IN THE HOUSE OF REPRESENTATIVES
JUNE 10, 2005
Mr. YOUNG of Florida, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL
Making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,357,895,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377,
as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,417,696,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,839,813,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Depart-
ment of Defense Military Retirement Fund, $20,083,037,000.

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,862,103,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code.
10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,486,061,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $472,392,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or
while undergoing reserve training, or while performing
drills or equivalent duty or other duty, and expenses au-
alyzed by section 16131 of title 10, United States Code;
and for payments to the Department of Defense Military
Retirement Fund, $1,225,360,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Army Na-
tional Guard while on duty under section 10211, 10302,
or 12402 of title 10 or section 708 of title 32, United
States Code, or while serving on duty under section
12301(d) of title 10 or section 502(f) of title 32, United
States Code, in connection with performing duty specified
in section 12310(a) of title 10, United States Code, or
while undergoing training, or while performing drills or
equivalent duty or other duty, and expenses authorized by
section 16131 of title 10, United States Code; and for pay-
ments to the Department of Defense Military Retirement
Fund, $4,359,704,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Air Na-
tional Guard on duty under section 10211, 10305, or
12402 of title 10 or section 708 of title 32, United States
Code, or while serving on duty under section 12301(d) of
title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,028,215,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,432,727,000: Provided, That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading “Operation and Maintenance, Army”, in Public Law 107–117.
Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,719,818,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,123,766,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $28,659,373,000.
For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $18,323,516,000:

Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: Provided further, That of the funds made available under this heading, $5,000,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market.
and to execute the renewable energy purchasing plan: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, or-
organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,791,212,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,178,607,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $199,929,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,178,607,000.
ganization, and administration, of the Air Force Reserve;
repair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $2,465,122,000.

**Operation and Maintenance, Army National Guard**

For expenses of training, organizing, and admin-
istering the Army National Guard, including medical and
hospital treatment and related expenses in non-Federal
hospitals; maintenance, operation, and repairs to struc-
tures and facilities; hire of passenger motor vehicles; per-
sonnel services in the National Guard Bureau; travel ex-
penses (other than mileage), as authorized by law for
Army personnel on active duty, for Army National Guard
division, regimental, and battalion commanders while in-
specting units in compliance with National Guard Bureau
regulations when specifically authorized by the Chief, Na-
tional Guard Bureau; supplying and equipping the Army
National Guard as authorized by law; and expenses of re-
pair, modification, maintenance, and issue of supplies and
equipment (including aircraft), $4,142,875,000.

**Operation and Maintenance, Air National Guard**

For expenses of training, organizing, and admin-
istering the Air National Guard, including medical and
hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,547,515,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $20,000,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: Provided further,
That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,236,000, of which not to exceed $5,000 may be used for official representation purposes.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $61,546,000, to remain available until September 30, 2007.
FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $415,549,000, to remain available until September 30, 2008.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, ap-
appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,879,380,000, to remain available for obligation until September 30, 2008, of which $203,500,000 shall be available for the Army National Guard and Army Reserve: Provided, That $75,000,000 of the funds provided in this paragraph are available only for the purpose of acquiring four (4) HH–60L medical evacuation variant Blackhawk helicopters for the C/1–159th Aviation Regiment (Army Reserve): Provided further, That three (3) UH–60 Blackhawk helicopters in addition to those referred to in the preceding proviso shall be available only for the C/1–159th Aviation Regiment (Army Reserve).

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, ap-
appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,239,350,000, to remain available for obligation until September 30, 2008, of which $150,000,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,670,949,000, to remain available for obligation until September 30, 2008, of which $614,800,000 shall be available for the Army National Guard and Army Reserve.
PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,753,152,000, to remain available for obligation until September 30, 2008, of which $119,000,000 shall be available for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and
private plants, including the land necessary therefor, for
the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted
thereon prior to approval of title; and procurement and
installation of equipment, appliances, and machine tools
in public and private plants; reserve plant and Govern-
ment and contractor-owned equipment layaway; and other
expenses necessary for the foregoing purposes,$4,491,634,000, to remain available for obligation until
September 30, 2008, of which $765,400,000 shall be
available for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modifica-
tion, and modernization of aircraft, equipment, including
ordnance, spare parts, and accessories therefor; specialized
equipment; expansion of public and private plants, includ-
ing the land necessary therefor, and such lands and inter-
ests therein, may be acquired, and construction prosecuted
thereon prior to approval of title; and procurement and
installation of equipment, appliances, and machine tools
in public and private plants; reserve plant and Govern-
ment and contractor-owned equipment layaway,$9,776,440,000, to remain available for obligation until
September 30, 2008, of which $57,779,000 shall be avail-
able for the Navy Reserve and the Marine Corps Reserve.
WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,596,781,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $885,170,000, to remain available for obligation until September 30, 2008, of which $19,562,000 shall be available for the Navy Reserve and Marine Corps Reserve.

**SHIPBUILDING AND CONVERSION, NAVY**

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

- Carrier Replacement Program (AP), $564,913,000;
- Virginia Class Submarine, $1,637,698,000;
- Virginia Class Submarine (AP), $763,786,000;
- SSGN Conversion, $286,516,000;
- CVN Refueling Overhauls, $1,300,000,000;
- CVN Refueling Overhauls (AP), $20,000,000;
SSN Engineered Refueling Overhauls (AP), $39,524,000;
SSBN Engineered Refueling Overhauls, $230,193,000;
SSBN Engineered Refueling Overhauls (AP), $62,248,000;
DDG–51 Destroyer, $1,550,000,000;
DDG–51 Destroyer Modernization, $50,000,000;
Littoral Combat Ship, $440,000,000;
LHD–1, $197,769,000;
LPD–17, $1,344,741,000;
LHA–R (AP), $200,447,000;
Service Craft, $46,000,000;
LCAC Service Life Extension Program, $100,000,000;
Prior year shipbuilding costs, $394,523,000; and
Outfitting, post delivery, conversions, and first destination transportation, $385,000,000.
In all: $9,613,358,000, to remain available for obligation until September 30, 2010: Provided, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or
conversion of any naval vessel to be constructed in ship-yards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,461,196,000, to remain available for obligation until September 30, 2008, of which $43,712,000 shall be available for the Navy Reserve and Marine Corps Reserve.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military
equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,426,405,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things,
$12,424,298,000, to remain available for obligation until September 30, 2008, of which $380,000,000 shall be available for the Air National Guard and Air Force Reserve.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,062,949,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code,
and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,031,907,000, to remain available for obligation until September 30, 2008, of which $164,800,000 shall be available for the Air National Guard and Air Force Reserve.

**OTHER PROCUREMENT, AIR FORCE**

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway,
$13,737,214,000, to remain available for obligation until September 30, 2008, of which $135,800,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,728,130,000, to remain available for obligation until September 30, 2008.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $28,573,000, to remain available until expended.
TITLE IV
RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,827,174,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,481,862,000, to remain available for obligation until September 30, 2007: Provided, that funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.
For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $22,664,868,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,514,530,000, to remain available for obligation until September 30, 2007.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational
testing and evaluation; and administrative expenses in
connection therewith, $168,458,000, to remain available
for obligation until September 30, 2007.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds,
$1,154,340,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs,
projects, and activities, and for expenses of the National
Defense Reserve Fleet, as established by section 11 of the
Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
and for the necessary expenses to maintain and preserve
a U.S.-flag merchant fleet to serve the national security
needs of the United States, $1,599,459,000, to remain
available until expended: Provided, That none of the funds
provided in this paragraph shall be used to award a new
contract that provides for the acquisition of any of the
following major components unless such components are
manufactured in the United States: auxiliary equipment,
including pumps, for all shipboard services; propulsion
system components (that is; engines, reduction gears, and
propellers); shipboard cranes; and spreaders for shipboard
cranes: Provided further, That the exercise of an option
in a contract awarded through the obligation of previously
appropriated funds shall not be considered to be the award
of a new contract: Provided further, That the Secretary
of the military department responsible for such procure-
ment may waive the restrictions in the first proviso on
a case-by-case basis by certifying in writing to the Com-
mittees on Appropriations of the House of Representatives
and the Senate that adequate domestic supplies are not
available to meet Department of Defense requirements on
a timely basis and that such an acquisition must be made
in order to acquire capability for national security pur-
poses.

TITLE VI
OTHER DEPARTMENT OF DEFENSE PROGRAMS
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
Army
For expenses, not otherwise provided for, necessary
for the destruction of the United States stockpile of lethal
chemical agents and munitions in accordance with the pro-
visions of section 1412 of the Department of Defense Au-
 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
struction of other chemical warfare materials that are not
in the chemical weapon stockpile, $1,355,827,000, of
which $1,191,514,000 shall be for Operation and mainte-
nance; $116,527,000 shall be for Procurement to remain
available until September 30, 2008; $47,786,000 shall be for Research, development, test and evaluation to remain available until September 30, 2007; and not less than $119,300,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,800,000 shall be for activities on military installations and $82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $906,941,000:

Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority pro-
vided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $209,687,000, of which $208,687,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $244,600,000.
INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $376,844,000 of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense’s counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2008 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2007: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.
TITLE VIII
GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.
SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers’ Training Corps.

TRANSFER OF FUNDS

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are re-
quested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

Sec. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital
funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Sec. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

Sec. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, un-
less the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;
(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH–60/MH–60 Helicopters;

Apache Block II Conversion; and

Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS).

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chap-
ter 20 of title 10, United States Code, and these obliga-
tions shall be reported as required by section 401(d) of
title 10, United States Code: Provided, That funds avail-
able for operation and maintenance shall be available for
providing humanitarian and similar assistance by using
Civic Action Teams in the Trust Territories of the Pacific
Islands and freely associated states of Micronesia, pursu-
ant to the Compact of Free Association as authorized by
Public Law 99–239: Provided further, That upon a deter-
mination by the Secretary of the Army that such action
is beneficial for graduate medical education programs con-
ducted at Army medical facilities located in Hawaii, the
Secretary of the Army may authorize the provision of med-
ical services at such facilities and transportation to such
facilities, on a nonreimbursable basis, for civilian patients
from American Samoa, the Commonwealth of the North-
ern Mariana Islands, the Marshall Islands, the Federated
States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian
personnel of the Department of Defense may not be man-
aged on the basis of any end-strength, and the manage-
ment of such personnel during that fiscal year shall not
be subject to any constraint or limitation (known as an
end-strength) on the number of such personnel who may
be employed on the last day of such fiscal year.
(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2007.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

Sec. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

Sec. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

Sec. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those mem-
bers who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or
(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—
(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O’Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regu-
lation, or policy and is deemed to be awarded under the
authority of, and in compliance with, subsection (h) of sec-
tion 2304 of title 10, United States Code, for the competi-
tion or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act
for the Department of Defense Pilot Mentor-Protege Pro-
gram may be transferred to any other appropriation con-
tained in this Act solely for the purpose of implementing
a Mentor-Protege Program developmental assistance
agreement pursuant to section 831 of the National De-
defense Authorization Act for Fiscal Year 1991 (Public Law
101–510; 10 U.S.C. 2302 note), as amended, under the
authority of this provision or any other transfer authority
contained in this Act.

SEC. 8016. None of the funds in this Act may be
available for the purchase by the Department of Defense
(and its departments and agencies) of welded shipboard
anchor and mooring chain 4 inches in diameter and under
unless the anchor and mooring chain are manufactured
in the United States from components which are substan-
tially manufactured in the United States: Provided, That
for the purpose of this section manufactured will include
cutting, heat treating, quality control, testing of chain and
welding (including the forging and shot blasting process):
Provided further, That for the purpose of this section sub-
substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, that when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing
to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding 41 U.S.C. 430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under
25 U.S.C. 4221(9): Provided further, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

Sec. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

Sec. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

Sec. 8022. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.
Sec. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(e) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8024. (a) Of the funds made available in this Act, not less than $33,767,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $24,376,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $8,571,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) $820,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.
SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for
projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions,
ot not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,537 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That this subsection shall not apply to staff years funded in the National Intelligence Program.

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $40,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class
9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels
as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

Sec. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospect-
ively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

Sec. 8030. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.
SEC. 8031. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8032. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for “Drug Interdiction and Counter-Drug Activities, Defense” may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)


SEC. 8034. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable mili-
tary housing units located at Grand Forks Air Force Base
and Minot Air Force Base that are excess to the needs
of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of
the Air Force shall convey, at no cost to the Air Force,
military housing units under subsection (a) in accordance
with the request for such units that are submitted to the
Secretary by the Operation Walking Shield Program on
behalf of Indian tribes located in the States of North Da-
kota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—
The Operation Walking Shield Program shall resolve any
conflicts among requests of Indian tribes for housing units
under subsection (a) before submitting requests to the
Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the
term “Indian tribe” means any recognized Indian tribe in-
cluded on the current list published by the Secretary of
the Interior under section 104 of the Federally Recognized
4792; 25 U.S.C. 479a–1).

Sec. 8035. During the current fiscal year, appropri-
tions which are available to the Department of Defense
for operation and maintenance may be used to purchase
items having an investment item unit cost of not more than $250,000.

SEC. 8036. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business
area or any other area or category of the Department of
Defense Working Capital Funds.

SEC. 8037. None of the funds appropriated by this
Act for programs of the Central Intelligence Agency shall
remain available for obligation beyond the current fiscal
year, except for funds appropriated for the Reserve for
Contingencies, which shall remain available until Sep-
tember 30, 2007: Provided, That funds appropriated,
transferred, or otherwise credited to the Central Intel-
ligence Agency Central Services Working Capital Fund
during this or any prior or subsequent fiscal year shall
remain available until expended: Provided further, That
any funds appropriated or transferred to the Central Intel-
ligence Agency for advanced research and development ac-
quision, for agent operations, and for covert action pro-
grams authorized by the President under section 503 of
the National Security Act of 1947, as amended, shall re-
main available until September 30, 2007.

SEC. 8038. Notwithstanding any other provision of
law, funds made available in this Act for the Defense In-
telligence Agency may be used for the design, develop-
ment, and deployment of General Defense Intelligence
Program intelligence communications and intelligence in-
formation systems for the Services, the Unified and Speci-
fied Commands, and the component commands.
SEC. 8039. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8040. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, wheth-
er the person should be debarred from contracting with
the Department of Defense.

(c) In the case of any equipment or products pur-
chased with appropriations provided under this Act, it is
the sense of the Congress that any entity of the Depart-
ment of Defense, in expending the appropriation, purchase
only American-made equipment and products, provided
that American-made equipment and products are cost-
competitive, quality-competitive, and available in a timely
fashion.

Sec. 8041. None of the funds appropriated by this
Act shall be available for a contract for studies, analysis,
or consulting services entered into without competition on
the basis of an unsolicited proposal unless the head of the
activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation,
only one source is found fully qualified to perform
the proposed work;

(2) the purpose of the contract is to explore an
unsolicited proposal which offers significant sci-
entific or technological promise, represents the prod-
uct of original thinking, and was submitted in con-
fidence by one source; or

(3) the purpose of the contract is to take ad-
vantage of unique and significant industrial accom-
plishment by a specific concern, or to insure that a
new product or idea of a specific concern is given fi-
nancial support: Provided, That this limitation shall
not apply to contracts in an amount of less than
$25,000, contracts related to improvements of equip-
ment that is in development or production, or con-
tracts as to which a civilian official of the Depart-
ment of Defense, who has been confirmed by the
Senate, determines that the award of such contract
is in the interest of the national defense.

Sec. 8042. (a) Except as provided in subsection (b)
and (c), none of the funds made available by this Act may
be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the
Armed Forces or civilian employee of the depart-
ment who is transferred or reassigned from a head-
quartes activity if the member or employee’s place
of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a mili-
tary department may waive the limitations in subsection
(a), on a case-by-case basis, if the Secretary determines,
and certifies to the Committees on Appropriations of the
House of Representatives and Senate that the granting
of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Intelligence Program.

Sec. 8043. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide” to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

Sec. 8044. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Other Procurement, Army, 2005/2007”, $60,500,000;

“Shipbuilding and Conversion, Navy, 2005/2011”, $325,000,000;

“Aircraft Procurement, Air Force, 2005/2007”, $10,000,000;

“Other Procurement, Air Force, 2005/2007”, $3,400,000;
“Research, Development, Test and Evaluation,
Army, 2005/2006”, $21,600,000;
“Research, Development, Test and Evaluation,
Navy, 2005/2006”, $5,100,000;
“Research, Development, Test and Evaluation,
Air Force, 2005/2006”, $142,000,000; and
“Research, Development, Test and Evaluation,

Sec. 8045. None of the funds available in this Act
may be used to reduce the authorized positions for mili-
tary (civilian) technicians of the Army National Guard,
the Air National Guard, Army Reserve and Air Force Re-
serve for the purpose of applying any administratively im-
posed civilian personnel ceiling, freeze, or reduction on
military (civilian) technicians, unless such reductions are
a direct result of a reduction in military force structure.

Sec. 8046. None of the funds appropriated or other-
wise made available in this Act may be obligated or ex-
pended for assistance to the Democratic People’s Republic
of North Korea unless specifically appropriated for that
purpose.

Sec. 8047. Funds appropriated in this Act for oper-
ation and maintenance of the Military Departments, Com-
batant Commands and Defense Agencies shall be available
for reimbursement of pay, allowances and other expenses
which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8048. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8049. Appropriations available under the heading “Operation and Maintenance, Defense-Wide” for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their pe-
period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8050. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manu-
factured in the United States, unless the Secretary of De-
fense certifies to the congressional defense committees
that such an acquisition must be made in order to acquire
capability for national security purposes that is not avail-
able from United States manufacturers.

SEC. 8052. Notwithstanding any other provision of
law, each contract awarded by the Department of Defense
during the current fiscal year for construction or service
performed in whole or in part in a State (as defined in
section 381(d) of title 10, United States Code) which is
not contiguous with another State and has an unemploy-
ment rate in excess of the national average rate of unem-
ployment as determined by the Secretary of Labor, shall
include a provision requiring the contractor to employ, for
the purpose of performing that portion of the contract in
such State that is not contiguous with another State, indi-
viduals who are residents of such State and who, in the
case of any craft or trade, possess or would be able to
acquire promptly the necessary skills: Provided, That the
Secretary of Defense may waive the requirements of this
section, on a case-by-case basis, in the interest of national
security.

SEC. 8053. None of the funds made available in this
or any other Act may be used to pay the salary of any
officer or employee of the Department of Defense who ap-
proves or implements the transfer of administrative re-
sponsibilities or budgetary resources of any program,
project, or activity financed by this Act to the jurisdiction
of another Federal agency not financed by this Act with-
out the express authorization of Congress: Provided, That
this limitation shall not apply to transfers of funds ex-
pressly provided for in Defense Appropriations Acts, or
provisions of Acts providing supplemental appropriations
for the Department of Defense.

SEC. 8054. (a) LIMITATION ON TRANSFER OF DE-
FENSE ARTICLES AND SERVICES.—Notwithstanding any
other provision of law, none of the funds available to the
Department of Defense for the current fiscal year may be
obligated or expended to transfer to another nation or an
international organization any defense articles or services
(other than intelligence services) for use in the activities
described in subsection (b) unless the congressional de-
fense committees, the Committee on International Rela-
tions of the House of Representatives, and the Committee
on Foreign Relations of the Senate are notified 15 days
in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—
(1) any international peacekeeping or peace-en-
forcement operation under the authority of chapter
VI or chapter VII of the United Nations Charter
under the authority of a United Nations Security
Council resolution; and

(2) any other international peacekeeping, peace-
enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection
(a) shall include the following:

(1) A description of the equipment, supplies, or
services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equip-
ment or supplies—

(A) a statement of whether the inventory
requirements of all elements of the Armed
Forces (including the reserve components) for
the type of equipment or supplies to be trans-
ferred have been met; and

(B) a statement of whether the items pro-
posed to be transferred will have to be replaced
and, if so, how the President proposes to pro-
vide funds for such replacement.

SEC. 8055. None of the funds available to the De-
partment of Defense under this Act shall be obligated or
expended to pay a contractor under a contract with the
Department of Defense for costs of any amount paid by
the contractor to an employee when—

   (1) such costs are for a bonus or otherwise in
   excess of the normal salary paid by the contractor
to the employee; and

   (2) such bonus is part of restructuring costs as-
   sociated with a business combination.

   (INCLUDING TRANSFER OF FUNDS)

Sec. 8056. During the current fiscal year, no more
than $30,000,000 of appropriations made in this Act
under the heading “Operation and Maintenance, Defense-
Wide” may be transferred to appropriations available for
the pay of military personnel, to be merged with, and to
be available for the same time period as the appropriations
to which transferred, to be used in support of such per-
sonnel in connection with support and services for eligible
organizations and activities outside the Department of De-
fense pursuant to section 2012 of title 10, United States
Code.

Sec. 8057. During the current fiscal year, in the case
of an appropriation account of the Department of Defense
for which the period of availability for obligation has ex-
pired or which has closed under the provisions of section
1552 of title 31, United States Code, and which has a
negative unliquidated or unexpended balance, an obliga-
tion or an adjustment of an obligation may be charged
to any current appropriation account for the same purpose
as the expired or closed account if—

(1) the obligation would have been properly
chargeable (except as to amount) to the expired or
closed account before the end of the period of avail-
ability or closing of that account;

(2) the obligation is not otherwise properly
chargeable to any current appropriation account of
the Department of Defense; and

(3) in the case of an expired account, the obli-
gation is not chargeable to a current appropriation
of the Department of Defense under the provisions
of section 1405(b)(8) of the National Defense Au-
thorization Act for Fiscal Year 1991, Public Law
101–510, as amended (31 U.S.C. 1551 note): Pro-
vided, That in the case of an expired account, if sub-
sequent review or investigation discloses that there
was not in fact a negative unliquidated or unex-
pended balance in the account, any charge to a cur-
rent account under the authority of this section shall
be reversed and recorded against the expired ac-
count: Provided further, That the total amount
charged to a current appropriation under this sec-
tion may not exceed an amount equal to 1 percent
of the total appropriation for that account.
SEC. 8058. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8059. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat
may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

Sec. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8061. None of the funds made available in this Act may be used to approve or license the sale of the F/A–22 advanced tactical fighter to any foreign government.

Sec. 8062. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that
country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.
SEC. 8063. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces in-
involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8064. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8065. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.
SEC. 8066. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8067. The Secretary of Defense shall provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8068. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation ac-
counts of the Department of Defense which are current when the refunds are received.

**Sec. 8069. (a) Registering Financial Management Information Technology Systems With DOD Chief Information Officer.—** None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) Certifications as to Compliance With Financial Management Modernization Plan.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A ap-
proval, Milestone B approval, or full rate production, or their equivalent, within the Department of De-
fense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that
the system is being developed and managed in ac-
cordance with the Department’s Financial Manage-
ment Modernization Plan. The Under Secretary of
Defense (Comptroller) may require additional certifi-
cations, as appropriate, with respect to any such sys-
tem.

(2) The Chief Information Officer shall provide
the congressional defense committees timely notifica-
tion of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH
CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major
automated information system may not receive Mile-
stone A approval, Milestone B approval, or full rate
production approval, or their equivalent, within the
Department of Defense until the Chief Information
Officer certifies, with respect to that milestone, that
the system is being developed in accordance with the
The Chief Information Officer may require addi-
tional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department’s Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term “Chief Information Officer” means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term “information technology system” has the meaning given the term “information tech-
nology” in section 5002 of the Clinger-Cohen Act of

SEC. 8070. During the current fiscal year, none of
the funds available to the Department of Defense may be
used to provide support to another department or agency
of the United States if such department or agency is more
than 90 days in arrears in making payment to the Depart-
ment of Defense for goods or services previously provided
to such department or agency on a reimbursable basis:
Provided, That this restriction shall not apply if the de-
partment is authorized by law to provide support to such
department or agency on a nonreimbursable basis, and is
providing the requested support pursuant to such author-
ity: Provided further, That the Secretary of Defense may
waive this restriction on a case-by-case basis by certifying
in writing to the Committees on Appropriations of the
House of Representatives and the Senate that it is in the
national security interest to do so.

SEC. 8071. None of the funds provided in this Act
may be used to transfer to any nongovernmental entity
ammunition held by the Department of Defense that has
a center-fire cartridge and a United States military no-
menclature designation of “armor penetrator”, “armor
piercing (AP)”, “armor piercing incendiary (API)”, or
“armor-piercing incendiary-tracer (API–T)”, except to an
entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8072. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8073. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the
drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8074. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system’s modernization program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8075. (a) Of the amounts appropriated in this Act under the heading, “Research, Development, Test and Evaluation, Defense-Wide”, $90,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is
authorized to transfer such funds to other activities of the
Federal Government.

(b) Of the amounts appropriated in this Act under the heading, “Operation and Maintenance, Army”, $147,900,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8076. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–
208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
tinue in effect to apply to disbursements that are made
by the Department of Defense in fiscal year 2006.

Sec. 8077. In addition to amounts provided else-
where in this Act, $2,500,000 is hereby appropriated to
the Department of Defense, to remain available for obliga-
tion until expended: Provided, That notwithstanding any
other provision of law, these funds shall be available only
for a grant to the Fisher House Foundation, Inc., only
for the construction and furnishing of additional Fisher
Houses to meet the needs of military family members
when confronted with the illness or hospitalization of an
eligible military beneficiary.

Sec. 8078. Amounts appropriated in title II of this
Act are hereby reduced by $264,630,000 to reflect savings
attributable to efficiencies and management improvements
in the funding of miscellaneous or other contracts in the
military departments, as follows:

(1) From “Operation and Maintenance, Army”,
$12,734,000.

(2) From “Operation and Maintenance, Navy”,
$91,725,000.

(3) From “Operation and Maintenance, Marine
Corps”, $1,870,000.
(4) From “Operation and Maintenance, Air Force”, $158,301,000.

Sec. 8079. The total amount appropriated or otherwise made available in this Act is hereby reduced by $167,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

“Operation and Maintenance, Army”, $24,000,000; “Operation and Maintenance, Navy”, $19,000,000; “Operation and Maintenance, Air Force”, $74,000,000; and “Operation and Maintenance, Defense-Wide”, $50,000,000.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8080. Of the amounts appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, $77,616,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $15,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel’s defense requirements, consistent with each nation’s laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the pro-
curement of weapons and equipment, to be merged with
and to be available for the same time period and the same
purposes as the appropriation to which transferred: Pro-
vided further, That the transfer authority provided under
this provision is in addition to any other transfer authority
contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8081. Of the amounts appropriated in this Act
under the heading “Shipbuilding and Conversion, Navy”,
$394,523,000 shall be available until September 30, 2006,
to fund prior year shipbuilding cost increases: Provided,
That upon enactment of this Act, the Secretary of the
Navy shall transfer such funds to the following appropria-
tions in the amounts specified: Provided further, That the
amounts transferred shall be merged with and be available
for the same purposes as the appropriations to which
transferred:

To: Under the heading, “Shipbuilding and Conver-
sion, Navy, 1998/2007”:

NSSN, $28,000,000.

Under the heading, “Shipbuilding and Conver-
sion, Navy, 1999/2009”:

LPD–17 Amphibious Transport Dock Ship,
$25,000,000; and

NSSN, $72,000,000.

LPD–17 Amphibious Transport Dock Ship, $41,800,000.


Carrier Replacement Program, $145,023,000; and

NSSN, $82,700,000.

SEC. 8082. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8083. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.
(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

Sec. 8084. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

Sec. 8085. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

Sec. 8086. The amounts appropriated in title II of this Act are hereby reduced by $250,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From “Operation and Maintenance, Army”, $107,000,000.

(2) From “Operation and Maintenance, Air Force”, $143,000,000.

Sec. 8087. (a) In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for “Operation and Maintenance, Army National Guard”. Such
amount shall be made available to the Secretary of the
Army only to make a grant in the amount of $6,000,000
to the entity specified in subsection (b) to facilitate access
by veterans to opportunities for skilled employment in the
construction industry.

(b) The entity referred to in subsection (a) is the
Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-oper-
ation committee provided for by section 302(e)(9) of the
186(e)(9)), for the purposes set forth in section 6(b) of
the Labor Management Cooperation Act of 1978 (29

SEC. 8088. FINANCING AND FIELDING OF KEY ARMY
CAPABILITIES.—The Department of Defense and the De-
partment of the Army shall make future budgetary and
programming plans to fully finance the Non-Line of Sight
Future Force cannon and resupply vehicle program
(NLOS–C) in order to field this system in fiscal year
2010, consistent with the broader plan to field the Future
Combat System (FCS) in fiscal year 2010: Provided, That
if the Army is precluded from fielding the FCS program
by fiscal year 2010, then the Army shall develop the
NLOS–C independent of the broader FCS development
timeline to achieve fielding by fiscal year 2010. In addition
the Army will deliver eight (8) combat operational pre-
production NLOS–C systems by the end of calendar year
2008. These systems shall be in addition to those systems
necessary for developmental and operational testing: Pro-
vided further, That the Army shall ensure that budgetary
and programmatic plans will provide for no fewer than
seven (7) Stryker Brigade Combat Teams.

Sec. 8089. In addition to the amounts appropriated
or otherwise made available elsewhere in this Act,
$14,400,000 is hereby appropriated to the Department of
Defense, to remain available until September 30, 2006:
Provided, That the Secretary of Defense shall make grants
in the amounts specified as follows: $4,500,000 to the In-
trepid Sea-Air-Space Foundation; $1,000,000 to the Pen-
tagon Memorial Fund, Inc.; $4,400,000 to the Center for
Applied Science and Technologies at Jordan Valley Inno-
vation Center; $1,000,000 to the Vietnam Veterans Mem-
orial Fund for the Teach Vietnam initiative; $500,000
for the Westchester County World Trade Center Memo-
rial; $1,000,000 for the Women in Military Service for
America Memorial Foundation; and $2,000,000 to the
Presidio Trust.

Sec. 8090. None of the funds appropriated in this
Act under the heading “Overseas Contingency Operations
Transfer Account” may be transferred or obligated for
Department of Defense expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the “Overseas Contingency Operations Transfer Account”: Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

Sec. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

Sec. 8092. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Main-
tenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8093. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8094. Of the amounts provided in title II of this Act under the heading, “Operation and Maintenance, Defense-Wide”, $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund
the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8095. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8096. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8097. (a) From within amounts made available in title II of this Act under the heading “Operation and
Maintenance, Army” $4,500,000 is only for an additional amount for the project for which funds were appropriated in section 8103 of Public Law 106–79, for the same purposes, which shall remain available until expended: Provided, That no funds in this or any other Act, nor non-appropriated funds, may be used to operate recreational facilities (such as the officers club, golf course, or bowling alleys) at Ft. Irwin, California, if such facilities provide services to Army officers of the grade O–7 or higher, until such time as the project in the previous proviso has been fully completed.

(b) From within amounts made available in title II of this Act under the heading “Operation and Maintenance, Marine Corps”, the Secretary of the Navy shall make a grant in the amount of $2,000,000, notwithstanding any other provision of law, to the City of Twentynine Palms, California, for the widening of off-base Adobe Road, which is used by members of the Marine Corps stationed at the Marine Corps Air Ground Task Force Training Center, Twentynine Palms, California, and their dependents, and for construction of pedestrian and bike lanes for the road, to provide for the safety of the Marines stationed at the installation.

Sec. 8098. (a) At the time members of reserve components of the Armed Forces are called or ordered to ac-
tive duty under section 12302(a) of title 10, United States
Code, each member shall be notified in writing of the ex-
pected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the require-
ments of subsection (a) in any case in which the Secretary
determines that it is necessary to do so to respond to a
national security emergency or to meet dire operational
requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8099. The Secretary of the Navy may transfer
funds from any available Department of the Navy appro-
priation to any available Navy ship construction appro-
priation for the purpose of liquidating necessary changes
resulting from inflation, market fluctuations, or rate ad-
justments for any ship construction program appropriated
in law: Provided, That the Secretary may transfer not to
exceed $100,000,000 under the authority provided by this
section: Provided further, That the funding transferred
shall be available for the same time period as the appro-
priation to which transferred: Provided further, That the
Secretary may not transfer any funds until 30 days after
the proposed transfer has been reported to the Committee
on Appropriations of the Senate and the House of Rep-
resentatives, unless sooner notified by the Committees
that there is no objection to the proposed transfer: Pro-
vided further, That the transfer authority provided by this
section is in addition to any other transfer authority contained elsewhere in this Act.

Sec. 8100. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $147,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

Sec. 8101. Of the funds appropriated or otherwise made available in this Act, a reduction of $176,500,000 is hereby taken from title III, Procurement, from the following accounts in the specified amounts:

“Missile Procurement, Army”, $9,000,000;
“Other Procurement, Army”, $112,500,000; and
“Procurement, Marine Corps”, $55,000,000:

Provided: That within 30 days of enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within these accounts.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8102. (a) Three-Year Extension.—During the current fiscal year and each of fiscal years 2007 and
2008, the Secretary of Defense may transfer not more
than $20,000,000 of unobligated balances remaining in
the expiring RDT&E, Army, appropriation account to a
current Research, Development, Test and Evaluation,
Army, appropriation account to be used only for the con-
tinuation of the Army Venture Capital Fund demonstra-
tion.

(b) Expiring RDT&E, Army, Account.—For pur-
poses of this section, for any fiscal year, the expiring
RDT&E, Army, account is the Research, Development,
Test and Evaluation, Army, appropriation account that is
then in its last fiscal year of availability for obligation be-
fore the account closes under section 1552 of title 31,
United States Code.

(c) Army Venture Capital Fund Demonstra-
tion.—For purposes of this section, the Army Venture
Capital Fund demonstration is the program for which
funds were initially provided in section 8150 of the De-
partment of Defense Appropriations Act, 2002 (division
A of Public Law 107–117; 115 Stat. 2281), as extended
and revised in section 8105 of Department of Defense Ap-
1562).

(d) Administrative Provisions.—The provisos in
section 8105 of the Department of Defense Appropriations
Act, 2003 (Public Law 107–248; 116 Stat. 1562), shall apply with respect to amounts transferred under this section in the same manner as to amounts transferred under that section.

**TITLE IX—ADDITIONAL APPROPRIATIONS**

**MILITARY PERSONNEL**

**MILITARY PERSONNEL, ARMY**

For an additional amount for “Military Personnel, Army”, $5,877,400,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**MILITARY PERSONNEL, NAVY**

For an additional amount for “Military Personnel, Navy”, $282,000,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**MILITARY PERSONNEL, MARINE CORPS**

For an additional amount for “Military Personnel, Marine Corps”, $667,800,000: Provided, That the amount
provided under this heading is designated as making ap-
propriations for contingency operations related to the
global war on terrorism pursuant to section 402 of H.
Con. Res. 95 (109th Congress), the concurrent resolution
on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel,
Air Force”, $982,800,000: Provided, That the amount pro-
vided under this heading is designated as making ap-
propriations for contingency operations related to the
global war on terrorism pursuant to section 402 of H.
Con. Res. 95 (109th Congress), the concurrent resolution
on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel,
Army”, $138,755,000: Provided, That the amount pro-
vided under this heading is designated as making appro-
priations for contingency operations related to the global
war on terrorism pursuant to section 402 of H. Con. Res.
95 (109th Congress), the concurrent resolution on the
budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Per-
sonnel, Army”, $67,000,000: Provided, That the amount pro-
vided under this heading is designated as making ap-
appropriations for contingency operations related to the
global war on terrorism pursuant to section 402 of H.
Con. Res. 95 (109th Congress), the concurrent resolution
on the budget for fiscal year 2006.

 OPERATION AND MAINTENANCE

 OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Main-
tenance, Army”, $20,398,450,000: Provided, That the
amount provided under this heading is designated as mak-
ing appropriations for contingency operations related to
the global war on terrorism pursuant to section 402 of
H. Con. Res. 95 (109th Congress), the concurrent resolu-
tion on the budget for fiscal year 2006.

 OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Main-
tenance, Navy”, $1,907,800,000: Provided, That the
amount provided under this heading is designated as mak-
ing appropriations for contingency operations related to
the global war on terrorism pursuant to section 402 of
H. Con. Res. 95 (109th Congress), the concurrent resolu-
tion on the budget for fiscal year 2006.

 OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Main-
tenance, Marine Corps”, $1,827,150,000: Provided, That
the amount provided under this heading is designated as
making appropriations for contingency operations related
to the global war on terrorism pursuant to section 402
of H. Con. Res. 95 (109th Congress), the concurrent reso-
lation on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Main-
tenance, Air Force”, $3,559,900,000: Provided, That the
amount provided under this heading is designated as mak-
ing appropriations for contingency operations related to
the global war on terrorism pursuant to section 402 of
H. Con. Res. 95 (109th Congress), the concurrent resolu-
tion on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Main-
tenance, Defense-Wide”, $826,000,000: Provided, That
the amount provided under this heading is designated as
making appropriations for contingency operations related
to the global war on terrorism pursuant to section 402
of H. Con. Res. 95 (109th Congress), the concurrent resolu-
tion on the budget for fiscal year 2006.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Iraq Freedom Fund”,
$3,500,000,000, to remain available for transfer until
September 30, 2007, only to support operations in Iraq
or Afghanistan and classified activities: Provided, That the
Secretary of Defense may transfer the funds provided
herein to appropriations for military personnel; operation
and maintenance; Overseas Humanitarian, Disaster, and
Civic Aid; procurement; research, development, test and
evaluation; and working capital funds: Provided further,
That of the amounts provided under this heading, not less
than $2,500,000,000 shall be for classified programs,
which shall be in addition to amounts provided for else-
where in this Act: Provided further, That funds trans-
ferred shall be merged with and be available for the same
purposes and for the same time period as the appropria-
tion or fund to which transferred: Provided further, That
this transfer authority is in addition to any other transfer
authority available to the Department of Defense: Pro-
vided further, That upon a determination that all or part
of the funds transferred from this appropriation are not
necessary for the purposes provided herein, such amounts
may be transferred back to this appropriation: Provided
further, That the Secretary of Defense shall, not fewer
than 5 days prior to making transfers from this appropria-
tion, notify the congressional defense committees in writ-
ing of the details of any such transfer: Provided further,
That the Secretary shall submit a report no later than
30 days after the end of each fiscal quarter to the congres-
sional defense committees summarizing the details of the
transfer of funds from this appropriation: Provided fur-
ther, That the amount provided under this heading is des-
ignated as making appropriations for contingency oper-
ations related to the global war on terrorism pursuant to
section 402 of H. Con. Res. 95 (109th Congress), the con-
current resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Main-
tenance, Army Reserve”, $35,700,000: Provided, That the
amount provided under this heading is designated as mak-
ing appropriations for contingency operations related to
the global war on terrorism pursuant to section 402 of
H. Con. Res. 95 (109th Congress), the concurrent resolu-
tion on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For an additional amount for “Operation and Main-
tenance, Marine Corps Reserve”, $23,950,000: Provided,
That the amount provided under this heading is des-
ignated as making appropriations for contingency oper-
ations related to the global war on terrorism pursuant to
section 402 of H. Con. Res. 95 (109th Congress), the con-
current resolution on the budget for fiscal year 2006.
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Operation and Maintenance, Army National Guard

For an additional amount for “Operation and Maintenance, Army National Guard”, $159,500,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $455,427,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Army

For an additional amount for “Procurement of Ammunition, Army”, $13,900,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as making appropriations
for contingency operations related to the global war on ter-
rorism pursuant to section 402 of H. Con. Res. 95 (109th
Congress), the concurrent resolution on the budget for fis-
cal year 2006.

**Other Procurement, Army**

For an additional amount for “Other Procurement, Army”, $1,501,270,000, to remain available until Sep-
tember 30, 2008: *Provided,* That of the amount provided
in this paragraph, not less than $200,370,000 shall be
available only for the Army Reserve: *Provided further,*
That the amount provided under this heading is des-
ignated as making appropriations for contingency oper-
ations related to the global war on terrorism pursuant to
section 402 of H. Con. Res. 95 (109th Congress), the con-
current resolution on the budget for fiscal year 2006.

**Weapons Procurement, Navy**

For an additional amount for “Weapons Procure-
ment, Navy”, $81,696,000, to remain available until Sep-
tember 30, 2008: *Provided,* That the amount provided
under this heading is designated as making appropriations
for contingency operations related to the global war on ter-
rorism pursuant to section 402 of H. Con. Res. 95 (109th
Congress), the concurrent resolution on the budget for fis-
cal year 2006.
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $144,721,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Navy

For an additional amount for “Other Procurement, Navy”, $48,800,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Marine Corps

For an additional amount for “Procurement, Marine Corps”, $389,900,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on ter-
rorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For an additional amount for “Aircraft Procurement, Air Force”, $115,300,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**OTHER PROCUREMENT, AIR FORCE**

For an additional amount for “Other Procurement, Air Force”, $2,400,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**PROCUREMENT, DEFENSE-WIDE**

For an additional amount for “Procurement, Defense-Wide”, $103,900,000, to remain available until September 30, 2008: Provided, That the amount provided
under this heading is designated as making appropriations
for contingency operations related to the global war on ter-
rorism pursuant to section 402 of H. Con. Res. 95 (109th
Congress), the concurrent resolution on the budget for fis-
cal year 2006.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
NAVY

For an additional amount for “Research, Develop-
ment, Test and Evaluation, Navy”, $13,100,000, to re-
main available until September 30, 2007: Provided, That
the amount provided under this heading is designated as
making appropriations for contingency operations related
to the global war on terrorism pursuant to section 402
of H. Con. Res. 95 (109th Congress), the concurrent reso-
lution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
DEFENSE-WIDE

For an additional amount for “Research, Develop-
ment, Test and Evaluation, Defense-Wide”, $75,000,000,
to remain available until September 30, 2007: Provided,
That the amount provided under this heading is des-
ignated as making appropriations for contingency oper-
ations related to the global war on terrorism pursuant to
section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, $2,055,000,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS, TITLE IX

Sec. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

Sec. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

Sec. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided
further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act: Provided further, That the amounts transferred under the authority of this section are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Sec. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

Sec. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 or 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.
SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. (a) Fiscal Year 2006 Authority.—During the current fiscal year, from funds made available to the Department of Defense for operation and maintenance pursuant to title IX, not to exceed $500,000,000 may be used by the Secretary of Defense to provide funds—
(1) for the Commanders’ Emergency Response Program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes stated in subsection (a).

(c) LIMITATION ON USE OF FUNDS.—Funds authorized for the Commanders’ Emergency Response Program by this section may not be used to provide goods, services, or funds to national armies, national guard forces, border security forces, civil defense forces, infrastructure protection forces, highway patrol units, police, special police, or intelligence or other security forces.
(d) Secretary of Defense Guidance.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the commander of the United States Central Command detailed guidance concerning the types of activities for which United States military commanders in Iraq may use funds under the Commanders’ Emergency Response Program to respond to urgent relief and reconstruction requirements and the terms under which such funds may be expended. The Secretary shall simultaneously provide a copy of that guidance to the congressional defense committees.

Sec. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

Sec. 9009. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the
policies of the United States Government or the values of
the people of the United States.

Sec. 9010. The reporting requirements of section
9010 of Public Law 108–287 regarding the military oper-
ations of the Armed Forces and the reconstruction activi-
ties of the Department of Defense in Iraq and Afghanistan
shall apply to the funds appropriated in this Act.

Sec. 9011. The Secretary of Defense may present
promotional materials, including a United States flag, to
any member of an Active or Reserve component under the
Secretary’s jurisdiction who, as determined by the Sec-
retary, participates in Operation Enduring Freedom or
Operation Iraqi Freedom.

Sec. 9012. Sense of Congress and Report Con-
cerning Inappropriate Proselytizing of United
States Air Force Academy Cadets.—

(a) Sense of Congress.—It is the sense of Con-
gress that—

(1) the expression of personal religious faith is
welcome in the United States military, but coercive
and abusive religious proselytizing at the United
States Air Force Academy by officers assigned to
duty at the Academy and others in the chain-of-com-
mand at the Academy, as has been reported is in-
consistent with the professionalism and standards required of those who serve at the Academy;

(2) the military must be a place of tolerance for all faiths and backgrounds; and

(3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy the inappropriate proselytizing of cadets at the Air Force Academy.

(b) REPORT ON PLAN.—

(1) PLAN.—The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the plan developed pursuant to
paragraph (1). The Secretary shall include in the report information on the circumstances surrounding the removal of Air Force Captain Melinda Morton from her position at the Air Force Academy on May 4, 2005.

This Act may be cited as the “Department of Defense Appropriations Act, 2006”.
A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

June 10, 2005

Commited to the Committee of the Whole House on the State of the Union and ordered to be printed.

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