of authority to carry out certain fiscal year 2005  
projects.

### 11   **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 12                                   **ACQUISITION PROJECTS.**

13           (a) **INSIDE THE UNITED STATES.**—Using amounts  
14           appropriated pursuant to the authorization of appropria-  
15           tions in section 2204(a)(1), the Secretary of the Navy may  
16           acquire real property and carry out military construction  
17           projects for the installations or locations inside the United  
18           States, and in the amounts, set forth in the following  
19           table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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
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 appropria-  
3 tions in section 2204(a)(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installation outside the United States, and  
6 in the amount, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Guam .....	Naval Station, Guam .....	\$55,473,000



1 **SEC. 2202. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the author-  
 3 ization of appropriations in section 2204(a)(5)(A), the  
 4 Secretary of the Navy may construct or acquire family  
 5 housing units (including land acquisition and supporting  
 6 facilities) at the installation, in the number of units, and  
 7 in the 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

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
 11 Code, and using amounts appropriated pursuant to the  
 12 authorization of appropriations in section 2204(a)(5)(A),  
 13 the Secretary of the Navy may improve existing military  
 14 family housing units in an amount not to exceed  
 15 \$178,644,000.

16 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

17 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
 18 are hereby authorized to be appropriated for fiscal years  
 19 beginning after September 30, 2005, for military con-  
 20 struction, land acquisition, and military family housing  
 21 functions of the Department of the Navy in the total  
 22 amount of \$1,916,779,000, as follows:

1           (1) For military construction projects inside the  
2 United States authorized by section 2201(a),  
3 \$802,311,000.

4           (2) For military construction projects outside  
5 the United States authorized by section 2201(b),  
6 \$25,584,000.

7           (3) For architectural and engineering services  
8 and construction design under section 2807 of title  
9 10, United States Code, \$36,029,000.

10          (4) 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, \$218,942,000.

14           (B) For support of military family housing  
15 (including functions described in section 2833  
16 of title 10, United States Code), \$588,660,000.

17          (5) For the construction of increment 3 of the  
18 general purpose berthing pier at Naval Weapons  
19 Station, Earle, New Jersey, authorized by section  
20 2201(a) of the Military Construction Authorization  
21 Act for Fiscal Year 2004 (division B of Public Law  
22 108–136; 117 Stat. 1704), as amended by section  
23 2205 of this Act, \$54,432,000.

24          (6) For the construction of increment 3 of pier  
25 11 replacement at Naval Station, Norfolk, Virginia,

1 authorized by section 2201(a) of the Military Con-  
2 struction Authorization Act for Fiscal Year 2004  
3 (division B of Public Law 108–136; 117 Stat.  
4 1704), \$40,200,000.

5 (7) For the construction of increment 2 of the  
6 apron and hangar at Naval Air Facility, El Centro,  
7 California, authorized by section 2201(a) of the Mili-  
8 tary Construction Authorization Act for Fiscal Year  
9 2005 (division B of Public Law 108–375; 118 Stat.  
10 2105), \$18,666,000.

11 (8) For the construction of increment 2 of the  
12 White Side complex, Marine Corps Air Facility,  
13 Quantico, Virginia, authorized by section 2201(a) of  
14 the Military Construction Authorization Act for Fis-  
15 cal Year 2005 (division B of Public Law 108–375;  
16 118 Stat. 2105), \$34,730,000.

17 (9) For the construction of increment 2 of the  
18 limited area production and storage complex at Stra-  
19 tegic Weapons Facility Pacific, Bangor, Washington,  
20 authorized by section 2201(a) of the Military Con-  
21 struction Authorization Act for Fiscal Year 2005  
22 (division B of Public Law 108–375; 118 Stat.  
23 2106), as amended by section 2206 of this Act,  
24 \$47,095,000.

1           (10) For the construction of increment 2 of the  
2           lab consolidation at Strategic Weapons Facility Pa-  
3           cific, Bangor, Washington authorized by section  
4           2201(a) of the Military Construction Authorization  
5           Act for Fiscal Year 2005 (division B of Public Law  
6           108–375; 118 Stat. 2106), as amended by section  
7           2206 of this Act, \$9,430,000.

8           (11) For the construction of increment 2 of the  
9           presidential helicopter programs support facility at  
10          Naval Air Station, Patuxent River, Maryland, au-  
11          thorized by section 2201(c) of the Military Construc-  
12          tion Authorization Act for Fiscal Year 2005 (divi-  
13          sion B of Public Law 108–375; 118 Stat. 2106), as  
14          amended by section 2206 of this Act, \$40,700,000.

15          (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
16          PROJECTS.—Notwithstanding the cost variations author-  
17          ized by section 2853 of title 10, United States Code, and  
18          any other cost variation authorized by law, the total cost  
19          of all projects carried out under section 2201 of this Act  
20          may not exceed the sum of the following:

21                (1) The total amount authorized to be appro-  
22                priated under paragraphs (1) and (2) of subsection  
23                (a).

24                (2) \$37,721,000 (the balance of the amount au-  
25                thorized under section 2201(a) for a reclamation

1 and conveyance project for Camp Pendleton, Cali-  
2 fornia).

3 (3) \$43,424,000 (the balance of the amount au-  
4 thORIZED under section 2201(a) for a helicopter  
5 hangar replacement at Naval Air Station, Jackson-  
6 ville, Florida).

7 (4) \$45,850,000 (the balance of the amount au-  
8 thORIZED under section 2201(a) for infrastructure up-  
9 grades to Recruit Training Command, Great Lakes,  
10 Illinois).

11 (5) \$26,790,000 (the balance of the amount au-  
12 thORIZED under section 2201(a) for construction of a  
13 field house at United States Naval Academy, Annapo-  
14 olis, Maryland).

15 (6) \$31,059,000 (the balance of the amount au-  
16 thORIZED under section 2201(a) for replacement of  
17 Ship Repair Pier 3 at Norfolk Naval Shipyard, Vir-  
18 ginia).

19 (7) \$21,000,000 (the balance of the amount au-  
20 thORIZED under section 2201(a) for construction of  
21 bachelor quarters for Naval Station, Everett, Wash-  
22 ington).

23 (8) \$29,889,000 (the balance of the amount au-  
24 thORIZED under section 2201(b) for wharf upgrades  
25 at Naval Station, Guam).

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2004 PROJECT.**

3 (a) MODIFICATION OF INSIDE THE UNITED STATES  
4 PROJECT.—The table in section 2201(a) of the Military  
5 Construction Authorization Act for Fiscal Year 2004 (di-  
6 vision B of Public Law 108–136; 117 Stat. 1703) is  
7 amended—

8 (1) in the item relating to Naval Weapons Sta-  
9 tion, Earle, New Jersey, by striking “\$123,720,000”  
10 in the amount column and inserting  
11 “\$140,372,000”; and

12 (2) by striking the amount identified as the  
13 total in the amount column and inserting  
14 “\$1,352,524,000”.

15 (b) CONFORMING AMENDMENT.—Section 2204(b)(4)  
16 of that Act (117 Stat. 1706) is amended by striking  
17 “\$96,980,000” and inserting “\$113,632,000”.

18 **SEC. 2206. MODIFICATIONS OF AUTHORITY TO CARRY OUT**  
19 **CERTAIN FISCAL YEAR 2005 PROJECTS.**

20 (a) MODIFICATION OF INSIDE THE UNITED STATES  
21 PROJECTS.—The table in section 2201(a) of the Military  
22 Construction Authorization Act for Fiscal Year 2005 (di-  
23 vision B of Public Law 108–375; 118 Stat. 2105) is  
24 amended—

25 (1) in the item relating to Marine Corps Air  
26 Facility, Quantico, Virginia, by striking

1 “\$73,838,000” in the amount column and inserting  
2 “\$74,462,000”;

3 (2) in the item relating to Strategic Weapons  
4 Facility Pacific, Bangor, Washington, by striking  
5 “\$138,060,000” in the amount column and inserting  
6 “\$147,760,000”; and

7 (3) by striking the amount identified as the  
8 total in the amount column and inserting  
9 “\$962,379,000”.

10 (b) CONFORMING AMENDMENTS.—Section 2204(b)  
11 of that Act (118 Stat. 2107) is amended—

12 (1) in paragraph (4), by striking  
13 “\$34,098,000” and inserting “\$34,722,000”;

14 (2) by redesignating paragraph (7) as para-  
15 graph (8) and, in such paragraph—

16 (A) by striking “\$65,982,000” and insert-  
17 ing “\$66,614,000”; and

18 (B) by striking “at an unspecified loca-  
19 tion” and inserting “at Naval Air Station, Pa-  
20 tuxent River, Maryland”; and

21 (3) by inserting after paragraph (6) the fol-  
22 lowing new paragraph (7):

23 “(7) \$9,700,000 (the balance of the amount au-  
24 thorized under section 2201(a) for naval laboratory

1 consolidation, Strategic Weapons Facility Pacific,  
 2 Bangor, Washington).”.

3 **TITLE XXIII—AIR FORCE**

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

4 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 5 **LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts  
 7 appropriated pursuant to the authorization of appropria-  
 8 tions in section 2304(a)(1), the Secretary of the Air Force  
 9 may acquire real property and carry out military construc-  
 10 tion projects for the installations or locations inside the  
 11 United States, and in the amounts, set forth in the fol-  
 12 lowing table:

**Air Force: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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



**Air Force: Inside the United States**—Continued

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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

1           (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Germany .....	Ramstein Air Base .....	\$11,650,000
	Spangdahlem Air Base .....	\$12,474,000
Guam .....	Andersen Air Base .....	\$18,500,000
Italy .....	Aviano Air Base .....	\$22,660,000
Korea .....	Kunsan Air Base .....	\$50,900,000
	Osan Air Base .....	\$40,719,000
Portugal .....	Lajes Field, Azores .....	\$12,000,000
Turkey .....	Incirlik Air Base .....	\$5,780,000
United Kingdom .....	Royal Air Force Lakenheath .....	\$5,125,000
	Royal Air Force Mildenhall .....	\$13,500,000

8 **SEC. 2302. FAMILY HOUSING.**

9           (a) CONSTRUCTION AND ACQUISITION.—Using  
10 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2304(a)(5)(A), the Secretary of the  
 2 Air Force may construct or acquire family housing units  
 3 (including land acquisition and supporting facilities) at the  
 4 installations or locations, in the number of units, and in  
 5 the amounts set forth in the following table:

**Air Force: Family Housing**

State or Country	Installation or Location	Units	Amount
Alaska .....	Eielson Air Force Base .....	392 ...	\$55,794,000
California .....	Edwards Air Force Base .....	226 ...	\$59,699,000
District of Columbia ..	Bolling Air Force Base .....	157 ...	\$48,223,000
Florida .....	MacDill Air Force Base .....	109 ...	\$40,982,000
Idaho .....	Mountain Home Air Force Base ..	194 ...	\$56,467,000
Missouri .....	Whiteman Air Force Base .....	111 ...	\$26,917,000
Montana .....	Malmstrom Air Force Base .....	296 ...	\$68,971,000
North Carolina .....	Seymour Johnson Air Force Base	255 ...	\$48,868,000
North Dakota .....	Grand Forks Air Force Base .....	300 ...	\$86,706,000
	Minot Air Force Base .....	223 ...	\$44,548,000
South Carolina .....	Charleston Air Force Base .....	10 .....	\$15,935,000
South Dakota .....	Ellsworth Air Force Base .....	60 .....	\$14,383,000
Texas .....	Dyess Air Force Base .....	190 ...	\$43,016,000
Germany .....	Ramstein Air Base .....	101 ...	\$62,952,000
	Spangdahlem Air Base .....	79 .....	\$45,385,000
Turkey .....	Incirlik Air Base .....	100 ...	\$22,730,000
United Kingdom .....	Royal Air Force Lakenheath .....	107 ...	\$48,437,000

6 (b) PLANNING AND DESIGN.—Using amounts appro-  
 7 priated pursuant to the authorization of appropriations in  
 8 section 2304(a)(5)(A), the Secretary of the Air Force may  
 9 carry out architectural and engineering services and con-  
 10 struction design activities with respect to the construction  
 11 or improvement of military family housing units in an  
 12 amount not to exceed \$37,104,000.

13 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 14 **UNITS.**

15 Subject to section 2825 of title 10, United States  
 16 Code, and using amounts appropriated pursuant to the

1 authorization of appropriations in section 2304(a)(5)(A),  
2 the Secretary of the Air Force may improve existing mili-  
3 tary family housing units in an amount not to exceed  
4 \$409,103,000.

5 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
6 **FORCE.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
8 are hereby authorized to be appropriated for fiscal years  
9 beginning after September 30, 2005, for military con-  
10 struction, land acquisition, and military family housing  
11 functions of the Department of the Air Force in the total  
12 amount of \$3,162,877,000, as follows:

13 (1) For military construction projects inside the  
14 United States authorized by section 2301(a),  
15 \$871,297,000.

16 (2) For military construction projects outside  
17 the United States authorized by section 2301(b),  
18 \$193,308,000.

19 (3) For unspecified minor military construction  
20 projects authorized by section 2805 of title 10,  
21 United States Code, \$15,000,000.

22 (4) For architectural and engineering services  
23 and construction design under section 2807 of title  
24 10, United States Code, \$91,733,000.

25 (5) 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, \$1,236,220,000.

4 (B) For support of military family housing  
5 (including functions described in section 2833  
6 of title 10, United States Code), \$755,319,000.

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 2301 of this Act  
12 may not exceed the total amount authorized to be appro-  
13 priated under paragraphs (1) and (2) of subsection (a):

14 (1) The total amount authorized to be appro-  
15 priated under paragraphs (1) and (2) of subsection  
16 (a).

17 (2) \$30,000,000 (the balance of the amount au-  
18 thorized under section 2301(a) for construction of a  
19 C-17 maintenance complex at Elmendorf Air Force  
20 Base, Alaska).

21 (3) \$66,000,000 (the balance of the amount au-  
22 thorized under section 2301(a) for construction of a  
23 main base runway at Edwards Air Force Base, Cali-  
24 fornia).

1 (4) \$29,000,000 (the balance of the amount au-  
 2 thorized under section 2301(a) for construction of a  
 3 joint intelligence center at MacDill Air Force Base,  
 4 Florida.)

5 **TITLE XXIV—DEFENSE**  
 6 **AGENCIES**

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

7 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 8 **TION AND LAND ACQUISITION PROJECTS.**

9 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 10 appropriated pursuant to the authorization of appropria-  
 11 tions in section 2403(a)(1), the Secretary of Defense may  
 12 acquire real property and carry out military construction  
 13 projects for the installations or locations inside the United  
 14 States, and in the amounts, set forth in the following ta-  
 15 bles:

**Defense Education Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Georgia .....	Fort Stewart/Hunter Army Air Field .....	\$16,629,000
North Carolina .....	Fort Bragg .....	\$18,075,000

**Defense Intelligence Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
District of Columbia .....	Bolling Air Force Base .....	\$7,900,000

**Defense Logistics Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Arizona .....	Yuma Proving Ground .....	\$7,300,000
California .....	Defense Distribution Depot, Tracy .....	\$33,635,000
	Miramar .....	\$23,000,000
Kansas .....	McConnell 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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Georgia .....	Augusta .....	\$61,466,000
Maryland .....	Fort Meade .....	\$28,049,000

**Special Operations Command**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Beale Air Force Base .....	\$18,000,000
	Naval Hospital, San Diego .....	\$15,000,000
Colorado .....	Peterson Air Force Base .....	\$1,820,000
Maryland .....	Fort Detrick .....	\$55,200,000
	Uniformed Services University, Bethesda .....	\$10,350,000
Mississippi .....	Keesler Air Force Base .....	\$14,000,000
Nevada .....	Nellis Air Force Base .....	\$1,700,000
South Carolina	Charleston .....	\$35,000,000
Texas .....	Lackland Air Force Base .....	\$11,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions 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

1 United States, and in the amounts, set forth in the fol-  
 2 lowing tables:

**Defense Education Activity**

Location	Installation or City	Amount
Germany .....	Landstuhl .....	\$6,543,000
	Vilseck .....	\$2,323,000
Guam .....	Agana .....	\$40,578,000
Korea .....	Taegu .....	\$8,231,000
Spain .....	Naval Station, Rota .....	\$7,963,000

**Defense Logistics Agency**

Location	Installation or City	Amount
Greece .....	Souda Bay .....	\$7,089,000

**Missile Defense Agency**

Location	Installation or City	Amount
Kwajalein .....	Kwajalein Atoll .....	\$4,901,000

**National Security Agency**

Location	Installation or City	Amount
United Kingdom .....	Menwith Hill .....	\$44,997,000

**TRICARE Management Activity**

Location	Installation or City	Amount
Bahrain .....	.....	\$4,750,000

3 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the author-  
 5 ization of appropriations in section 2403(a)(6), the Sec-  
 6 retary of Defense may carry out energy conservation  
 7 projects under section 2865 of title 10, United States  
 8 Code, in the amount of \$50,000,000.

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
2 **FENSE AGENCIES.**

3 (a) IN GENERAL.—Funds are hereby authorized to  
4 be appropriated for fiscal years beginning after September  
5 30, 2005, for military construction, land acquisition, and  
6 military family housing functions of the Department of  
7 Defense (other than the military departments) in the total  
8 amount of \$2,973,848,000, as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2401(a),  
11 \$586,843,000.

12 (2) For military construction projects outside  
13 the United States authorized by section 2401(b),  
14 \$126,404,000.

15 (3) For unspecified minor military construction  
16 projects under section 2805 of title 10, United  
17 States Code, \$15,736,000.

18 (4) For contingency construction projects of the  
19 Secretary of Defense under section 2804 of title 10,  
20 United States Code, \$5,000,000.

21 (5) For architectural and engineering services  
22 and construction design under section 2807 of title  
23 10, United States Code, \$135,681,000.

24 (6) For energy conservation projects authorized  
25 by section 2402 of this Act, \$50,000,000.



1           (7) For base closure and realignment activities  
2 as authorized by the Defense Base Closure and Re-  
3 alignment Act of 1990 (part A of title XXIX of  
4 Public Law 101–510; 10 U.S.C. 2687 note) and  
5 funded through the Department of Defense Base  
6 Closure Account 1990 established by section 2906 of  
7 such Act, \$377,827,000.

8           (8) For base closure and realignment activities  
9 as authorized by the Defense Base Closure and Re-  
10 alignment Act of 1990 (part A of title XXIX of  
11 Public Law 101–510; 10 U.S.C. 2687 note) and  
12 funded through the Department of Defense Base  
13 Closure Account 2005 established by section 2906A  
14 of such Act, \$1,570,466,000.

15           (9) For military family housing functions:

16               (A) For support of military family housing  
17 (including functions described in section 2833  
18 of title 10, United States Code), \$46,391,000.

19               (B) For credit to the Department of De-  
20 fense Family Housing Improvement Fund es-  
21 tablished by section 2883(a)(1) of title 10,  
22 United States Code, \$2,500,000.

23           (10) For the construction of increment 2 of the  
24 hospital replacement at Fort Belvoir, Virginia, au-  
25 thorized by section 2401(a) of the Military Construc-

1 tion Authorization Act for Fiscal Year 2005 (divi-  
 2 sion B of Public Law 108–375; 118 Stat. 2112),  
 3 \$57,000,000.

4 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
 5 PROJECTS.—Notwithstanding the cost variations author-  
 6 ized by section 2853 of title 10, United States Code, and  
 7 any other cost variation authorized by law, the total cost  
 8 of all projects carried out under section 2401 of this Act  
 9 may not exceed the total amount authorized to be appro-  
 10 priated under paragraphs (1) and (2) of subsection (a).

11 **TITLE XXV—NORTH ATLANTIC**  
 12 **TREATY ORGANIZATION SE-**  
 13 **CURITY INVESTMENT PRO-**  
 14 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

15 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
 16 **ACQUISITION PROJECTS.**

17 The Secretary of Defense may make contributions for  
 18 the North Atlantic Treaty Organization Security Invest-  
 19 ment program as provided in section 2806 of title 10,  
 20 United States Code, in an amount not to exceed the sum  
 21 of the amount authorized to be appropriated for this pur-  
 22 pose in section 2502 and the amount collected from the  
 23 North Atlantic Treaty Organization as a result of con-  
 24 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal years beginning after September 30, 2005, for con-  
4 tributions by the Secretary of Defense under section 2806  
5 of title 10, United States Code, for the share of the United  
6 States of the cost of projects for the North Atlantic Treaty  
7 Organization Security Investment program authorized by  
8 section 2501, in the amount of \$206,858,000.

9 **TITLE XXVI—GUARD AND**  
10 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
12 **TION AND LAND ACQUISITION PROJECTS.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal years beginning after September 30, 2005, for the  
15 costs of acquisition, architectural and engineering services,  
16 and construction of facilities for the Guard and Reserve  
17 Forces, and for contributions therefor, under chapter  
18 1803 of title 10, United States Code (including the cost  
19 of acquisition of land for those facilities), the following  
20 amounts:

21 (1) For the Department of the Army—

22 (A) for the Army National Guard of the  
23 United States, \$410,624,000; and

24 (B) for the Army Reserve, \$138,425,000.

1           (2) For the Department of the Navy, for the  
2           Naval and Marine Corps Reserve, \$45,226,000.

3           (3) For the Department of the Air Force—

4                   (A) for the Air National Guard of the  
5           United States, \$225,727,000; and

6                   (B) for the Air Force Reserve,  
7           \$110,847,000.

8           **TITLE XXVII—EXPIRATION AND**  
9           **EXTENSION OF AUTHORIZA-**  
10          **TIONS**

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.

11          **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
12                               **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
13                               **LAW.**

14           (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
15          YEARS.—Except as provided in subsection (b), all author-  
16          izations contained in titles XXI through XXVI for military  
17          construction projects, land acquisition, family housing  
18          projects and facilities, and contributions to the North At-  
19          lantic Treaty Organization Security Investment program  
20          (and authorizations of appropriations therefor) shall ex-  
21          pire on the later of—

22                   (1) October 1, 2008; or

1           (2) the date of the enactment of an Act author-  
2           izing funds for military construction for fiscal year  
3           2009.

4           (b) EXCEPTION.—Subsection (a) shall not apply to  
5           authorizations for military construction projects, land ac-  
6           quisition, family housing projects and facilities, and con-  
7           tributions to the North Atlantic Treaty Organization Se-  
8           curity Investment program (and authorizations of appro-  
9           priations therefor), for which appropriated funds have  
10          been obligated before the later of—

11           (1) October 1, 2008; or

12           (2) the date of the enactment of an Act author-  
13          izing funds for fiscal year 2009 for military con-  
14          struction projects, land acquisition, family housing  
15          projects and facilities, or contributions to the North  
16          Atlantic Treaty Organization Security Investment  
17          program.

18   **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
19                           **FISCAL YEAR 2003 PROJECTS.**

20          (a) EXTENSION.—Notwithstanding section 2701 of  
21          the Military Construction Authorization Act for Fiscal  
22          Year 2003 (division B of Public Law 107–314; 116 Stat.  
23          2700), authorizations set forth in the tables in subsection  
24          (b), as provided in section 2301, 2302, or 2401 of that  
25          Act, shall remain in effect until October 1, 2006, or the

1 date of the enactment of an Act authorizing funds for mili-  
 2 tary construction for fiscal year 2007, whichever is later.

3 (b) TABLES.—The tables referred to in subsection (a)  
 4 are as follows:

**Air Force: Extension of 2003 Project Authorizations**

Installation or Location	Project	Amount
Aviano Air Base, Italy .....	Area consolidation .....	\$5,000,000
Eglin Air Force Base, Florida .....	Family housing (134 units) ..	\$15,906,000
	Family housing office .....	\$597,000
Keesler Air Force Base, Mississippi	Family housing (117 units) ..	\$16,505,000
Randolph Air Force Base, Texas .....	Family housing (112 units) ..	\$14,311,000
	Housing maintenance facility	\$447,000

**Defense Wide: Extension of 2003 Project Authorization**

Installation or Location	Project	Amount
Stennis Space Center, Mississippi .....	SOF Training Range .....	\$5,000,000

5 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 6 **FISCAL YEAR 2002 PROJECTS.**

7 (a) EXTENSION AND RENEWAL.—Notwithstanding  
 8 section 2701 of the Military Construction Authorization  
 9 Act for Fiscal Year 2002 (division B of Public Law 107–  
 10 107; 115 Stat. 1301), authorizations set forth in the ta-  
 11 bles in subsection (b), as provided in section 2101 or 2302  
 12 of that Act and extended by section 2702 of the Military  
 13 Construction Authorization Act for Fiscal Year 2005 (di-  
 14 vision B of Public Law 108–375; 118 Stat. 2116), shall  
 15 remain in effect until October 1, 2006, or the date of the  
 16 enactment of an Act authorizing funds for military con-  
 17 struction for fiscal year 2007, whichever is later.

1 (b) TABLES.—The tables referred to in subsection (a)  
 2 are as follows:

**Army: Extension of 2002 Project Authorization**

Installation or Location	Project	Amount
Pohakuloa Training Area, Hawaii .....	Land acquisition .....	\$1,500,000

**Air Force: Extension of 2002 Project Authorization**

Installation or Location	Project	Amount
Barksdale Air Force Base, Louisiana ...	Family housing (56 units)	\$7,300,000

3 **SEC. 2704. EFFECTIVE DATE.**

4 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
 5 of this Act shall take effect on the later of—

6 (1) October 1, 2005; or

7 (2) the date of the enactment of this Act.

8 **TITLE XXVIII—GENERAL**  
 9 **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 I—ARMY CONVEYANCES

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

##### PART II—NAVY CONVEYANCES

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

##### PART III—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.



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)  
8 of 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.—Sec-  
14 tion 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”.

19 **SEC. 2802. IMPROVE AVAILABILITY AND TIMELINESS OF**  
20 **DEPARTMENT OF DEFENSE INFORMATION**  
21 **REGARDING MILITARY CONSTRUCTION AND**  
22 **FAMILY HOUSING ACCOUNTS AND ACTIVI-**  
23 **TIES.**

24 (a) MAINTENANCE OF INFORMATION ON INTER-  
25 NET.—Section 2851 of title 10, United States Code, is

1 amended by adding at the end the following new sub-  
2 section:

3       “(c) MAINTENANCE OF MILITARY CONSTRUCTION  
4 INFORMATION ON INTERNET; ACCESS.—(1) The Sec-  
5 retary of Defense shall maintain, as part of the Internet  
6 site of the Department of Defense, a link that, when acti-  
7 vated by a person authorized under paragraph (3), will  
8 permit the person to access and view on a separate page  
9 of the Internet site a document or other file containing  
10 information regarding—

11               “(A) a specific military construction project or  
12       military family housing project, including the infor-  
13       mation required by paragraph (2); and

14               “(B) the accounts that are used to fund the  
15       project or support the operation and maintenance of  
16       military family housing.

17       “(2) The information required to be maintained  
18 under this subsection shall include the following:

19               “(A) The solicitation date and award date (or  
20       anticipated dates) for each contract entered into (or  
21       to be entered into) by the United States in connec-  
22       tion with a military construction project or a mili-  
23       tary family housing project.

1           “(B) The contract recipient, contract award  
2 amount, and current working estimate of the cost of  
3 the project.

4           “(C) The latest form 1391 for the project and  
5 the status of design and construction for the project.

6           “(D) The date (or anticipated date) for comple-  
7 tion of the project.

8           “(E) If funds appropriated for the project ex-  
9 ceed (or are likely to exceed) the amount required to  
10 complete the project, the amount of the excess and  
11 the purpose for which the excess funds will be used.

12           “(F) If funds appropriated for the project are  
13 insufficient (or are likely to be insufficient) to com-  
14 plete the project, the additional amount necessary to  
15 complete the project and the source of the additional  
16 funds.

17           “(G) For accounts such as planning and design,  
18 unspecified minor construction, and family housing  
19 operation and maintenance, detailed information re-  
20 garding expenditures and anticipated expenditures  
21 under these accounts and the purposes for which the  
22 expenditures are made.

23           “(3) Access to the Internet page referred to in para-  
24 graph (1) shall be restricted to the following persons:

1           “(A) Members of the congressional defense  
2           committees and their staff.

3           “(B) Staff of the congressional defense commit-  
4           tees.

5           “(4) The Secretary shall update the information re-  
6           quired to be maintained under this subsection as promptly  
7           as practicable to ensure that the information is available  
8           to persons referred to in paragraph (3) in a timely man-  
9           ner.”.

10          (b) **STYLISTIC AMENDMENTS.**—Such section is fur-  
11          ther amended—

12                 (1) in subsection (a), by inserting “SUPER-  
13                 VISION OF MILITARY DEPARTMENT PROJECTS. \_\_\_”  
14                 after “(a)”; and

15                 (2) in subsection (b), by inserting “SUPER-  
16                 VISION OF DEFENSE AGENCY PROJECTS. \_\_\_” after  
17                 “(b)”.

18          **SEC. 2803. EXPANSION OF AUTHORITY TO CONVEY PROP-**  
19                                 **ERTY AT MILITARY INSTALLATIONS TO SUP-**  
20                                 **PORT MILITARY CONSTRUCTION.**

21          (a) **INCLUSION OF ALL MILITARY INSTALLATIONS.**—  
22          Subsection (a) of section 2869 of title 10, United States  
23          Code, is amended—

24                 (1) by redesignating paragraphs (1) and (2) as  
25                 subparagraphs (A) and (B), respectively;

1           (2) by inserting “(1)” before “The Secretary  
2           concerned”;

3           (3) by striking “located on a military installa-  
4           tion that is closed or realigned under a base closure  
5           law” and inserting “described in paragraph (2)”;  
6           and

7           (4) by adding at the end the following new  
8           paragraph:

9           “(2) Paragraph (1) applies with respect to real prop-  
10          erty under the jurisdiction of the Secretary concerned  
11          that—

12           “(A) is located on a military installation that is  
13          closed or realigned under a base closure law; or

14           “(B) is determined to be surplus to the needs  
15          of the Federal Government.”.

16          (b) ADVANCE NOTICE OF USE OF AUTHORITY; CON-  
17          TENT OF NOTICE.—Subsection (d) of such section is  
18          amended—

19           (1) in paragraph (1), by striking “closed or re-  
20          aligned under the base closure laws is to be con-  
21          veyed” and inserting “is proposed for conveyance”;

22           (2) by striking paragraph (2) and inserting the  
23          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  
5 of 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  
12 the property to equalize the fair market values  
13 of the property to be conveyed and the military  
14 construction activities, military family housing,  
15 or military unaccompanied housing to be ob-  
16 tained 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 pe-  
19 riod of 14 days has elapsed from the date on which  
20 a copy of the notice is provided in an electronic me-  
21 dium pursuant to section 480 of this title”.

22       (c) DEPOSIT AND USE OF FUNDS.—Subsection (e)  
23 of such section is amended to read as follows:

24               “(e) DEPOSIT AND USE OF FUNDS.—(1) The Sec-  
25 retary concerned shall deposit funds received under sub-

1 section (b) in the appropriation ‘Foreign Currency Fluc-  
2 tuations, Construction, 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  
9 purpose does not relieve the Secretary concerned from the  
10 duty to provide advance notice to Congress under section  
11 2853(c) of this title whenever the Secretary approves an  
12 increase in the cost of an overseas project under such sec-  
13 tion.”.

14 (d) ANNUAL REPORTS; EFFECT OF FAILURE TO  
15 SUBMIT.—Subsection (f) of such section is amended—

16 (1) by redesignating paragraphs (1), (2), and  
17 (3) as subparagraphs (A), (B), and (C), respectively;

18 (2) in subparagraph (C), as so redesignated, by  
19 inserting before the period at the end the following:  
20 “and of surplus real property at military installa-  
21 tions”;

22 (3) by striking “(f)” and all that follows  
23 through “the following:” and inserting the following:

24 “(f) ANNUAL REPORTS; EFFECT OF FAILURE TO  
25 SUBMIT.—(1) Not later than March 15 of each year, the

1 Secretary of Defense shall submit to Congress a report  
2 detailing the following:”; and

3 (4) by adding at the end the following new  
4 paragraph:

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 mitted.”.

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  
19 2869 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(e) 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**  
6 **REGION.**

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  
13           paragraph:

14           “(2) Until the report required by this subsection is  
15 submitted to the congressional defense committees,  
16 amounts appropriated for the Department of Defense for  
17 fiscal year 2006 may not be used for the operation, main-  
18 tenance, or repair of housing units for general officers and  
19 flag officers 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  
4 Public Law 108–375; 118 Stat. 2128), is further amend-  
5 ed—

6 (1) in subsection (a), by striking “fiscal year  
7 2005” and inserting “fiscal years 2005 and 2006”;  
8 and

9 (2) in subsection (d)(2)—

10 (A) by striking “during fiscal year 2005”  
11 and inserting “during a fiscal year”;

12 (B) by inserting “for that fiscal year”  
13 after “commence”; and

14 (C) by striking “for fiscal year 2004” and  
15 inserting “for the preceding fiscal year”.

16 (b) ADVANCE NOTICE OF PROPOSED OBLIGATION OF  
17 FUNDS.—Subsection (b) of such section 2808 is amend-  
18 ed—

19 (1) in the first sentence—

20 (A) by striking “Within seven days after”  
21 and all that follows through “are first” and in-  
22 serting “Not later than seven days before the  
23 date on which appropriated funds available for  
24 operation and maintenance will be first”; and

1 (B) by striking “the obligation” and in-  
2 serting “the proposed obligation”;

3 (2) in paragraph (2), by striking “are being ob-  
4 ligated” and inserting “will be obligated”; and

5 (3) in paragraph (4), by striking “obligated”  
6 and inserting “to be obligated”.

7 (c) QUARTERLY REPORTS; EFFECT OF FAILURE TO  
8 SUBMIT.—Subsection (d) of such section 2808 is amended  
9 by striking paragraph (1) and inserting the following new  
10 paragraph:

11 “(1) Not later than 30 days after the end of each  
12 fiscal-year quarter during which appropriated funds avail-  
13 able for operation and maintenance are obligated or ex-  
14 pended to carry out construction projects outside the  
15 United States, the Secretary of Defense shall submit to  
16 the congressional committees specified in subsection (f) a  
17 report on the worldwide obligation and expenditure during  
18 that quarter of such appropriated funds for such construc-  
19 tion projects. If the report for a fiscal-year quarter is not  
20 submitted to such committees by the required date, appro-  
21 priated funds available for operation and maintenance  
22 may not be obligated or expended after that date under  
23 the authority of this section to carry out construction  
24 projects outside the United States until the date on which  
25 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,  
9 rehabilitation, extension, or improvement” and in-  
10 sserting “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,  
14 rehabilitation, extension, or improvement” and in-  
15 sserting “or extension”.

16 (b) **RULE OF CONSTRUCTION.**—The amendments  
17 made by subsection (a) do not trigger the termination of  
18 the moratorium on certain improvements at Fort Bu-  
19 chanan, Puerto Rico, as provided by subsection (c) of sec-  
20 tion 1507 of the Floyd D. Spence National Defense Au-  
21 thorization Act 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 LIM-**  
5                   **TATIONS ON USE OF SUCH AUTHORITIES.**

6           (a) LAND ACQUISITION AUTHORITY.—Chapter 159  
7 of 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),  
15                           and (C), respectively;

16                           (ii) in subparagraph (C), as so reded-  
17                           ignated, by striking “clause (2)” and in-  
18                           serting “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  
24                   paragraph (2) and, in such paragraph, by strik-

1 ing “subsection (a)” and inserting “paragraph  
2 (1)”;

3 (D) by redesignating subsection (c) as sub-  
4 section (b) and, in such subsection, by inserting  
5 “ACQUISITION BY PURCHASE IN LIEU OF CON-  
6 DEMNATION.—” before “The Secretary”; and

7 (E) by striking subsection (d);

8 (2) by transferring subsections (a), (b), and (d)  
9 of section 2672 to section 2663 and inserting such  
10 subsections in that order after subsection (b), as re-  
11 designated by paragraph (1)(D);

12 (3) in subsection (a), as transferred by para-  
13 graph (2), by striking “(a) ACQUISITION AUTHOR-  
14 ITY” and inserting “(c) ACQUISITION OF LOW-COST  
15 INTERESTS IN LAND”;

16 (4) in subsection (b), as transferred by para-  
17 graph (2)—

18 (A) by striking “(b) ACQUISITION OF MUL-  
19 TIPLE PARCELS.—This section” and inserting  
20 “(3) This subsection”;

21 (B) by striking “subsection (a)(1)” and in-  
22 serting “paragraph (1)”;

23 (C) by striking “subsection (a)(2)” and in-  
24 serting “paragraph (2)”;

1           (5) in subsection (d), as transferred by para-  
2 graph (2)—

3           (A) by striking “(d) AVAILABILITY OF  
4 FUNDS.—Appropriations” and inserting “(4)  
5 Appropriations”; and

6           (B) by striking “this section” and insert-  
7 ing “this subsection”;

8           (6) by transferring subsections (a), (c), and (b)  
9 of section 2672a to section 2663 and inserting such  
10 subsections in that order after subsection (c), as re-  
11 designated and amended by paragraphs (3), (4), and  
12 (5);

13          (7) in subsection (a), as transferred by para-  
14 graph (6)—

15          (A) by redesignating paragraphs (1), (2),  
16 and (3) as subparagraphs (A), (B), and (C), re-  
17 spectively; and

18          (B) by striking “(a) The Secretary” and  
19 inserting “(d) ACQUISITION OF INTERESTS IN  
20 LAND WHEN NEED IS URGENT.—(1) The Sec-  
21 retary”;

22          (8) in subsection (c), as transferred by para-  
23 graph (6)—

24          (A) by striking “(c)” and inserting “(2)”;

25          and

1 (B) by striking “this section” and insert-  
2 ing “this subsection”;

3 (9) in subsection (b), as transferred by para-  
4 graph (6)—

5 (A) by striking “(b)” and inserting “(3)”;

6 (B) by striking “this section” in the first  
7 sentence and inserting “this subsection”; and

8 (C) by striking the second sentence;

9 (10) by transferring subsection (b) of section  
10 2676 to section 2663 and inserting such subsection  
11 after subsection (d), as redesignated and amended  
12 by paragraphs (7), (8), and (9); and

13 (11) in subsection (b), as transferred by para-  
14 graph (10), by striking “(b) Authority” and insert-  
15 ing “(e) SURVEY AUTHORITY; ACQUISITION METH-  
16 ODS.—Authority”.

17 (b) LIMITATIONS ON ACQUISITION AUTHORITY.—  
18 Section 2676 of such title, as amended by subsection  
19 (a)(10), is further amended—

20 (1) in subsection (a)—

21 (A) by inserting “AUTHORIZATION FOR  
22 ACQUISITION REQUIRED.—” before “No mili-  
23 tary department”; and

24 (B) by striking “, as amended”;

25 (2) in subsection (c)—



1 (A) in paragraph (1), by inserting “COST  
2 LIMITATIONS.—” before “(1)”;

3 (B) in paragraph (2)—

4 (i) by striking “A land” and inserting  
5 “Until subsection (d) is complied with, a  
6 land”; and

7 (ii) by striking “lesser,” and all that  
8 follows through the period at the end and  
9 inserting “lesser.”;

10 (3) in subsection (d), by inserting “CONGRES-  
11 SIONAL NOTIFICATION.—” before “The limitations”;  
12 and

13 (4) in subsection (e), by inserting “PAYMENT  
14 OF JUDGEMENTS AND SETTLEMENTS.—” before  
15 “The Secretary”.

16 (c) TRANSFER AND REDESIGNATION OF REVISED  
17 LIMITATION SECTION.—Section 2676 of such title, as  
18 amended by subsections (a)(10) and (b)—

19 (1) is inserted after section 2663 of such title,  
20 as amended by subsection (a); and

21 (2) is amended by striking the section heading  
22 and inserting the following new section heading:

23 **“§ 2664. Limitations on real property acquisition”.**

24 (d) INCLUSION OF LIMITATION ON LAND ACQUI-  
25 SITION COMMISSIONS.—Subsection (c) of section 2661 of

1 such title is transferred to section 2664 of such title, as  
 2 redesignated by subsection (e)(2), is inserted after sub-  
 3 section (a) of such redesignated section, and is redesign-  
 4 nated as subsection (b).

5 (e) CONFORMING REPEALS.—Sections 2672 and  
 6 2672a of such title are repealed.

7 (f) CLERICAL AMENDMENTS.—The table of sections  
 8 at the beginning of chapter 159 of such title is amended—

9 (1) by striking the items relating to sections  
 10 2663, 2672, 2672a, and 2676; and

11 (2) by inserting after the item relating to sec-  
 12 tion 2662 the following new items:

“2663. Land acquisition authorities.

“2664. Limitations on real property acquisition.”.

13 **SEC. 2812. REPORT ON USE OF UTILITY SYSTEM CONVEY-**  
 14 **ANCE AUTHORITY AND TEMPORARY SUSPEN-**  
 15 **SION OF AUTHORITY PENDING REPORT.**

16 (a) REPORT ON USE OF AUTHORITY.—Subsection (e)  
 17 of section 2688 of title 10, United States Code, is amend-  
 18 ed—

19 (1) by redesignating paragraphs (1) and (2) as  
 20 subparagraphs (A) and (B), respectively;

21 (2) by striking “QUARTERLY REPORT.—” and  
 22 inserting “REPORTING REQUIREMENTS.—(1)”; and

23 (3) by adding at the end the following new  
 24 paragraph:

1       “(2) Not later than March 15, 2006, the Secretary  
2 of Defense shall submit to Congress a report containing—

3               “(A) a discussion of the methodology by which  
4 a military department conducts the economic anal-  
5 yses of proposed utility system conveyances under  
6 this section, including the economic analysis referred  
7 to in this subsection, and any guidance issued by the  
8 Department of Defense related to conducting such  
9 economic analyses;

10              “(B) a list of the steps taken to ensure the reli-  
11 ability of completed economic analyses, including  
12 post-conveyance reviews of actual costs and savings  
13 to the United States versus the costs and savings  
14 anticipated in the economic analyses;

15              “(C) a review of the costs and savings to the  
16 United States resulting from each utility system con-  
17 veyance carried out under this section;

18              “(D) a discussion of the requirement for consid-  
19 eration equal to the fair market value of a conveyed  
20 utility system, as specified in subsection (c), and any  
21 guidance issued by the Department of Defense re-  
22 lated to implementing that requirement, and the ef-  
23 fect of that requirement and guidance on the costs  
24 and savings to the United States resulting from pro-

1 curing by contract the utility services provided by  
2 the utility system;

3 “(E) a discussion of the effects that permanent  
4 conveyance of ownership in a utility system may  
5 have on the ability of the Secretary concerned to re-  
6 negotiate contracts for utility services provided by  
7 the utility system or to procure such services from  
8 another source;

9 “(F) a discussion of the efforts and direction  
10 within the Department of Defense to oversee the im-  
11 plementation and use of the utility system convey-  
12 ance authority under this section and to ensure the  
13 adequacy of utilities services for a military installa-  
14 tion after conveyance of a utility system; and

15 “(G) a discussion of the effect of utility system  
16 conveyances on the operating budgets of military in-  
17 stallations at which the conveyances were made.”.

18 (b) SUSPENSION OF AUTHORITY.—Such section is  
19 further amended by adding at the end the following new  
20 subsection:

21 “(j) TEMPORARY SUSPENSION OF CONVEYANCE AU-  
22 THORITY.—The Secretary concerned may not convey a  
23 utility system, including any part of a utility system,  
24 under subsection (a) or make a contribution under sub-  
25 section (g) toward the cost of construction, repair, or re-

1 placement of a utility system by another entity until the  
2 later of the following dates:

3           “(1) The date of the enactment of an Act au-  
4           thorizing funds for military construction for fiscal  
5           year 2007.

6           “(2) The date that is one year after the date  
7           of the submission of the report required by sub-  
8           section (e)(2).”.

9 **SEC. 2813. AUTHORIZED MILITARY USES OF PAPAGO PARK**

10 **MILITARY RESERVATION, PHOENIX, ARIZONA.**

11           The Act of April 7, 1930 (Chapter 107; 46 Stat.  
12 142), is amended in the first designated paragraph, relat-  
13 ing to the Papago Park Military Reservation, by striking  
14 “as a rifle range”.

15 **Subtitle C—Base Closure and**  
16 **Realignment**

17 **SEC. 2821. ADDITIONAL REPORTING REQUIREMENTS RE-**

18 **GARDING BASE CLOSURE PROCESS AND USE**

19 **OF DEPARTMENT OF DEFENSE BASE CLO-**

20 **SURE ACCOUNTS.**

21           (a) INFORMATION ON FUTURE RECEIPTS AND EX-  
22 PENDITURES.—

23           (1) 1990 ACCOUNT.—Section 2906(c)(1) of the  
24           Defense Base Closure and Realignment Act of 1990

1 (part A of title XXIX of Public Law 101–510; 10  
2 U.S.C. 2687 note) is amended—

3 (A) in subparagraph (A)—

4 (i) by striking “committees of the  
5 amount” and inserting “committees of—

6 “(i) the amount”;

7 (ii) by striking “such fiscal year and  
8 of the amount” and inserting “such fiscal  
9 year;

10 “(ii) the amount”; and

11 (iii) by striking “such fiscal year.”

12 and inserting “such fiscal year;

13 “(iii) the amount and nature of anticipated de-  
14 posits to be made into, and the anticipated expendi-  
15 tures to be made from, the Account during the first  
16 fiscal year commencing after the submission of the  
17 report; and

18 “(iv) the amount and nature of anticipated ex-  
19 penditures to be made pursuant to section 2905(a)  
20 during the first fiscal year commencing after the  
21 submission of the report.”; and

22 (B) in subparagraph (B)—

23 (i) in clause (i), by inserting “and in-  
24 stallation” after “subaccount”; and

1                   (ii) by adding at the end the following  
2                   new clause:

3                   “(v) An estimate of the net revenues to be re-  
4                   ceived from property disposals to be completed dur-  
5                   ing the first fiscal year commencing after the sub-  
6                   mission of the report at military installations the  
7                   date of approval of closure or realignment of which  
8                   is before January 1, 2005.”.

9                   (2) 2005 ACCOUNT.—Section 2906A(c)(1) of  
10                  such Act is amended—

11                  (A) in subparagraph (A)—

12                         (i) by striking “committees of the  
13                         amount” and inserting “committees of—

14                         “(i) the amount”;

15                         (ii) by striking “such fiscal year and  
16                         of the amount” and inserting “such fiscal  
17                         year;

18                         “(ii) the amount”; and

19                         (iii) by striking “such fiscal year.”  
20                         and inserting “such fiscal year;

21                         “(iii) the amount and nature of anticipated de-  
22                         posits to be made into, and the anticipated expendi-  
23                         tures to be made from, the Account during the first  
24                         fiscal year commencing after the submission of the  
25                         report; and

1           “(iv) the amount and nature of anticipated ex-  
2           penditures to be made pursuant to section 2905(a)  
3           during the first fiscal year commencing after the  
4           submission of the report.”; and

5                       (B) in subparagraph (B)—

6                               (i) in clause (i), by inserting “and in-  
7                               stallation” after “subaccount”; and

8                               (ii) by adding at the end the following  
9                               new clause:

10           “(v) An estimate of the net revenues to be re-  
11           ceived from property disposals to be completed dur-  
12           ing the first fiscal year commencing after the sub-  
13           mission of the report at military installations the  
14           date of approval of closure or realignment of which  
15           is after January 1, 2005.”.

16           (b) INFORMATION ON BRAC PROCESS.—Section  
17           2907 of such Act is amended—

18                       (1) by striking “fiscal year 1993” and inserting  
19                       “fiscal year 2007”;

20                       (2) by striking “and” at the end of paragraph  
21                       (1);

22                       (3) by striking the period at the end of para-  
23                       graph (2) and inserting a semicolon; and

24                       (4) by adding at the end the following new  
25                       paragraphs:



1           “(3) a description of the closure or realignment  
2           actions already carried out at each military installa-  
3           tion since the date of the installation’s approval for  
4           closure or realignment under this part and the cur-  
5           rent status of the closure or realignment of the in-  
6           stallation, including whether—

7                   “(A) a redevelopment authority has been  
8                   recognized by the Secretary for the installation;

9                   “(B) the screening of property at the in-  
10                  stallation for other Federal use has been com-  
11                  pleted; and

12                  “(C) a redevelopment plan has been agreed  
13                  to by the redevelopment authority for the in-  
14                  stallation;

15           “(4) a description of redevelopment plans for  
16           military installations approved for closure or realign-  
17           ment under this part, the quantity of property re-  
18           maining to be disposed of at each installation as  
19           part of its closure or realignment, and the quantity  
20           of property already disposed of at each installation;

21           “(5) a list of the Federal agencies that have re-  
22           quested property during the screening process for  
23           each military installation approved for closure or re-  
24           alignment under this part, including the date of  
25           transfer or anticipated transfer of the property to

1 such agencies, the acreage involved in such trans-  
2 fers, and an explanation for any delays in such  
3 transfers;

4 “(6) a list of known environmental remediation  
5 issues at each military installation approved for clo-  
6 sure or realignment under this part, including the  
7 acreage affected by these issues, an estimate of the  
8 cost to complete such environmental remediation,  
9 and the plans (and timelines) to address such envi-  
10 ronmental remediation; and

11 “(7) an estimate of the date for the completion  
12 of all closure or realignment actions at each military  
13 installation approved for closure or realignment  
14 under this part.”.

15 **SEC. 2822. TERMINATION OF PROJECT AUTHORIZATIONS**  
16 **FOR MILITARY INSTALLATIONS APPROVED**  
17 **FOR CLOSURE IN 2005 ROUND OF BASE RE-**  
18 **ALIGNMENTS AND CLOSURES.**

19 (a) PROJECT TERMINATION.—If a military installa-  
20 tion is approved for closure in 2005 under the Defense  
21 Base Closure and Realignment Act of 1990 (part A of title  
22 XXIX of Public Law 101–510; 10 U.S.C. 2687 note), any  
23 authorization for a military construction project, land ac-  
24 quisition, or family housing project that is related to that  
25 installation and contained in title XXI, XXII, XXIII, or

1 XXIV of this Act or in an Act authorizing funds for a  
2 prior fiscal year for military construction projects, land  
3 acquisition, and family housing projects (and authoriza-  
4 tions of appropriations therefor) shall terminate and no  
5 longer constitute authority under section 2676, 2802,  
6 2821, or 2822 of title 10, United States Code, to carry  
7 out the military construction project, land acquisition, or  
8 family housing project.

9 (b) EXCEPTION.—Subsection (a) shall not apply to  
10 authorizations for military construction projects, land ac-  
11 quisition, or family housing projects (and authorizations  
12 of appropriations therefor) for which appropriated funds  
13 have been obligated before the date of approval of the mili-  
14 tary installation for closure under the Defense Base Clo-  
15 sure and Realignment Act of 1990. In this subsection, the  
16 term “date of approval” has the meaning given that term  
17 in section 2910(8) of such Act.

18 **SEC. 2823. EXPANDED AVAILABILITY OF ADJUSTMENT AND**  
19 **DIVERSIFICATION ASSISTANCE FOR COMMU-**  
20 **NITIES ADVERSELY AFFECTED BY MISSION**  
21 **REALIGNMENTS IN BASE CLOSURE PROCESS.**

22 (a) ELIGIBILITY REQUIREMENTS.—Subsection (b)(3)  
23 of section 2391 of title 10, United States Code, is amend-  
24 ed—

1           (1) by striking “significantly reduced operations  
2 of a defense facility” and inserting “realignment of  
3 a military installation”;

4           (2) by striking “cancellation,” and inserting  
5 “closure or realignment, cancellation or”; and

6           (3) by striking “community” and all that fol-  
7 lows through the period at the end and inserting  
8 “community or its residents.”.

9           (b) ADDITION OF DEFINITION OF REALIGNMENT.—  
10 Subsection (d) of such section is amended by adding at  
11 the end the following new paragraph:

12           “(4) The term ‘realignment’ has the meaning  
13 given that term in section 2910(5) of the Defense  
14 Base Closure and Realignment Act of 1990 (part A  
15 of title XXIX of Public Law 101–510; 10 U.S.C.  
16 2687 note).”.

17 **SEC. 2824. SENSE OF CONGRESS REGARDING CONSIDER-**  
18 **ATION OF NATIONAL DEFENSE INDUSTRIAL**  
19 **BASE INTERESTS DURING BASE CLOSURE**  
20 **AND REALIGNMENT COMMISSION REVIEW OF**  
21 **DEPARTMENT OF DEFENSE BASE CLOSURE**  
22 **AND REALIGNMENT RECOMMENDATIONS.**

23           It is the sense of Congress that national defense in-  
24 dustrial base interests, including the relationships between  
25 military installations and proximate commercial facilities

1 and the maintenance of, and accessibility to, skills and  
2 knowledge critical to military installations and their oper-  
3 ation, are an integral part of military value, and should  
4 be given full consideration by the Base Closure and Re-  
5 alignment Commission when it conducts its review and  
6 analysis of the recommendations made by the Secretary  
7 of Defense regarding the closure or realignment of mili-  
8 tary installations.

## 9 **Subtitle D—Land Conveyances**

### 10 **PART 1—ARMY CONVEYANCES**

#### 11 **SEC. 2831. MODIFICATION OF LAND CONVEYANCE, ENGI- 12 NEER PROVING GROUND, FORT BELVOIR, 13 VIRGINIA.**

14 (a) CONSIDERATION.—Subsection (b)(4) of section  
15 2836 of the Military Construction Authorization Act for  
16 Fiscal Year 2002 (division B of Public Law 107–107; 115  
17 Stat. 1314) is amended by striking “, jointly determined”  
18 and all that follows through “Ground” and inserting  
19 “equal to \$3,880,000”.

20 (b) REPLACEMENT OF FIRE STATION.—Subsection  
21 (d) of such section is amended—

22 (1) in paragraph (1)—

23 (A) by striking “Building 5089” and in-  
24 serting “Building 191”; and

1 (B) by striking “paragraphs (2) and (3)”  
2 and inserting “paragraph (2)”;  
3 (2) in paragraph (2), by striking “Building  
4 5089” and inserting “Building 191”; and  
5 (3) by striking paragraph (3).

6 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**  
7 **BOTHELL, WASHINGTON.**

8 (a) CONVEYANCE AUTHORIZED.—Subject to sub-  
9 section (c), the Secretary of the Army may convey to the  
10 Snohomish County Fire Protection District #10 (in this  
11 section referred to as the “Fire District”) all right, title,  
12 and interest of the United States in and to a parcel of  
13 real property consisting of approximately one acre at the  
14 Army Reserve Center in Bothell, Washington, and cur-  
15 rently occupied, in part, by the Queensborough Firehouse  
16 for the purpose of supporting the provision of fire and  
17 emergency medical aid services.

18 (b) IN-KIND CONSIDERATION.—As consideration for  
19 the conveyance under subsection (a), the Fire District  
20 shall provide in-kind consideration acceptable to the Sec-  
21 retary with a total value equal to not less than the fair  
22 market value of the conveyed real property, as determined  
23 by the Secretary.

24 (c) REVERSIONARY INTEREST.—If the Secretary de-  
25 termines at any time that the real property conveyed

1 under subsection (a) is not being used in accordance with  
2 the purpose of the conveyance specified in such subsection,  
3 all right, title, and interest in and to all or any portion  
4 of the property shall revert, at the option of the Secretary,  
5 to the United States, and the United States shall have  
6 the right of immediate entry onto the property. Any deter-  
7 mination of the Secretary under this subsection shall be  
8 made on the record after an opportunity for a hearing.

9 (d) PAYMENT OF COSTS OF CONVEYANCE.—

10 (1) PAYMENT REQUIRED.—The Secretary shall  
11 require the Fire District to cover costs to be in-  
12 curred by the Secretary, or to reimburse the Sec-  
13 retary for costs incurred by the Secretary, to carry  
14 out the conveyance under subsection (a), including  
15 survey costs, costs related to environmental docu-  
16 mentation, and other administrative costs related to  
17 the conveyance. If amounts are collected from the  
18 Fire District in advance of the Secretary incurring  
19 the actual costs, and the amount collected exceeds  
20 the costs actually incurred by the Secretary to carry  
21 out the conveyance, the Secretary shall refund the  
22 excess amount to the Fire District.

23 (2) TREATMENT OF AMOUNTS RECEIVED.—  
24 Amounts received as reimbursement under para-  
25 graph (1) shall be credited to the fund or account

1 that was used to cover the costs incurred by the Sec-  
2 retary in carrying out the conveyance. Amounts so  
3 credited shall be merged with amounts in such fund  
4 or account, and shall be available for the same pur-  
5 poses, and subject to the same conditions and limita-  
6 tions, as amounts in such fund or account.

7 (e) EXEMPTION FROM FEDERAL SCREENING.—The  
8 conveyance authorized by subsection (a) is exempt from  
9 the requirement to screen the property for other Federal  
10 use pursuant to sections 2693 and 2696 of title 10, United  
11 States Code.

12 (f) DESCRIPTION OF PROPERTY.—The exact acreage  
13 and legal description of the real property to be conveyed  
14 under subsection (a) shall be determined by a survey satis-  
15 factory to the Secretary.

16 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
17 Secretary may require such additional terms and condi-  
18 tions in connection with the conveyance under subsection  
19 (a) as the Secretary considers appropriate to protect the  
20 interests of the United States.

## 21 **PART 2—NAVY CONVEYANCES**

### 22 **SEC. 2841. LAND CONVEYANCE, MARINE CORPS AIR STA- 23 TION, MIRAMAR, SAN DIEGO, CALIFORNIA.**

24 (a) CONVEYANCE AUTHORIZED.—Subject to sub-  
25 section (c), the Secretary of the Navy may convey to the



1 County of San Diego, California (in this section referred  
2 to as the “County” ), all right, title, and interest of the  
3 United States in and to a parcel of real property, including  
4 any improvements thereon and appurtenant easements  
5 thereto, consisting of approximately 230 acres along the  
6 eastern boundary of Marine Corps Air Station, Miramar,  
7 California, for the purpose of removing the property from  
8 the boundaries of the installation and permitting the  
9 County to preserve the property as public open space and  
10 reopen the tract known as the Stowe Trail to public use.

11 (b) CONSIDERATION.—

12 (1) IN-KIND CONSIDERATION.—As consider-  
13 ation for the conveyance under subsection (a), the  
14 County shall provide in-kind consideration with a  
15 total value equal to not less than the fair market  
16 value of the conveyed real property, as determined  
17 by the Secretary.

18 (2) TYPES OF CONSIDERATION.—The in-kind  
19 consideration provided by the County shall be in a  
20 form and quantity that is acceptable to the Sec-  
21 retary, and may include the following forms of in-  
22 kind consideration:

23 (A) Maintenance, protection, alteration, re-  
24 pair, improvement, or restoration (including en-

1            vironmental restoration) of property or facilities  
2            under the control of the Secretary.

3            (B) Construction of new facilities for the  
4            Secretary.

5            (C) Provision of facilities for use by the  
6            Secretary.

7            (D) Facilities operation support for the  
8            Secretary.

9            (E) Provision of such other services as the  
10           Secretary considers appropriate.

11           (3) RELATION TO OTHER LAWS.—Sections  
12           2662 and 2802 of title 10, United states Code, shall  
13           not apply to any new facilities whose construction is  
14           accepted as in-kind consideration under this sub-  
15           section.

16           (c) REVERSIONARY INTEREST.—If the Secretary de-  
17           termines at any time that the County is not using the  
18           property conveyed under subsection (a) in accordance with  
19           the purpose of the conveyance specified in such subsection,  
20           all right, title, and interest in and to the property, includ-  
21           ing any improvements thereon, shall revert, at the option  
22           of the Secretary, to the United States, and the United  
23           States shall have the right of immediate entry onto the  
24           property. Any determination of the Secretary under this

1 subsection shall be made on the record after an oppor-  
2 tunity for a hearing.

3 (d) RELEASE OF REVERSIONARY INTEREST.—The  
4 Secretary shall release, without consideration, the rever-  
5 sionary interest retained by the United States under sub-  
6 section (c) if—

7 (1) Marine Corps Air Station, Miramar, is no  
8 longer being used for Department of Defense activi-  
9 ties; or

10 (2) the Secretary determines that the rever-  
11 sionary interest is otherwise unnecessary to protect  
12 the interests of the United States.

13 (e) PAYMENT OF COSTS OF CONVEYANCE.—

14 (1) PAYMENT REQUIRED.—The Secretary shall  
15 require the County to cover costs to be incurred by  
16 the Secretary, or to reimburse the Secretary for  
17 costs incurred by the Secretary, to carry out the  
18 conveyance under subsection (a) and implement the  
19 receipt of in-kind consideration under subsection (b),  
20 including appraisal costs, survey costs, costs related  
21 to environmental documentation, and other adminis-  
22 trative costs related to the conveyance and receipt of  
23 in-kind consideration.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—Sec-  
25 tion 2695(c) of title 10, United States Code, shall

1       apply to any amounts received by the Secretary  
2       under paragraph (1). If amounts are received from  
3       the County in advance of the Secretary incurring the  
4       actual costs, and the amount received exceeds the  
5       costs actually incurred by the Secretary under this  
6       section, the Secretary shall refund the excess  
7       amount to the County.

8       (f) DESCRIPTION OF PROPERTY.—The exact acreage  
9       and legal description of the real property to be conveyed  
10      by the Secretary under subsection (a) shall be determined  
11      by a survey satisfactory to the Secretary.

12      (g) EXEMPTIONS.—Section 2696 of title 10, United  
13      States Code, does not apply to the conveyance authorized  
14      by subsection (a), and the authority to make the convey-  
15      ance shall not be considered to render the property excess  
16      or underutilized.

17      (h) ADDITIONAL TERMS AND CONDITIONS.—The  
18      Secretary may require such additional terms and condi-  
19      tions in connection with the conveyance under this section  
20      as the Secretary considers appropriate to protect the inter-  
21      ests of the United States.

1                   **PART 3—AIR FORCE**  
2                   **CONVEYANCES**

3 **SEC. 2851. PURCHASE OF BUILD-TO-LEASE FAMILY HOUS-**  
4                   **ING, EIELSON AIR FORCE BASE, ALASKA.**

5           (a) **AUTHORITY TO PURCHASE.**—After the expiration  
6 of the contract for the lease of a 300-unit military family  
7 housing project at Eielson Air Force Base, Alaska, that  
8 was entered into by the Secretary under the authority of  
9 former subsection (g) of section 2828 of title 10, United  
10 States Code (now section 2835 of such title), as added  
11 by section 801 of the Military Construction Authorization  
12 Act, 1984 (Public Law 98–115; 97 Stat. 782), the Sec-  
13 retary of the Air Force may purchase the entire interest  
14 of the developer in the military family housing project if  
15 the Secretary determines that the purchase of the project  
16 is in the best economic interests of the Air Force.

17           (b) **CONSIDERATION.**—The consideration paid by the  
18 Secretary to purchase the interest of the developer in the  
19 military family housing project under subsection (a) may  
20 not exceed the fair market value of the military family  
21 housing project, as determined by the Secretary.

22           (c) **CONGRESSIONAL NOTIFICATION.**—If a decision is  
23 made to purchase the interest of the developer in the mili-  
24 tary family housing project under subsection (a), the Sec-

1 retary shall submit a report to the congressional defense  
2 committees on that decision. The report shall include—

3 (1) the economic analyses used by the Secretary  
4 to determine that purchase of the military family  
5 housing project is in the best economic interests of  
6 the Air Force, as required by subsection (a); and

7 (2) a schedule for, and an estimate of the costs  
8 and nature of, any renovations or repairs that will  
9 be necessary to ensure that all units in the military  
10 family housing project meet current housing stand-  
11 ards.

12 (d) PURCHASE DELAY.—A contract to effectuate the  
13 purchase authorized by subsection (a) may be entered into  
14 by the Secretary only after the end of the 30-day period  
15 beginning on the date the report required by subsection  
16 (c) is received by the congressional defense committees or,  
17 if earlier, the end of the 21-day period beginning on the  
18 date on which a copy of the report is provided in an elec-  
19 tronic medium pursuant to section 480 of title 10, United  
20 States Code.

21 **SEC. 2852. LAND CONVEYANCE, AIR FORCE PROPERTY,**  
22 **JACKSONVILLE, ARKANSAS.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
24 the Air Force may convey to the City of Jacksonville, Ar-  
25 kansas (in this section referred to as the “City”), all right,

1 title, and interest of the United States in and to real prop-  
2 erty consisting of approximately 45.024 acres around an  
3 existing short line railroad in Pulaski County, Arkansas.

4 (b) CONSIDERATION.—As consideration for the con-  
5 veyance under subsection (a), the City shall pay to the  
6 United States an amount equal to the fair market value  
7 of the conveyed real property, as established by the assess-  
8 ment of the property conducted under contract for the  
9 Corps of Engineers and dated 15 September 2003.

10 (c) CONDITION OF CONVEYANCE.—The conveyance  
11 under subsection (a) shall be subject to the lease agree-  
12 ment dated October 29, 1982, as amended, between the  
13 Secretary and the Missouri Pacific Railroad Company  
14 (and its successors and assigns) and any other easement,  
15 lease, condition, or restriction of record, including streets,  
16 roads, highways, railroads, pipelines, and public utilities,  
17 insofar as the easement, lease, condition, or restriction is  
18 in existence on the date of the enactment of this Act and  
19 lawfully affects the conveyed property.

20 (d) PAYMENT OF COSTS OF CONVEYANCE.—

21 (1) PAYMENT REQUIRED.—The Secretary shall  
22 require the City to cover costs to be incurred by the  
23 Secretary, or to reimburse the Secretary for costs in-  
24 curred by the Secretary, to carry out the conveyance  
25 under subsection (a), including survey costs, costs

1 related to environmental documentation, and other  
2 administrative costs related to the conveyance. If  
3 amounts are collected from the City in advance of  
4 the Secretary incurring the actual costs, and the  
5 amount collected exceeds the costs actually incurred  
6 by the Secretary to carry out the conveyance, the  
7 Secretary shall refund the excess amount to the  
8 City.

9 (2) TREATMENT OF AMOUNTS RECEIVED.—  
10 Amounts received as reimbursement under para-  
11 graph (1) shall be credited to the fund or account  
12 that was used to cover the costs incurred by the Sec-  
13 retary in carrying out the conveyance. Amounts so  
14 credited shall be merged with amounts in such fund  
15 or account, and shall be available for the same pur-  
16 poses, and subject to the same conditions and limita-  
17 tions, as amounts in such fund or account.

18 (e) EXEMPTION FROM FEDERAL SCREENING.—The  
19 conveyance authorized by subsection (a) is exempt from  
20 the requirement to screen the property for other Federal  
21 use pursuant to sections 2693 and 2696 of title 10, United  
22 States Code.

23 (f) DESCRIPTION OF PROPERTY.—The exact acreage  
24 and legal description of the real property to be conveyed



1 under subsection (a) shall be determined by a survey satis-  
2 factory to the Secretary.

3 (g) **ADDITIONAL TERMS AND CONDITIONS.**—The  
4 Secretary may require such additional terms and condi-  
5 tions in connection with the conveyance under subsection  
6 (a) as the Secretary considers appropriate to protect the  
7 interests of the United States.

## 8 **Subtitle E—Other Matters**

### 9 **SEC. 2861. LEASE AUTHORITY, ARMY HERITAGE AND EDU- 10 **CATION CENTER, CARLISLE, PENNSYLVANIA.****

11 Section 2866 of the National Defense Authorization  
12 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.  
13 1333) is amended—

14 (1) by redesignating subsection (e) as sub-  
15 section (f); and

16 (2) by inserting after subsection (d) the fol-  
17 lowing new subsection (e):

18 “(e) **LEASE OF FACILITY.**—(1) Under such terms  
19 and conditions as the Secretary considers appropriate, the  
20 Secretary may lease portions of the facility to the Military  
21 Heritage Foundation to be used by the Foundation, con-  
22 sistent with the agreement referred to in subsection (a),  
23 for—

24 “(A) generating revenue for activities of the fa-  
25 cility through rental use by the public, commercial

1 and nonprofit entities, State and local governments,  
2 and other Federal agencies; and

3 “(B) such administrative purposes as may be  
4 necessary for the support of the facility.

5 “(2) The annual amount of consideration paid to the  
6 Secretary by the Military Heritage Foundation for a lease  
7 under paragraph (1) may not exceed an amount equal to  
8 the actual cost, as determined by the Secretary, of the an-  
9 nual operations and maintenance of the facility.

10 “(3) Amounts paid under paragraph (2) may be used  
11 by the Secretary, in such amounts as provided in advance  
12 in appropriation Acts, to cover the costs of operation of  
13 the facility.”.

14 **SEC. 2862. REDESIGNATION OF MCENTIRE AIR NATIONAL**  
15 **GUARD STATION, SOUTH CAROLINA, AS**  
16 **MCENTIRE JOINT NATIONAL GUARD BASE.**

17 McEntire Air National Guard Station in Eastover,  
18 South Carolina, shall be known and designated as  
19 “McEntire Joint National Guard Base” in recognition of  
20 the use of the installation to house both Air National  
21 Guard and Army National Guard assets. Any reference  
22 to McEntire Air National Guard Station in any law, regu-  
23 lation, map, document, record, or other paper of the  
24 United States shall be considered to be a reference to  
25 McEntire Joint National Guard Base.

1 **SEC. 2863. ASSESSMENT OF WATER NEEDS FOR PRESIDIO**  
 2 **OF MONTEREY AND ORD MILITARY COMMU-**  
 3 **NITY.**

4 Not later than April 7, 2006, the Secretary of De-  
 5 fense shall submit to Congress an interim assessment of  
 6 the current and reasonable future needs of the Depart-  
 7 ment of the Defense for water for the Presidio of Monterey  
 8 and the Ord Military Community.

9 **Division C—Department of Energy**  
 10 **National Security Authoriza-**  
 11 **tions and Other Authorizations**  
 12 **TITLE XXXI—DEPARTMENT OF**  
 13 **ENERGY NATIONAL SECURITY**  
 14 **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.

15 **Subtitle A—National Security**  
 16 **Programs Authorizations**

17 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 18 **TION.**

19 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
 20 are hereby authorized to be appropriated to the Depart-

1 ment of Energy for fiscal year 2006 for the activities of  
2 the National Nuclear Security Administration in carrying  
3 out programs necessary for national security in the  
4 amount of \$9,100,852,000, to be allocated as follows:

5 (1) For weapons activities, \$6,455,744,000.

6 (2) For defense nuclear nonproliferation activi-  
7 ties, \$1,515,239,000.

8 (3) For naval reactors, \$786,000,000.

9 (4) For the Office of the Administrator for Nu-  
10 clear Security, \$343,869,000.

11 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

12 From funds referred to in subsection (a) that are available  
13 for carrying out plant projects, the Secretary of Energy  
14 may carry out, for weapons activities, the following new  
15 plant projects:

16 Project 06–D–140, project engineering and de-  
17 sign, various locations, \$14,113,000.

18 Project 06–D–160, Facilities and Infrastruc-  
19 ture Recapitalization Program, project engineering  
20 and design, various locations, \$5,811,000.

21 Project 06–D–180, Defense Nuclear Non-  
22 proliferation Program project engineering and de-  
23 sign, National Security Laboratory, Pacific North-  
24 west National Laboratory, \$5,000,000.

1 Project 06–D–401, Central Office Building 2,  
2 Bettis Atomic Power Laboratory, West Mifflin,  
3 Pennsylvania, \$7,000,000.

4 Project 06–D–402, replace fire stations no. 1  
5 and no. 2, Nevada Test Site, \$8,284,000.

6 Project 06–D–403, Tritium Facility Moderniza-  
7 tion, Lawrence Livermore National Laboratory,  
8 \$2,600,000.

9 Project 06–D–404, Building B–3 remediation,  
10 restoration, and upgrade, Nevada Test Site  
11 \$16,000,000.

12 Project 06–D–601, electrical distribution sys-  
13 tem upgrade, Pantex Plant, Amarillo, Texas,  
14 \$4,000,000.

15 Project 06–D–602, gas main and distribution  
16 system upgrade, Pantex Plant, Amarillo Texas,  
17 \$3,700,000.

18 Project 06–D–603, steam plant life extension  
19 project, Y–12 national security complex, Oak Ridge,  
20 Tennessee, \$729,000.

21 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

22 Funds are hereby authorized to be appropriated to  
23 the Department of Energy for fiscal year 2006 for envi-  
24 ronmental management activities in carrying out pro-

1 grams necessary for national security in the amount of  
2 \$6,311,433,000, to be allocated as follows:

3 (1) For defense site acceleration completion,  
4 \$5,480,102,000.

5 (2) For defense environmental services,  
6 \$831,331,000.

7 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

8 Funds are hereby authorized to be appropriated to  
9 the Department of Energy for fiscal year 2006 for other  
10 defense activities in carrying out programs necessary for  
11 national security in the amount of \$635,998,000.

12 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

13 Funds are hereby authorized to be appropriated to  
14 the Department of Energy for fiscal year 2006 for defense  
15 nuclear waste disposal for payment to the Nuclear Waste  
16 Fund established in section 302(c) of the Nuclear Waste  
17 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount  
18 of \$351,447,000.

19 **Subtitle B—Program Authoriza-**  
20 **tions, Restrictions, and Limita-**  
21 **tions**

22 **SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.**

23 (a) IN GENERAL.—Subtitle A (50 U.S.C. 2521 et  
24 seq.) of title XLVII of the Atomic Energy Defense Act  
25 is amended by adding at the end the following new section:

1 **“SEC. 4214. RELIABLE REPLACEMENT WARHEAD PROGRAM.**

2       “(a) PROGRAM REQUIRED.—The Secretary of En-  
3 ergy, in consultation with the Secretary of Defense, shall  
4 carry out a program, to be known as the Reliable Replace-  
5 ment Warhead program, to develop reliable replacement  
6 components that are producible and certifiable for the ex-  
7 isting nuclear weapons stockpile.

8       “(b) OBJECTIVES.—The objectives of the Reliable  
9 Replacement Warhead program shall be—

10           “(1) to increase the reliability, safety, and secu-  
11 rity of the United States nuclear weapons stockpile;

12           “(2) to further reduce the likelihood of the re-  
13 sumption of nuclear testing;

14           “(3) to remain consistent with basic design pa-  
15 rameters by using, to the extent practicable, compo-  
16 nents that are well understood or are certifiable  
17 without the need to resume underground nuclear  
18 testing;

19           “(4) to ensure that the United States develops  
20 a nuclear weapons infrastructure that can respond  
21 to unforeseen problems, to include the ability to  
22 produce replacement warheads that are safer to  
23 manufacture, more cost-effective to produce, and  
24 less costly to maintain than existing warheads;

1           “(5) to achieve reductions in the future size of  
2 the nuclear weapons stockpile based on increased re-  
3 liability of the reliable replacement warheads;

4           “(6) to use the design, certification, and pro-  
5 duction expertise resident in the nuclear complex to  
6 develop reliable replacement components to fulfill  
7 current mission requirements of the existing stock-  
8 pile; and

9           “(7) to serve as a complement to, and poten-  
10 tially a more cost-effective and reliable long-term re-  
11 placement for, the current Stockpile Life Extension  
12 Programs.”.

13       (b) REPORT.—Not later than March 1, 2007, the Nu-  
14 clear Weapons Council shall submit to the congressional  
15 defense committees a report on the feasibility and imple-  
16 mentation of the Reliable Replacement Warhead program  
17 required by section 4214 of the Atomic Energy Defense  
18 Act (as added by subsection (a)). The report shall—

19           (1) identify existing warheads recommended for  
20 replacement by 2035 with an assessment of the  
21 weapon performance and safety characteristics of  
22 the replacement warheads;

23           (2) discuss the relationship of the Reliable Re-  
24 placement Warhead program within the Stockpile



1 Stewardship Program and its impact on the current  
2 Stockpile Life Extension Programs;

3 (3) provide an assessment of the extent to  
4 which a successful Reliable Replacement Warhead  
5 program could lead to reductions in the nuclear  
6 weapons stockpile;

7 (4) discuss the criteria by which replacement  
8 warheads under the Reliable Replacement Warhead  
9 program will be designed to maximize the likelihood  
10 of not requiring nuclear testing, as well as the cir-  
11 cumstances that could lead to a resumption of test-  
12 ing;

13 (5) provide a description of the infrastructure,  
14 including pit production capabilities, required to sup-  
15 port the Reliable Replacement Warhead program;  
16 and

17 (6) provide a detailed summary of how the  
18 funds made available pursuant to the authorizations  
19 of appropriations in this Act, and any funds made  
20 available in prior years, will be used.

21 (c) INTERIM REPORT.—Not later than March 1,  
22 2006, the Nuclear Weapons Council shall submit to the  
23 congressional defense committees an interim report on the  
24 matters required to be covered by the report under sub-  
25 section (b).

1 **SEC. 3112. REPORT ON ASSISTANCE FOR A COMPREHEN-**  
2 **SIVE INVENTORY OF RUSSIAN NONSTRA-**  
3 **TEGIC NUCLEAR WEAPONS.**

4 (a) FINDINGS.—Congress finds that—

5 (1) there is an insufficient accounting for, and  
6 insufficient security of, the nonstrategic nuclear  
7 weapons of the Russian Federation; and

8 (2) because of the dangers posed by that insuf-  
9 ficient accounting and security, it is in the national  
10 security interest of the United States to assist the  
11 Russian Federation in the conduct of a comprehen-  
12 sive inventory of its nonstrategic nuclear weapons.

13 (b) REPORT.—

14 (1) REPORT REQUIRED.—Not later than No-  
15 vember 1, 2005, the Secretary of Energy shall sub-  
16 mit to Congress a report containing—

17 (A) the Secretary's evaluation of past and  
18 current efforts by the United States to encour-  
19 age or facilitate a proper accounting for and se-  
20 curing of the nonstrategic nuclear weapons of  
21 the Russian Federation; and

22 (B) the Secretary's recommendations re-  
23 garding the actions by the United States that  
24 are most likely to lead to progress in improving  
25 the accounting for, and securing of, those weap-  
26 ons.

1           (2) CONSULTATION WITH SECRETARY OF DE-  
 2 FENSE.—The report under paragraph (1) shall be  
 3 prepared in consultation with the Secretary of De-  
 4 fense.

5           (3) CLASSIFICATION OF REPORT.—The report  
 6 under paragraph (1) shall be in unclassified form,  
 7 but may be accompanied by a classified annex.

8 **TITLE     XXXII—DEFENSE     NU-**  
 9 **CLEAR   FACILITIES   SAFETY**  
 10 **BOARD**

Sec. 3201. Authorization.

11 **SEC. 3201. AUTHORIZATION.**

12       There are authorized to be appropriated for fiscal  
 13 year 2006, \$22,032,000 for the operation of the Defense  
 14 Nuclear Facilities Safety Board under chapter 21 of the  
 15 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

16 **TITLE XXXIII—NATIONAL**  
 17 **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.

18 **SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE**  
 19 **STOCKPILE FUNDS.**

20       (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-  
 21 cal year 2006, the National Defense Stockpile Manager

1 may obligate up to \$52,132,000 of the funds in the Na-  
2 tional Defense Stockpile Transaction Fund established  
3 under subsection (a) of section 9 of the Strategic and Crit-  
4 ical Materials Stock Piling Act (50 U.S.C. 98h) for the  
5 authorized uses of such funds under subsection (b)(2) of  
6 such section, including the disposal of hazardous materials  
7 that are environmentally sensitive.

8 (b) ADDITIONAL OBLIGATIONS.—The National De-  
9 fense Stockpile Manager may obligate amounts in excess  
10 of the amount specified in subsection (a) if the National  
11 Defense Stockpile Manager notifies Congress that extraor-  
12 dinary or emergency conditions necessitate the additional  
13 obligations. The National Defense Stockpile Manager may  
14 make the additional obligations described in the notifica-  
15 tion after the end of the 45-day period beginning on the  
16 date on which Congress receives the notification.

17 (c) LIMITATIONS.—The authorities provided by this  
18 section shall be subject to such limitations as may be pro-  
19 vided in appropriations Acts.

20 **SEC. 3302. REVISION OF FISCAL YEAR 1999 AUTHORITY TO**  
21 **DISPOSE OF CERTAIN MATERIALS IN THE NA-**  
22 **TIONAL DEFENSE STOCKPILE.**

23 (a) REQUIRED RECEIPTS FROM DISPOSALS.—Sec-  
24 tion 3303(a) of the Strom Thurmond National Defense  
25 Authorization Act for Fiscal Year 1999 (Public Law 105–

1 261; 50 U.S.C. 98d note), as amended by section 3302  
2 of the Ronald W. Reagan National Defense Authorization  
3 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
4 2193), is amended by striking paragraph (5) and inserting  
5 the following new paragraph:

6           “(5) \$1,000,000,000 by the end of fiscal year  
7           2011.”.

8           (b) EFFECT OF AMENDMENT.—The amendment  
9 made by subsection (a) will result in the continued dis-  
10 posal of certain materials in the National Defense Stock-  
11 pile after September 30, 2005, pursuant to the disposal  
12 authority provided by section 3303 of the Strom Thur-  
13 mond National Defense Authorization Act for Fiscal Year  
14 1999, and allow the National Defense Stockpile Manager  
15 to take advantage of favorable market conditions for the  
16 sales of several of the materials authorized for disposal,  
17 such as tungsten ferro, tungsten metal powder, and tung-  
18 sten ores and concentrates.

19 **SEC. 3303. REVISION OF FISCAL YEAR 2000 AUTHORITY TO**  
20 **DISPOSE OF CERTAIN MATERIALS IN THE NA-**  
21 **TIONAL DEFENSE STOCKPILE.**

22           Section 3402(b) of the National Defense Authoriza-  
23 tion Act for Fiscal Year 2000 (Public Law 106–65; 50  
24 U.S.C. 98d note), as amended by section 3302 of the Na-  
25 tional Defense Authorization Act for Fiscal Year 2004

1 (Public Law 108–136; 117 Stat. 1788), is amended by  
2 striking paragraph (4) and inserting the following new  
3 paragraph:

4 “(4) \$550,000,000 by the end of fiscal year  
5 2011.”.

6 **TITLE XXXIV—NAVAL**  
7 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

8 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) AMOUNT.—There are hereby authorized to be ap-  
10 propriated to the Secretary of Energy \$18,500,000 for fis-  
11 cal year 2006 for the purpose of carrying out activities  
12 under chapter 641 of title 10, United States Code, relating  
13 to the naval petroleum reserves.

14 (b) PERIOD OF AVAILABILITY.—Funds appropriated  
15 pursuant to the authorization of appropriations in sub-  
16 section (a) shall remain available until expended.

17 **TITLE XXXV—MARITIME**  
18 **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 pro-  
gram.

1 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
2 **CAL YEAR 2006.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2006, to be available without fiscal year limita-  
5 tion if so provided in appropriations Acts, for the use of  
6 the Department of Transportation for the Maritime Ad-  
7 ministration as follows:

8 (1) For expenses necessary for operations and  
9 training activities, \$113,650,000, of which  
10 \$10,000,000 shall be available only for paying reim-  
11 bursement under section 3517 of the National De-  
12 fense Authorization Act for Fiscal Year 2004, as  
13 amended by section 3503 of this Act.

14 (2) For administrative expenses related to loan  
15 guarantee commitments under the program author-  
16 ized by title XI of the Merchant Marine Act, 1936  
17 (46 App. U.S.C. 1271 et seq.), \$3,526,000.

18 (3) For expenses to dispose of obsolete vessels  
19 in the National Defense Reserve Fleet, including  
20 provision of assistance under section 7 of Public  
21 Law 92-402, \$21,000,000.

22 **SEC. 3502. PAYMENTS FOR STATE AND REGIONAL MARI-**  
23 **TIME ACADEMIES.**

24 (a) ANNUAL PAYMENT.—Section 1304(d)(1)(C)(ii)  
25 of the Merchant Marine Act, 1936 (46 App. U.S.C.  
26 1295c(d)(1)(C)(ii)) is amended by striking “\$200,000”

1 and inserting “\$300,000 for fiscal year 2006, \$400,000  
2 for fiscal year 2007, and \$500,000 for fiscal year 2008  
3 and each fiscal year thereafter”.

4 (b) SCHOOL SHIP FUEL PAYMENT.—Section  
5 1304(c)(2) of the Merchant Marine Act, 1936 (46 App.  
6 U.S.C. 1295c(c)(2)) is amended—

7 (1) by striking “The Secretary may pay to any  
8 State maritime academy” and inserting “(A) The  
9 Secretary shall, subject to the availability of appro-  
10 priations, pay to each State maritime academy”; and

11 (2) by adding at the end the following:

12 “(B) The amount of the payment to a State maritime  
13 academy under this paragraph shall not exceed—

14 “(i) \$100,000 for fiscal year 2006;

15 “(ii) \$200,000 for fiscal year 2007; and

16 “(iii) \$300,000 for fiscal year 2008 and each  
17 fiscal year thereafter.”.

18 **SEC. 3503. MAINTENANCE AND REPAIR REIMBURSEMENT**

19 **PILOT PROGRAM.**

20 Section 3517 of the National Defense Authorization  
21 Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is  
22 amended—

23 (1) in subsection (a)(1) by striking “may” each  
24 place it appears and inserting “shall”;



1           (2) in subsection (a)(2) by striking “LIMITA-  
2           TION.—The Secretary may not” and inserting “RE-  
3           QUIREMENT OF AGREEMENT.—The Secretary shall,  
4           subject to the availability of appropriations,”;

5           (3) in subsection (d)(2) by striking “80 percent  
6           of”; and

7           (4) by amending subsection (g) to read as fol-  
8           lows:

9           “(g) ANNUAL REPORT.—The Secretary shall submit  
10          a report to the Congress each year on the program under  
11          this section. The report shall include a listing of future  
12          inspection schedules for all vessels included in the Mari-  
13          time Security Fleet established by chapter 531 of title 46,  
14          United States Code.”.

15       **SEC. 3504. TANK VESSEL CONSTRUCTION ASSISTANCE.**

16          (a) REQUIREMENT TO ENTER CONTRACTS.—Section  
17          3543(a) of the National Defense Authorization Act for  
18          Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by  
19          striking “may” and inserting “shall, to the extent of the  
20          availability of appropriations,”.

21          (b) AMOUNT OF ASSISTANCE.—Section 3543(b) of  
22          the National Defense Authorization Act for Fiscal Year  
23          2004 (46 U.S.C. 53101 note) is amended by striking “up  
24          to 75 percent of”.

1 **SEC. 3505. IMPROVEMENTS TO THE MARITIME ADMINIS-**  
2 **TRATION VESSEL DISPOSAL PROGRAM.**

3 (a) **COMPREHENSIVE MANAGEMENT PLAN.—**

4 (1) **REQUIREMENT TO DEVELOP PLAN.—**The  
5 Secretary of Transportation shall prepare, publish,  
6 and submit to the Congress by not later than 120  
7 days after the date of the enactment of this Act a  
8 comprehensive plan for management of the vessel  
9 disposal program of the Maritime Administration in  
10 accordance with the recommendations made in the  
11 Government Accountability Office in report number  
12 GAO-05-264, dated March 2005.

13 (2) **CONTENTS OF PLAN.—**The plan shall—

14 (A) include a strategy and implementation  
15 plan for disposal of obsolete Maritime Adminis-  
16 tration vessels (including vessels added to the  
17 fleet after the enactment of this Act) in a time-  
18 ly manner, maximizing the use of all available  
19 disposal methods, including dismantling, use for  
20 artificial reefs, donation, and Navy training ex-  
21 ercises;

22 (B) identify and describe the funding and  
23 other resources necessary to implement the  
24 plan, and specific milestones for disposal of ves-  
25 sels under the plan;

1           (C) establish performance measures to  
2 track progress toward achieving the goals of the  
3 program, including the expeditious disposal of  
4 ships commencing upon the date of the  
5 enactment of this Act;

6           (D) develop a formal decisionmaking  
7 framework for the program; and

8           (E) identify external factors that could im-  
9 pede successful implementation of the plan, and  
10 describe steps to be taken to mitigate the ef-  
11 fects of such factors.

12 (b) IMPLEMENTATION OF MANAGEMENT PLAN.—

13           (1) REQUIREMENT TO IMPLEMENT.—The Sec-  
14 retary shall implement the vessel disposal program  
15 of the Maritime Administration in accordance  
16 with—

17           (A) the management plan submitted under  
18 subsection (a); and

19           (B) the requirements set forth in para-  
20 graph (2).

21           (2) UTILIZATION OF DOMESTIC SOURCES.—In  
22 the procurement of services under the vessel disposal  
23 program of the Maritime Administration, the Sec-  
24 retary shall—

25           (A) use full and open competition; and

1 (B) utilize domestic sources to the max-  
2 imum extent practicable.

3 (c) FAILURE TO SUBMIT PLAN.—

4 (1) PRIVATE MANAGEMENT CONTRACT FOR DIS-  
5 POSAL OF MARITIME ADMINISTRATION VESSELS.—

6 The Secretary of Transportation, subject to the  
7 availability of appropriations, shall promptly award a  
8 contract using full and open competition to expedi-  
9 tiously implement all aspects of disposal of obsolete  
10 vessels of the Maritime Administration.

11 (2) APPLICATION.—This subsection shall apply  
12 beginning 120 days after the date of the enactment  
13 of this Act, unless the Secretary of Transportation  
14 has submitted to the Congress the comprehensive  
15 plan required under subsection (a)

16 (d) TEMPORARY AUTHORITY TO TRANSFER OBSO-  
17 LETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.—

18 The Secretary of Transportation shall, subject to the  
19 availability of appropriations and consistent with section  
20 1535 of title 31, United States Code, popularly known as  
21 the Economy Act, transfer to the Secretary of the Navy  
22 during fiscal year 2006 for disposal by the Navy, no fewer  
23 than 4 combatant vessels in the nonretention fleet of the

- 1 Maritime Administration that are acceptable to the Sec-
- 2 retary of the Navy.

Passed the House of Representatives May 25, 2005.

Attest:

*Clerk.*



109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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# H. R. 1815

## AN ACT

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