

Calendar No. 230

109TH CONGRESS
1ST SESSION**H.R. 2863**

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2005

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 28, 2005

Reported by Mr. STEVENS, with an amendment

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

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That the following sums are appropriated, out of any~~
4 ~~money in the Treasury not otherwise appropriated, for the~~
5 ~~fiscal year ending September 30, 2006, for military func-~~
6 ~~tions administered by the Department of Defense and for~~
7 ~~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,

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$19,417,696,000.

3 ~~MILITARY PERSONNEL, MARINE CORPS~~

4 ~~For pay, allowances, individual clothing, subsistence,~~
5 ~~interest on deposits, gratuities, permanent change of sta-~~
6 ~~tion travel (including all expenses thereof for organiza-~~
7 ~~tional movements), and expenses of temporary duty travel~~
8 ~~between permanent duty stations, for members of the Ma-~~
9 ~~rine Corps on active duty (except members of the Reserve~~
10 ~~provided for elsewhere); and for payments pursuant to sec-~~
11 ~~tion 156 of Public Law 97-377, as amended (42 U.S.C.~~
12 ~~402 note), and to the Department of Defense Military Re-~~
13 ~~tirement Fund, \$7,839,813,000.~~

14 ~~MILITARY PERSONNEL, AIR FORCE~~

15 ~~For pay, allowances, individual clothing, subsistence,~~
16 ~~interest on deposits, gratuities, permanent change of sta-~~
17 ~~tion travel (including all expenses thereof for organiza-~~
18 ~~tional movements), and expenses of temporary duty travel~~
19 ~~between permanent duty stations, for members of the Air~~
20 ~~Force on active duty (except members of reserve compo-~~
21 ~~nents provided for elsewhere), cadets, and aviation cadets;~~
22 ~~for members of the Reserve Officers' Training Corps; and~~
23 ~~for payments pursuant to section 156 of Public Law 97-~~
24 ~~377, as amended (42 U.S.C. 402 note), and to the Depart-~~

1 ment of Defense Military Retirement Fund,
2 \$20,083,037,000.

3 ~~RESERVE PERSONNEL, ARMY~~

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$2,862,103,000.

16 ~~RESERVE PERSONNEL, NAVY~~

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Navy Re-
19 serve on active duty under section 10211 of title 10,
20 United States Code, or while serving on active duty under
21 section 12301(d) of title 10, United States Code, in con-
22 nection with performing duty specified in section 12310(a)
23 of title 10, United States Code, or while undergoing re-
24 serve training, or while performing drills or equivalent
25 duty, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,486,061,000.

4 **RESERVE PERSONNEL, MARINE CORPS**

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$472,392,000.

18 **RESERVE PERSONNEL, AIR FORCE**

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,225,360,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Army Na-
9 tional Guard while on duty under section 10211, 10302,
10 or 12402 of title 10 or section 708 of title 32, United
11 States Code, or while serving on duty under section
12 12301(d) of title 10 or section 502(f) of title 32, United
13 States Code, in connection with performing duty specified
14 in section 12310(a) of title 10, United States Code, or
15 while undergoing training, or while performing drills or
16 equivalent duty or other duty, and expenses authorized by
17 section 16131 of title 10, United States Code; and for pay-
18 ments to the Department of Defense Military Retirement
19 Fund, \$4,359,704,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Air Na-
23 tional Guard on duty under section 10211, 10305, or
24 12402 of title 10 or section 708 of title 32, United States
25 Code, or while serving on duty under section 12301(d) of

1 title 10 or section 502(f) of title 32, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going training, or while performing drills or equivalent
5 duty or other duty, and expenses authorized by section
6 16131 of title 10, United States Code; and for payments
7 to the Department of Defense Military Retirement Fund,
8 \$2,028,215,000.

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Army, as author-
15 ized by law; and not to exceed \$11,478,000 can be used
16 for emergencies and extraordinary expenses, to be ex-
17 pended on the approval or authority of the Secretary of
18 the Army; and payments may be made on his certificate
19 of necessity for confidential military purposes,
20 ~~\$22,432,727,000~~: *Provided*, That of funds made available
21 under this heading, \$2,500,000 shall be available for Fort
22 Baker, in accordance with the terms and conditions as
23 provided under the heading “Operation and Maintenance,
24 Army”, in Public Law 107–117.

1 OPERATION AND MAINTENANCE, NAVY

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Navy and the
4 Marine Corps, as authorized by law; and not to exceed
5 \$6,003,000 can be used for emergencies and extraordinary
6 expenses, to be expended on the approval or authority of
7 the Secretary of the Navy, and payments may be made
8 on his certificate of necessity for confidential military pur-
9 poses, \$28,719,818,000.

10 OPERATION AND MAINTENANCE, MARINE CORPS

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

14 OPERATION AND MAINTENANCE, AIR FORCE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Air Force, as
17 authorized by law; and not to exceed \$7,699,000 can be
18 used for emergencies and extraordinary expenses, to be ex-
19 pended on the approval or authority of the Secretary of
20 the Air Force, and payments may be made on his certifi-
21 cate of necessity for confidential military purposes,
22 \$28,659,373,000.

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance of activities and agen-
5 cies of the Department of Defense (other than the military
6 departments), as authorized by law, ~~\$18,323,516,000~~:
7 *Provided*, That not more than \$25,000,000 may be used
8 for the Combatant Commander Initiative Fund authorized
9 under section 166a of title 10, United States Code, and
10 of which not to exceed \$40,000,000 can be used for emer-
11 gencies and extraordinary expenses, to be expended on the
12 approval or authority of the Secretary of Defense, and
13 payments may be made on his certificate of necessity for
14 confidential military purposes: *Provided further*, That not-
15 withstanding any other provision of law, of the funds pro-
16 vided in this Act for Civil Military programs under this
17 heading, \$500,000 shall be available for a grant for Out-
18 door Odyssey, Roaring Run, Pennsylvania, to support the
19 Youth Development and Leadership program and Depart-
20 ment of Defense STARBASE program: *Provided further*,
21 That of the funds made available under this heading,
22 \$5,000,000 is available for contractor support to coordi-
23 nate a wind test demonstration project on an Air Force
24 installation using wind turbines manufactured in the
25 United States that are new to the United States market

1 and to execute the renewable energy purchasing plan: *Pro-*
2 *vided further*, That none of the funds appropriated or oth-
3 erwise made available by this Act may be used to plan
4 or implement the consolidation of a budget or appropria-
5 tions liaison office of the Office of the Secretary of De-
6 fense, the office of the Secretary of a military department,
7 or the service headquarters of one of the Armed Forces
8 into a legislative affairs or legislative liaison office: *Pro-*
9 *vided further*, That \$4,000,000, to remain available until
10 expended, is available only for expenses relating to certain
11 classified activities, and may be transferred as necessary
12 by the Secretary to operation and maintenance appropria-
13 tions or research, development, test and evaluation appro-
14 priations, to be merged with and to be available for the
15 same time period as the appropriations to which trans-
16 ferred: *Provided further*, That any ceiling on the invest-
17 ment item unit cost of items that may be purchased with
18 operation and maintenance funds shall not apply to the
19 funds described in the preceding proviso: *Provided further*,
20 That the transfer authority provided under this heading
21 is in addition to any other transfer authority provided else-
22 where in this Act.

23 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance, including training, or-

1 ganization, and administration, of the Army Reserve; re-
2 pair of facilities and equipment; hire of passenger motor
3 vehicles; travel and transportation; care of the dead; re-
4 cruiting; procurement of services, supplies, and equip-
5 ment; and communications, \$1,791,212,000.

6 OPERATION AND MAINTENANCE, NAVY RESERVE

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance, including training, or-
9 ganization, and administration, of the Navy Reserve; re-
10 pair of facilities and equipment; hire of passenger motor
11 vehicles; travel and transportation; care of the dead; re-
12 cruiting; procurement of services, supplies, and equip-
13 ment; and communications, \$1,178,607,000.

14 OPERATION AND MAINTENANCE, MARINE CORPS

15 RESERVE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance, including training, or-
18 ganization, and administration, of the Marine Corps Re-
19 serve; repair of facilities and equipment; hire of passenger
20 motor vehicles; travel and transportation; care of the dead;
21 recruiting; procurement of services, supplies, and equip-
22 ment; and communications, \$199,929,000.

23 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance, including training, or-

1 ganization, and administration, of the Air Force Reserve;
2 repair of facilities and equipment; hire of passenger motor
3 vehicles; travel and transportation; care of the dead; re-
4 cruiting; procurement of services, supplies, and equip-
5 ment; and communications, \$2,465,122,000.

6 OPERATION AND MAINTENANCE, ARMY NATIONAL

7 GUARD

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

23 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

24 For expenses of training, organizing, and admin-
25 istering the Air National Guard, including medical and

1 hospital treatment and related expenses in non-Federal
2 hospitals; maintenance, operation, and repairs to struc-
3 tures and facilities; transportation of things; hire of pas-
4 senger motor vehicles; supplying and equipping the Air
5 National Guard, as authorized by law; expenses for repair,
6 modification, maintenance, and issue of supplies and
7 equipment, including those furnished from stocks under
8 the control of agencies of the Department of Defense;
9 travel expenses (other than mileage) on the same basis as
10 authorized by law for Air National Guard personnel on
11 active Federal duty, for Air National Guard commanders
12 while inspecting units in compliance with National Guard
13 Bureau regulations when specifically authorized by the
14 Chief, National Guard Bureau, \$4,547,515,000.

15 OVERSEAS CONTINGENCY OPERATIONS TRANSFER

16 ACCOUNT

17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses directly relating to Overseas Contingency
19 Operations by United States military forces,
20 \$20,000,000, to remain available until expended: *Pro-*
21 *vided*, That the Secretary of Defense may transfer these
22 funds only to military personnel accounts; operation and
23 maintenance accounts within this title; procurement ac-
24 counts; research, development, test and evaluation ac-
25 counts; and to working capital funds: *Provided further*,

1 That the funds transferred shall be merged with and shall
2 be available for the same purposes and for the same time
3 period, as the appropriation to which transferred: *Pro-*
4 *vided further*, That upon a determination that all or part
5 of the funds transferred from this appropriation are not
6 necessary for the purposes provided herein, such amounts
7 may be transferred back to this appropriation: *Provided*
8 *further*, That the transfer authority provided in this para-
9 graph is in addition to any other transfer authority con-
10 tained elsewhere in this Act.

11 UNITED STATES COURT OF APPEALS FOR THE ARMED
12 FORCES

13 For salaries and expenses necessary for the United
14 States Court of Appeals for the Armed Forces,
15 \$11,236,000, of which not to exceed \$5,000 may be used
16 for official representation purposes.

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 2557, and 2561 of title 10, United
22 States Code), \$61,546,000, to remain available until Sep-
23 tember 30, 2007.

1 FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

2 For assistance to the republics of the former Soviet
3 Union, including assistance provided by contract or by
4 grants, for facilitating the elimination and the safe and
5 secure transportation and storage of nuclear, chemical and
6 other weapons; for establishing programs to prevent the
7 proliferation of weapons, weapons components, and weap-
8 on-related technology and expertise; for programs relating
9 to the training and support of defense and military per-
10 sonnel for demilitarization and protection of weapons,
11 weapons components and weapons technology and exper-
12 tise; and for defense and military contacts, \$415,549,000,
13 to remain available until September 30, 2008.

14 TITLE III

15 PROCUREMENT

16 AIRCRAFT PROCUREMENT, ARMY

17 For construction, procurement, production, modifica-
18 tion, and modernization of aircraft, equipment, including
19 ordnance, ground handling equipment, spare parts, and
20 accessories therefor; specialized equipment and training
21 devices; expansion of public and private plants, including
22 the land necessary therefor, for the foregoing purposes,
23 and such lands and interests therein, may be acquired,
24 and construction prosecuted thereon prior to approval of
25 title; and procurement and installation of equipment, ap-

1 pliances, and machine tools in public and private plants;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes, \$2,879,380,000, to remain available
5 for obligation until September 30, 2008, of which
6 \$203,500,000 shall be available for the Army National
7 Guard and Army Reserve: *Provided*, That \$75,000,000 of
8 the funds provided in this paragraph are available only
9 for the purpose of acquiring four (4) HH-60L medical
10 evacuation variant Blackhawk helicopters for the C/1-
11 159th Aviation Regiment (Army Reserve): *Provided fur-*
12 *ther*, That three (3) UH-60 Blackhawk helicopters in ad-
13 dition to those referred to in the preceding proviso shall
14 be available only for the C/1-159th Aviation Regiment
15 (Army Reserve).

16 **MISSILE PROCUREMENT, ARMY**

17 For construction, procurement, production, modifica-
18 tion, and modernization of missiles, equipment, including
19 ordnance, ground handling equipment, spare parts, and
20 accessories therefor; specialized equipment and training
21 devices; expansion of public and private plants, including
22 the land necessary therefor, for the foregoing purposes,
23 and such lands and interests therein, may be acquired,
24 and construction prosecuted thereon prior to approval of
25 title; and procurement and installation of equipment, ap-

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities; au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,753,152,000, to remain
15 available for obligation until September 30, 2008, of which
16 \$119,000,000 shall be available for the Army National
17 Guard and Army Reserve.

18 OTHER PROCUREMENT, ARMY

19 For construction, procurement, production, and
20 modification of vehicles, including tactical, support, and
21 non-tracked combat vehicles; the purchase of passenger
22 motor vehicles for replacement only; communications and
23 electronic equipment; other support equipment; spare
24 parts, ordnance, and accessories therefor; specialized
25 equipment and training devices; expansion of public and

1 private plants, including the land necessary therefor, for
2 the foregoing purposes, and such lands and interests
3 therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; and procurement and
5 installation of equipment, appliances, and machine tools
6 in public and private plants; reserve plant and Govern-
7 ment and contractor-owned equipment layaway; and other
8 expenses necessary for the foregoing purposes,
9 \$4,491,634,000, to remain available for obligation until
10 September 30, 2008, of which \$765,400,000 shall be
11 available for the Army National Guard and Army Reserve.

12 AIRCRAFT PROCUREMENT, NAVY

13 For construction, procurement, production, modifica-
14 tion, and modernization of aircraft, equipment, including
15 ordnance, spare parts, and accessories therefor; specialized
16 equipment; expansion of public and private plants, includ-
17 ing the land necessary therefor, and such lands and inter-
18 ests therein, may be acquired, and construction prosecuted
19 thereon prior to approval of title; and procurement and
20 installation of equipment, appliances, and machine tools
21 in public and private plants; reserve plant and Govern-
22 ment and contractor-owned equipment layaway,
23 \$9,776,440,000, to remain available for obligation until
24 September 30, 2008, of which \$57,779,000 shall be avail-
25 able for the Navy Reserve and the Marine Corps Reserve.

1 WEAPONS PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of missiles, torpedoes, other weap-
4 ons, and related support equipment including spare parts,
5 and accessories therefor; expansion of public and private
6 plants, including the land necessary therefor, and such
7 lands and interests therein, may be acquired, and con-
8 struction prosecuted thereon prior to approval of title; and
9 procurement and installation of equipment, appliances,
10 and machine tools in public and private plants; reserve
11 plant and Government and contractor-owned equipment
12 layaway, \$2,596,781,000, to remain available for obliga-
13 tion until September 30, 2008.

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
15 CORPS

16 For construction, procurement, production, and
17 modification of ammunition, and accessories therefor; spe-
18 cialized equipment and training devices; expansion of pub-
19 lic and private plants, including ammunition facilities, au-
20 thorized by section 2854 of title 10, United States Code
21 and the land necessary therefor, for the foregoing pur-
22 poses, and such lands and interests therein, may be ac-
23 quired, and construction prosecuted thereon prior to ap-
24 proval of title; and procurement and installation of equip-
25 ment, appliances, and machine tools in public and private

1 plants; reserve plant and Government and contractor-
2 owned equipment layaway; and other expenses necessary
3 for the foregoing purposes, \$885,170,000, to remain avail-
4 able for obligation until September 30, 2008, of which
5 \$19,562,000 shall be available for the Navy Reserve and
6 Marine Corps Reserve.

7 SHIPBUILDING AND CONVERSION, NAVY

8 For expenses necessary for the construction, acquisi-
9 tion, or conversion of vessels as authorized by law, includ-
10 ing armor and armament thereof, plant equipment, appli-
11 ances, and machine tools and installation thereof in public
12 and private plants; reserve plant and Government and con-
13 tractor-owned equipment layaway; procurement of critical,
14 long leadtime components and designs for vessels to be
15 constructed or converted in the future; and expansion of
16 public and private plants, including land necessary there-
17 for, and such lands and interests therein, may be acquired,
18 and construction prosecuted thereon prior to approval of
19 title, as follows:

20 Carrier Replacement Program (AP), \$564,913,000.

21 Virginia Class Submarine, \$1,637,698,000.

22 Virginia Class Submarine (AP), \$763,786,000.

23 SSGN Conversion, \$286,516,000.

24 CVN Refueling Overhauls, \$1,300,000,000.

25 CVN Refueling Overhauls (AP), \$20,000,000.

1 SSN Engineered Refueling Overhauls (AP),
2 ~~\$39,524,000.~~

3 SSBN Engineered Refueling Overhauls,
4 ~~\$230,193,000.~~

5 SSBN Engineered Refueling Overhauls (AP),
6 ~~\$62,248,000.~~

7 DDG-51 Destroyer, \$1,550,000,000.

8 DDG-51 Destroyer Modernization, \$50,000,000.

9 Littoral Combat Ship, \$440,000,000.

10 LHD-1, \$197,769,000.

11 LPD-17, \$1,344,741,000.

12 LHA-R (AP), \$200,447,000.

13 Service Craft, \$46,000,000.

14 LCAC Service Life Extension Program,
15 ~~\$100,000,000.~~

16 Prior year shipbuilding costs, \$394,523,000.

17 Outfitting, post delivery, conversions, and first des-
18 tination transportation, \$385,000,000.

19 In all: \$9,613,358,000, to remain available for obliga-
20 tion until September 30, 2010: *Provided*, That additional
21 obligations may be incurred after September 30, 2010, for
22 engineering services, tests, evaluations, and other such
23 budgeted work that must be performed in the final stage
24 of ship construction: *Provided further*, That none of the
25 funds provided under this heading for the construction or

1 conversion of any naval vessel to be constructed in ship-
2 yards in the United States shall be expended in foreign
3 facilities for the construction of major components of such
4 vessel: *Provided further*, That none of the funds provided
5 under this heading shall be used for the construction of
6 any naval vessel in foreign shipyards.

7 OTHER PROCUREMENT, NAVY

8 For procurement, production, and modernization of
9 support equipment and materials not otherwise provided
10 for, Navy ordnance (except ordnance for new aircraft, new
11 ships, and ships authorized for conversion); the purchase
12 of passenger motor vehicles for replacement only; expan-
13 sion of public and private plants, including the land nec-
14 essary therefor, and such lands and interests therein, may
15 be acquired, and construction prosecuted thereon prior to
16 approval of title; and procurement and installation of
17 equipment, appliances, and machine tools in public and
18 private plants; reserve plant and Government and con-
19 tractor-owned equipment layaway, \$5,461,196,000, to re-
20 main available for obligation until September 30, 2008,
21 of which \$43,712,000 shall be available for the Navy Re-
22 serve and Marine Corps Reserve.

23 PROCUREMENT, MARINE CORPS

24 For expenses necessary for the procurement, manu-
25 facture, and modification of missiles, armament, military

1 equipment, spare parts, and accessories therefor; plant
2 equipment, appliances, and machine tools, and installation
3 thereof in public and private plants; reserve plant and
4 Government and contractor-owned equipment layaway; ve-
5 hicles for the Marine Corps, including the purchase of pas-
6 senger motor vehicles for replacement only; and expansion
7 of public and private plants, including land necessary
8 therefor, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title, \$1,426,405,000, to remain available for ob-
11 ligation until September 30, 2008.

12 AIRCRAFT PROCUREMENT, AIR FORCE

13 For construction, procurement, and modification of
14 aircraft and equipment, including armor and armament,
15 specialized ground handling equipment, and training de-
16 vices, spare parts, and accessories therefor; specialized
17 equipment; expansion of public and private plants; Gov-
18 ernment-owned equipment and installation thereof in such
19 plants; erection of structures, and acquisition of land, for
20 the foregoing purposes, and such lands and interests
21 therein, may be acquired, and construction prosecuted
22 thereon prior to approval of title; reserve plant and Gov-
23 ernment and contractor-owned equipment layaway; and
24 other expenses necessary for the foregoing purposes in-
25 cluding rents and transportation of things,

1 \$12,424,298,000, to remain available for obligation until
2 September 30, 2008, of which \$380,000,000 shall be
3 available for the Air National Guard and Air Force Re-
4 serve.

5 MISSILE PROCUREMENT, AIR FORCE

6 For construction, procurement, and modification of
7 missiles, spacecraft, rockets, and related equipment, in-
8 cluding spare parts and accessories therefor, ground han-
9 dling equipment, and training devices; expansion of public
10 and private plants, Government-owned equipment and in-
11 stallation thereof in such plants, erection of structures,
12 and acquisition of land, for the foregoing purposes, and
13 such lands and interests therein, may be acquired, and
14 construction prosecuted thereon prior to approval of title;
15 reserve plant and Government and contractor-owned
16 equipment layaway; and other expenses necessary for the
17 foregoing purposes including rents and transportation of
18 things, \$5,062,949,000, to remain available for obligation
19 until September 30, 2008.

20 PROCUREMENT OF AMMUNITION, AIR FORCE

21 For construction, procurement, production, and
22 modification of ammunition, and accessories therefor; spe-
23 cialized equipment and training devices; expansion of pub-
24 lic and private plants, including ammunition facilities, au-
25 thorized by section 2854 of title 10, United States Code,

1 and the land necessary therefor, for the foregoing pur-
2 poses, and such lands and interests therein, may be ac-
3 quired, and construction prosecuted thereon prior to ap-
4 proval of title; and procurement and installation of equip-
5 ment, appliances, and machine tools in public and private
6 plants; reserve plant and Government and contractor-
7 owned equipment layaway; and other expenses necessary
8 for the foregoing purposes, \$1,031,907,000, to remain
9 available for obligation until September 30, 2008, of which
10 \$164,800,000 shall be available for the Air National
11 Guard and Air Force Reserve.

12 OTHER PROCUREMENT, AIR FORCE

13 For procurement and modification of equipment (in-
14 cluding ground guidance and electronic control equipment,
15 and ground electronic and communication equipment),
16 and supplies, materials, and spare parts therefor, not oth-
17 erwise provided for; the purchase of passenger motor vehi-
18 cles for replacement only; lease of passenger motor vehi-
19 cles; and expansion of public and private plants, Govern-
20 ment-owned equipment and installation thereof in such
21 plants, erection of structures, and acquisition of land, for
22 the foregoing purposes, and such lands and interests
23 therein, may be acquired, and construction prosecuted
24 thereon, prior to approval of title; reserve plant and Gov-
25 ernment and contractor-owned equipment layaway,

1 ~~\$13,737,214,000~~, to remain available for obligation until
2 September ~~30~~, 2008, of which ~~\$135,800,000~~ shall be
3 available for the Air National Guard and Air Force Re-
4 serve.

5 PROCUREMENT, DEFENSE-WIDE

6 For expenses of activities and agencies of the Depart-
7 ment of Defense (other than the military departments)
8 necessary for procurement, production, and modification
9 of equipment, supplies, materials, and spare parts there-
10 for, not otherwise provided for; the purchase of passenger
11 motor vehicles for replacement only; expansion of public
12 and private plants, equipment, and installation thereof in
13 such plants, erection of structures, and acquisition of land
14 for the foregoing purposes; and such lands and interests
15 therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; reserve plant and Gov-
17 ernment and contractor-owned equipment layaway,
18 ~~\$2,728,130,000~~, to remain available for obligation until
19 September ~~30~~, 2008.

20 DEFENSE PRODUCTION ACT PURCHASES

21 For activities by the Department of Defense pursuant
22 to sections ~~108~~, ~~301~~, ~~302~~, and ~~303~~ of the Defense Produc-
23 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
24 2093), ~~\$28,573,000~~, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$10,827,174,000 (reduced by
10 \$10,000,000) (increased by \$10,000,000), to remain avail-
11 able for obligation until September 30, 2007.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 NAVY

14 For expenses necessary for basic and applied sci-
15 entific research, development, test and evaluation, includ-
16 ing maintenance, rehabilitation, lease, and operation of fa-
17 cilities and equipment, \$18,481,862,000, to remain avail-
18 able for obligation until September 30, 2007: *Provided,*
19 That funds appropriated in this paragraph which are
20 available for the V-22 may be used to meet unique oper-
21 ational requirements of the Special Operations Forces:
22 *Provided further,* That funds appropriated in this para-
23 graph shall be available for the Cobra Judy program.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$22,664,868,000, to remain avail-
7 able for obligation until September 30, 2007.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments),
12 necessary for basic and applied scientific research, devel-
13 opment, test and evaluation; advanced research projects
14 as may be designated and determined by the Secretary
15 of Defense, pursuant to law; maintenance, rehabilitation,
16 lease, and operation of facilities and equipment,
17 \$19,514,530,000, to remain available for obligation until
18 September 30, 2007.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the independent activities of the Director, Operational
22 Test and Evaluation, in the direction and supervision of
23 operational test and evaluation, including initial oper-
24 ational test and evaluation which is conducted prior to,
25 and in support of, production decisions; joint operational

1 testing and evaluation; and administrative expenses in
2 connection therewith, \$168,458,000, to remain available
3 for obligation until September 30, 2007.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,
8 \$1,154,340,000.

9 NATIONAL DEFENSE SEALIFT FUND

10 For National Defense Sealift Fund programs,
11 projects, and activities, and for expenses of the National
12 Defense Reserve Fleet, as established by section 11 of the
13 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
14 and for the necessary expenses to maintain and preserve
15 a U.S. flag merchant fleet to serve the national security
16 needs of the United States, \$1,599,459,000, to remain
17 available until expended: *Provided*, That none of the funds
18 provided in this paragraph shall be used to award a new
19 contract that provides for the acquisition of any of the
20 following major components unless such components are
21 manufactured in the United States: auxiliary equipment,
22 including pumps, for all shipboard services; propulsion
23 system components (that is; engines, reduction gears, and
24 propellers); shipboard cranes; and spreaders for shipboard
25 cranes: *Provided further*, That the exercise of an option

1 in a contract awarded through the obligation of previously
2 appropriated funds shall not be considered to be the award
3 of a new contract: *Provided further*, That the Secretary
4 of the military department responsible for such procure-
5 ment may waive the restrictions in the first proviso on
6 a case-by-case basis by certifying in writing to the Com-
7 mittees on Appropriations of the House of Representatives
8 and the Senate that adequate domestic supplies are not
9 available to meet Department of Defense requirements on
10 a timely basis and that such an acquisition must be made
11 in order to acquire capability for national security pur-
12 poses.

13 TITLE VI

14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

15 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

16 ARMY

17 For expenses, not otherwise provided for, necessary
18 for the destruction of the United States stockpile of lethal
19 chemical agents and munitions in accordance with the pro-
20 visions of section 1412 of the Department of Defense Au-
21 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
22 struction of other chemical warfare materials that are not
23 in the chemical weapon stockpile, \$1,355,827,000, of
24 which \$1,191,514,000 shall be for Operation and mainte-
25 nance; \$116,527,000 shall be for Procurement to remain

1 available until September 30, 2008; \$47,786,000 shall be
2 for Research, development, test and evaluation to remain
3 available until September 30, 2007; and not less than
4 \$119,300,000 shall be for the Chemical Stockpile Emer-
5 gency Preparedness Program; of which \$36,800,000 shall
6 be for activities on military installations and \$82,500,000
7 shall be to assist State and local governments.

8 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
9 DEFENSE

10 (INCLUDING TRANSFER OF FUNDS)

11 For drug interdiction and counter-drug activities of
12 the Department of Defense; for transfer to appropriations
13 available to the Department of Defense for military per-
14 sonnel of the reserve components serving under the provi-
15 sions of title 10 and title 32, United States Code; for Op-
16 eration and maintenance; for Procurement; and for Re-
17 search, development, test and evaluation; \$906,941,000:
18 *Provided*, That the funds appropriated under this heading
19 shall be available for obligation for the same time period
20 and for the same purpose as the appropriation to which
21 transferred: *Provided further*, That upon a determination
22 that all or part of the funds transferred from this appro-
23 priation are not necessary for the purposes provided here-
24 in, such amounts may be transferred back to this appro-
25 priation: *Provided further*, That the transfer authority pro-

1 vided under this heading is in addition to any other trans-
2 fer authority contained elsewhere in this Act.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$209,687,000,
7 of which \$208,687,000 shall be for Operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; and
13 of which \$1,000,000, to remain available until September
14 30, 2008, shall be for Procurement.

15 TITLE VII

16 RELATED AGENCIES

17 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
18 DISABILITY SYSTEM FUND

19 For payment to the Central Intelligence Agency Re-
20 tirement and Disability System Fund, to maintain the
21 proper funding level for continuing the operation of the
22 Central Intelligence Agency Retirement and Disability
23 System, \$244,600,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Intelligence Commu-
4 nity Management Account, \$376,844,000 of which
5 \$27,454,000 for the Advanced Research and Development
6 Committee shall remain available until September 30,
7 2007: *Provided*, That of the funds appropriated under this
8 heading, \$39,000,000 shall be transferred to the Depart-
9 ment of Justice for the National Drug Intelligence Center
10 to support the Department of Defense's counter-drug in-
11 telligence responsibilities, and of the said amount,
12 \$1,500,000 for Procurement shall remain available until
13 September 30, 2008 and \$1,000,000 for Research, devel-
14 opment, test and evaluation shall remain available until
15 September 30, 2007: *Provided further*, That the National
16 Drug Intelligence Center shall maintain the personnel and
17 technical resources to provide timely support to law en-
18 forcement authorities and the intelligence community by
19 conducting document and computer exploitation of mate-
20 rials collected in Federal, State, and local law enforcement
21 activity associated with counter-drug, counter-terrorism,
22 and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

1
2
3 SEC. 8001. No part of any appropriation contained
4 in this Act shall be used for publicity or propaganda pur-
5 poses not authorized by the Congress.

6 SEC. 8002. During the current fiscal year, provisions
7 of law prohibiting the payment of compensation to, or em-
8 ployment of, any person not a citizen of the United States
9 shall not apply to personnel of the Department of Defense:
10 *Provided*, That salary increases granted to direct and indi-
11 rect hire foreign national employees of the Department of
12 Defense funded by this Act shall not be at a rate in excess
13 of the percentage increase authorized by law for civilian
14 employees of the Department of Defense whose pay is
15 computed under the provisions of section 5332 of title 5,
16 United States Code, or at a rate in excess of the percent-
17 age increase provided by the appropriate host nation to
18 its own employees, whichever is higher: *Provided further*,
19 That this section shall not apply to Department of De-
20 fense foreign service national employees serving at United
21 States diplomatic missions whose pay is set by the Depart-
22 ment of State under the Foreign Service Act of 1980: *Pro-*
23 *vided further*, That the limitations of this provision shall
24 not apply to foreign national employees of the Department
25 of Defense in the Republic of Turkey.

1 SEC. 8003. No part of any appropriation contained
 2 in this Act shall remain available for obligation beyond
 3 the current fiscal year, unless expressly so provided herein.

4 SEC. 8004. No more than 20 percent of the appro-
 5 priations in this Act which are limited for obligation dur-
 6 ing the current fiscal year shall be obligated during the
 7 last 2 months of the fiscal year: *Provided*, That this sec-
 8 tion shall not apply to obligations for support of active
 9 duty training of reserve components or summer camp
 10 training of the Reserve Officers' Training Corps.

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
 13 Defense that such action is necessary in the national inter-
 14 est, he may, with the approval of the Office of Manage-
 15 ment and Budget, transfer not to exceed \$4,000,000,000
 16 of working capital funds of the Department of Defense
 17 or funds made available in this Act to the Department
 18 of Defense for military functions (except military con-
 19 struction) between such appropriations or funds or any
 20 subdivision thereof, to be merged with and to be available
 21 for the same purposes, and for the same time period, as
 22 the appropriation or fund to which transferred: *Provided*,
 23 That such authority to transfer may not be used unless
 24 for higher priority items, based on unforeseen military re-
 25 quirements, than those for which originally appropriated
 26 and in no case where the item for which funds are re-

1 requested has been denied by the Congress: *Provided further,*
2 That the Secretary of Defense shall notify the Congress
3 promptly of all transfers made pursuant to this authority
4 or any other authority in this Act: *Provided further,* That
5 no part of the funds in this Act shall be available to pre-
6 pare or present a request to the Committees on Appropria-
7 tions for reprogramming of funds, unless for higher pri-
8 ority items, based on unforeseen military requirements,
9 than those for which originally appropriated and in no
10 case where the item for which reprogramming is requested
11 has been denied by the Congress: *Provided further,* That
12 a request for multiple reprogrammings of funds using au-
13 thority provided in this section must be made prior to
14 June 30, 2006: *Provided further,* That transfers among
15 military personnel appropriations shall not be taken into
16 account for purposes of the limitation on the amount of
17 funds that may be transferred under this section.

18 (TRANSFER OF FUNDS)

19 SEC. 8006. During the current fiscal year, cash bal-
20 ances in working capital funds of the Department of De-
21 fense established pursuant to section 2208 of title 10,
22 United States Code, may be maintained in only such
23 amounts as are necessary at any time for cash disburse-
24 ments to be made from such funds: *Provided,* That trans-
25 fers may be made between such funds: *Provided further,*
26 That transfers may be made between working capital

1 funds and the “Foreign Currency Fluctuations, Defense”
2 appropriation and the “Operation and Maintenance” ap-
3 propriation accounts in such amounts as may be deter-
4 mined by the Secretary of Defense, with the approval of
5 the Office of Management and Budget, except that such
6 transfers may not be made unless the Secretary of Defense
7 has notified the Congress of the proposed transfer. Except
8 in amounts equal to the amounts appropriated to working
9 capital funds in this Act, no obligations may be made
10 against a working capital fund to procure or increase the
11 value of war reserve material inventory, unless the Sec-
12 retary of Defense has notified the Congress prior to any
13 such obligation.

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

18 SEC. 8008. None of the funds provided in this Act
19 shall be available to initiate: (1) a multiyear contract that
20 employs economic order quantity procurement in excess of
21 \$20,000,000 in any 1 year of the contract or that includes
22 an unfunded contingent liability in excess of \$20,000,000;
23 or (2) a contract for advance procurement leading to a
24 multiyear contract that employs economic order quantity
25 procurement in excess of \$20,000,000 in any 1 year, un-

1 less the congressional defense committees have been noti-
2 fied at least 30 days in advance of the proposed contract
3 award: *Provided*, That no part of any appropriation con-
4 tained in this Act shall be available to initiate a multiyear
5 contract for which the economic order quantity advance
6 procurement is not funded at least to the limits of the
7 Government's liability: *Provided further*, That no part of
8 any appropriation contained in this Act shall be available
9 to initiate multiyear procurement contracts for any sys-
10 tems or component thereof if the value of the multiyear
11 contract would exceed \$500,000,000 unless specifically
12 provided in this Act: *Provided further*, That no multiyear
13 procurement contract can be terminated without 10-day
14 prior notification to the congressional defense committees:
15 *Provided further*, That the execution of multiyear author-
16 ity shall require the use of a present value analysis to de-
17 termine lowest cost compared to an annual procurement:
18 *Provided further*, That none of the funds provided in this
19 Act may be used for a multiyear contract executed after
20 the date of the enactment of this Act unless in the case
21 of any such contract—

22 (1) the Secretary of Defense has submitted to
23 Congress a budget request for full funding of units
24 to be procured through the contract;

1 (2) cancellation provisions in the contract do
2 not include consideration of recurring manufacturing
3 costs of the contractor associated with the produc-
4 tion of unfunded units to be delivered under the con-
5 tract;

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

9 (4) the contract does not provide for a price ad-
10 justment based on a failure to award a follow-on
11 contract.

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

14 UH-60/MH-60 Helicopters.

15 Apache Block II Conversion.

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

18 SEC. 8009. Within the funds appropriated for the op-
19 eration and maintenance of the Armed Forces, funds are
20 hereby appropriated pursuant to section 401 of title 10,
21 United States Code, for humanitarian and civic assistance
22 costs under chapter 20 of title 10, United States Code.
23 Such funds may also be obligated for humanitarian and
24 civic assistance costs incidental to authorized operations
25 and pursuant to authority granted in section 401 of chap-

1 ter 20 of title 10, United States Code, and these obliga-
2 tions shall be reported as required by section 401(d) of
3 title 10, United States Code: *Provided*, That funds avail-
4 able for operation and maintenance shall be available for
5 providing humanitarian and similar assistance by using
6 Civic Action Teams in the Trust Territories of the Pacific
7 Islands and freely associated states of Micronesia, pursu-
8 ant to the Compact of Free Association as authorized by
9 Public Law 99-239: *Provided further*, That upon a deter-
10 mination by the Secretary of the Army that such action
11 is beneficial for graduate medical education programs con-
12 ducted at Army medical facilities located in Hawaii, the
13 Secretary of the Army may authorize the provision of med-
14 ical services at such facilities and transportation to such
15 facilities, on a nonreimbursable basis, for civilian patients
16 from American Samoa, the Commonwealth of the North-
17 ern Mariana Islands, the Marshall Islands, the Federated
18 States of Micronesia, Palau, and Guam.

19 SEC. 8010. (a) During fiscal year 2006, the civilian
20 personnel of the Department of Defense may not be man-
21 aged on the basis of any end-strength, and the manage-
22 ment of such personnel during that fiscal year shall not
23 be subject to any constraint or limitation (known as an
24 end-strength) on the number of such personnel who may
25 be employed on the last day of such fiscal year.

1 (b) The fiscal year 2007 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2007
4 Department of Defense budget request shall be prepared
5 and submitted to the Congress as if subsections (a) and
6 (b) of this provision were effective with regard to fiscal
7 year 2007.

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

10 SEC. 8011. None of the funds appropriated in this
11 or any other Act may be used to initiate a new installation
12 overseas without 30-day advance notification to the Com-
13 mittees on Appropriations.

14 SEC. 8012. None of the funds made available by this
15 Act shall be used in any way, directly or indirectly, to in-
16 fluence congressional action on any legislation or appro-
17 priation matters pending before the Congress.

18 SEC. 8013. None of the funds appropriated by this
19 Act shall be available for the basic pay and allowances of
20 any member of the Army participating as a full-time stu-
21 dent and receiving benefits paid by the Secretary of Vet-
22 erans Affairs from the Department of Defense Education
23 Benefits Fund when time spent as a full-time student is
24 credited toward completion of a service commitment. *Pro-*
25 *vided,* That this subsection shall not apply to those mem-

1 bers who have reenlisted with this option prior to October
2 1, 1987: *Provided further*, That this subsection applies
3 only to active components of the Army.

4 SEC. 8014. (a) LIMITATION ON CONVERSION TO
5 CONTRACTOR PERFORMANCE.—None of the funds appro-
6 priated by this Act shall be available to convert to con-
7 tractor performance an activity or function of the Depart-
8 ment of Defense that, on or after the date of the enact-
9 ment of this Act, is performed by more than 10 Depart-
10 ment of Defense civilian employees unless—

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

15 (2) the Competitive Sourcing Official deter-
16 mines that, over all performance periods stated in
17 the solicitation of offers for performance of the ac-
18 tivity or function, the cost of performance of the ac-
19 tivity or function by a contractor would be less costly
20 to the Department of Defense by an amount that
21 equals or exceeds the lesser of—

22 (A) 10 percent of the most efficient organi-
23 zation's personnel-related costs for performance
24 of that activity or function by Federal employ-
25 ees; or

1 ~~(B)~~ \$10,000,000; and

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

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

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

14 ~~(b)~~ EXCEPTIONS.—

15 ~~(1)~~ The Department of Defense, without regard
16 to subsection (a) of this section or subsections (a),
17 (b), or (c) of section 2461 of title 10, United States
18 Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall
19 have full authority to enter into a contract for the
20 performance of any commercial or industrial type
21 function of the Department of Defense that—
22
23
24

1 (A) is included on the procurement list es-
2 tablished pursuant to section 2 of the Javits-
3 Wagner-O'Day Act (~~41 U.S.C. 47~~);

4 (B) is planned to be converted to perform-
5 ance by a qualified nonprofit agency for the
6 blind or by a qualified nonprofit agency for
7 other severely handicapped individuals in ac-
8 cordance with that Act; or

9 (C) is planned to be converted to perform-
10 ance by a qualified firm under at least ~~51~~ per-
11 cent ownership by an Indian tribe, as defined in
12 section 4(e) of the Indian Self-Determination
13 and Education Assistance Act (~~25 U.S.C.~~
14 ~~450b(e)~~), or a Native Hawaiian Organization,
15 as defined in section 8(a)(15) of the Small
16 Business Act (~~15 U.S.C. 637(a)(15)~~).

17 (2) This section shall not apply to depot con-
18 tracts or contracts for depot maintenance as pro-
19 vided in sections 2469 and 2474 of title 10, United
20 States Code.

21 (c) TREATMENT OF CONVERSION.—The conversion
22 of any activity or function of the Department of Defense
23 under the authority provided by this section shall be cred-
24 ited toward any competitive or outsourcing goal, target,
25 or measurement that may be established by statute, regu-

1 lation, or policy and is deemed to be awarded under the
2 authority of, and in compliance with, subsection (h) of sec-
3 tion 2304 of title 10, United States Code, for the competi-
4 tion or outsourcing of commercial activities.

5 (TRANSFER OF FUNDS)

6 SEC. 8015. Funds appropriated in title III of this Act
7 for the Department of Defense Pilot Mentor-Protege Pro-
8 gram may be transferred to any other appropriation con-
9 tained in this Act solely for the purpose of implementing
10 a Mentor-Protege Program developmental assistance
11 agreement pursuant to section 831 of the National De-
12 fense Authorization Act for Fiscal Year 1991 (Public Law
13 101-510; 10 U.S.C. 2302 note), as amended, under the
14 authority of this provision or any other transfer authority
15 contained in this Act.

16 SEC. 8016. None of the funds in this Act may be
17 available for the purchase by the Department of Defense
18 (and its departments and agencies) of welded shipboard
19 anchor and mooring chain 4 inches in diameter and under
20 unless the anchor and mooring chain are manufactured
21 in the United States from components which are substan-
22 tially manufactured in the United States: *Provided*, That
23 for the purpose of this section manufactured will include
24 cutting, heat treating, quality control, testing of chain and
25 welding (including the forging and shot blasting process):
26 *Provided further*, That for the purpose of this section sub-

1 stantially all of the components of anchor and mooring
2 chain shall be considered to be produced or manufactured
3 in the United States if the aggregate cost of the compo-
4 nents produced or manufactured in the United States ex-
5 ceeds the aggregate cost of the components produced or
6 manufactured outside the United States: *Provided further,*
7 That when adequate domestic supplies are not available
8 to meet Department of Defense requirements on a timely
9 basis, the Secretary of the service responsible for the pro-
10 curement may waive this restriction on a case-by-case
11 basis by certifying in writing to the Committees on Appro-
12 priations that such an acquisition must be made in order
13 to acquire capability for national security purposes.

14 SEC. 8017. None of the funds available to the De-
15 partment of Defense may be used to demilitarize or dis-
16 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
17 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

18 SEC. 8018. No more than \$500,000 of the funds ap-
19 propriated or made available in this Act shall be used dur-
20 ing a single fiscal year for any single relocation of an orga-
21 nization, unit, activity or function of the Department of
22 Defense into or within the National Capital Region: *Pro-*
23 *vided,* That the Secretary of Defense may waive this re-
24 striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-
2 cation is required in the best interest of the Government.

3 SEC. 8019. In addition to the funds provided else-
4 where in this Act, \$8,000,000 is appropriated only for in-
5 centive payments authorized by section 504 of the Indian
6 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
7 a prime contractor or a subcontractor at any tier that
8 makes a subcontract award to any subcontractor or sup-
9 plier as defined in 25 U.S.C. 1544 or a small business
10 owned and controlled by an individual or individuals de-
11 fined under 25 U.S.C. 4221(9) shall be considered a con-
12 tractor for the purposes of being allowed additional com-
13 pensation under section 504 of the Indian Financing Act
14 of 1974 (25 U.S.C. 1544) whenever the prime contract
15 or subcontract amount is over \$500,000 and involves the
16 expenditure of funds appropriated by an Act making Ap-
17 propriations for the Department of Defense with respect
18 to any fiscal year: *Provided further*, That notwithstanding
19 41 U.S.C. 430, this section shall be applicable to any De-
20 partment of Defense acquisition of supplies or services, in-
21 cluding any contract and any subcontract at any tier for
22 acquisition of commercial items produced or manufac-
23 tured, in whole or in part by any subcontractor or supplier
24 defined in 25 U.S.C. 1544 or a small business owned and
25 controlled by an individual or individuals defined under

1 ~~25 U.S.C. 4221(9):~~ *Provided further,* That businesses cer-
2 tified as 8(a) by the Small Business Administration pursu-
3 ant to section 8(a)(15) of Public Law ~~85-536~~, as amend-
4 ed, shall have the same status as other program partici-
5 pants under section 602 of Public Law 100-656, 102
6 Stat. ~~3825~~ (Business Opportunity Development Reform
7 Act of 1988) for purposes of contracting with agencies of
8 the Department of Defense.

9 ~~SEC. 8020.~~ None of the funds appropriated by this
10 Act shall be available to perform any cost study pursuant
11 to the provisions of OMB Circular A-76 if the study being
12 performed exceeds a period of 24 months after initiation
13 of such study with respect to a single function activity or
14 30 months after initiation of such study for a multi-func-
15 tion activity.

16 ~~SEC. 8021.~~ Funds appropriated by this Act for the
17 American Forces Information Service shall not be used for
18 any national or international political or psychological ac-
19 tivities.

20 ~~SEC. 8022.~~ Notwithstanding any other provision of
21 law or regulation, the Secretary of Defense may adjust
22 wage rates for civilian employees hired for certain health
23 care occupations as authorized for the Secretary of Vet-
24 erans Affairs by section 7455 of title 38, United States
25 Code.

1 SEC. 8023. During the current fiscal year, the De-
2 partment of Defense is authorized to incur obligations of
3 not to exceed \$350,000,000 for purposes specified in sec-
4 tion 2350j(c) of title 10, United States Code, in anticipa-
5 tion of receipt of contributions, only from the Government
6 of Kuwait, under that section: *Provided*, That upon re-
7 ceipt, such contributions from the Government of Kuwait
8 shall be credited to the appropriations or fund which in-
9 curred such obligations.

10 (INCLUDING TRANSFER OF FUNDS)

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

14 (1) \$24,376,000 shall be available from “Oper-
15 ation and Maintenance, Air Force” to support Civil
16 Air Patrol Corporation operation and maintenance,
17 readiness, counterdrug activities, and drug demand
18 reduction activities involving youth programs;

19 (2) \$8,571,000 shall be available from “Aircraft
20 Procurement, Air Force”; and

21 (3) \$820,000 shall be available from “Other
22 Procurement, Air Force” for vehicle procurement.

23 (b) The Secretary of the Air Force should waive reim-
24 bursement for any funds used by the Civil Air Patrol for
25 counter-drug activities in support of Federal, State, and
26 local government agencies.

1 ~~SEC. 8025. (a) None of the funds appropriated in this~~
2 ~~Act are available to establish a new Department of De-~~
3 ~~fense (department) federally funded research and develop-~~
4 ~~ment center (FFRDC), either as a new entity, or as a~~
5 ~~separate entity administrated by an organization man-~~
6 ~~aging another FFRDC, or as a nonprofit membership cor-~~
7 ~~poration consisting of a consortium of other FFRDCs and~~
8 ~~other non-profit entities.~~

9 ~~(b) No member of a Board of Directors, Trustees,~~
10 ~~Overseers, Advisory Group, Special Issues Panel, Visiting~~
11 ~~Committee, or any similar entity of a defense FFRDC,~~
12 ~~and no paid consultant to any defense FFRDC, except~~
13 ~~when acting in a technical advisory capacity, may be com-~~
14 ~~pensated for his or her services as a member of such enti-~~
15 ~~ty, or as a paid consultant by more than one FFRDC in~~
16 ~~a fiscal year. *Provided*, That a member of any such entity~~
17 ~~referred to previously in this subsection shall be allowed~~
18 ~~travel expenses and per diem as authorized under the Fed-~~
19 ~~eral Joint Travel Regulations, when engaged in the per-~~
20 ~~formance of membership duties.~~

21 ~~(c) Notwithstanding any other provision of law, none~~
22 ~~of the funds available to the department from any source~~
23 ~~during fiscal year 2006 may be used by a defense FFRDC,~~
24 ~~through a fee or other payment mechanism, for construc-~~
25 ~~tion of new buildings, for payment of cost sharing for~~

1 projects funded by Government grants, for absorption of
2 contract overruns, or for certain charitable contributions,
3 not to include employee participation in community service
4 and/or development.

5 (d) Notwithstanding any other provision of law, of
6 the funds available to the department during fiscal year
7 2006, not more than ~~5,537~~ staff years of technical effort
8 (staff years) may be funded for defense FFRDCs: *Pro-*
9 *vided*, That this subsection shall not apply to staff years
10 funded in the National Intelligence Program.

11 (e) The Secretary of Defense shall, with the submis-
12 sion of the department's fiscal year 2007 budget request,
13 submit a report presenting the specific amounts of staff
14 years of technical effort to be allocated for each defense
15 FFRDC during that fiscal year.

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

19 ~~SEC. 8026.~~ None of the funds appropriated or made
20 available in this Act shall be used to procure carbon, alloy
21 or armor steel plate for use in any Government-owned fa-
22 cility or property under the control of the Department of
23 Defense which were not melted and rolled in the United
24 States or Canada: *Provided*, That these procurement re-
25 strictions shall apply to any and all Federal Supply Class

1 9515, American Society of Testing and Materials (ASTM)
2 or American Iron and Steel Institute (AISI) specifications
3 of carbon, alloy or armor steel plate: *Provided further,*
4 That the Secretary of the military department responsible
5 for the procurement may waive this restriction on a case-
6 by-case basis by certifying in writing to the Committees
7 on Appropriations of the House of Representatives and the
8 Senate that adequate domestic supplies are not available
9 to meet Department of Defense requirements on a timely
10 basis and that such an acquisition must be made in order
11 to acquire capability for national security purposes: *Pro-*
12 *vided further,* That these restrictions shall not apply to
13 contracts which are in being as of the date of the enact-
14 ment of this Act.

15 SEC. 8027. For the purposes of this Act, the term
16 “congressional defense committees” means the Armed
17 Services Committee of the House of Representatives, the
18 Armed Services Committee of the Senate, the Sub-
19 committee on Defense of the Committee on Appropriations
20 of the Senate, and the Subcommittee on Defense of the
21 Committee on Appropriations of the House of Representa-
22 tives.

23 SEC. 8028. During the current fiscal year, the De-
24 partment of Defense may acquire the modification, depot
25 maintenance and repair of aircraft, vehicles and vessels

1 as well as the production of components and other De-
2 fense-related articles, through competition between De-
3 partment of Defense depot maintenance activities and pri-
4 vate firms: *Provided*, That the Senior Acquisition Execu-
5 tive of the military department or Defense Agency con-
6 cerned, with power of delegation, shall certify that success-
7 ful bids include comparable estimates of all direct and in-
8 direct costs for both public and private bids: *Provided fur-*
9 *ther*, That Office of Management and Budget Circular A-
10 76 shall not apply to competitions conducted under this
11 section.

12 SEC. 8029. (a)(1) If the Secretary of Defense, after
13 consultation with the United States Trade Representative,
14 determines that a foreign country which is party to an
15 agreement described in paragraph (2) has violated the
16 terms of the agreement by discriminating against certain
17 types of products produced in the United States that are
18 covered by the agreement, the Secretary of Defense shall
19 rescind the Secretary's blanket waiver of the Buy Amer-
20 ican Act with respect to such types of products produced
21 in that foreign country.

22 (2) An agreement referred to in paragraph (1) is any
23 reciprocal defense procurement memorandum of under-
24 standing, between the United States and a foreign country
25 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products
2 in that country.

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

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

18 SEC. 8030. Appropriations contained in this Act that
19 remain available at the end of the current fiscal year, and
20 at the end of each fiscal year hereafter, as a result of en-
21 ergy cost savings realized by the Department of Defense
22 shall remain available for obligation for the next fiscal
23 year to the extent, and for the purposes, provided in sec-
24 tion 2865 of title 10, United States Code.

1 SEC. 8031. The President shall include with each
2 budget for a fiscal year submitted to the Congress under
3 section 1105 of title 31, United States Code, materials
4 that shall identify clearly and separately the amounts re-
5 quested in the budget for appropriation for that fiscal year
6 for salaries and expenses related to administrative activi-
7 ties of the Department of Defense, the military depart-
8 ments, and the defense agencies.

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

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8033. During the current fiscal year, amounts
16 contained in the Department of Defense Overseas Military
17 Facility Investment Recovery Account established by sec-
18 tion 2921(e)(1) of the National Defense Authorization Act
19 of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall
20 be available until expended for the payments specified by
21 section 2921(e)(2) of that Act.

22 SEC. 8034. (a) IN GENERAL.—Notwithstanding any
23 other provision of law, the Secretary of the Air Force may
24 convey at no cost to the Air Force, without consideration,
25 to Indian tribes located in the States of North Dakota,
26 South Dakota, Montana, and Minnesota relocatable mili-

1 tary housing units located at Grand Forks Air Force Base
2 and Minot Air Force Base that are excess to the needs
3 of the Air Force.

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

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

16 (d) INDIAN TRIBE DEFINED.—In this section, the
17 term “Indian tribe” means any recognized Indian tribe in-
18 cluded on the current list published by the Secretary of
19 the Interior under section 104 of the Federally Recognized
20 Indian Tribe Act of 1994 (Public Law 103–454, 108 Stat.
21 4792; 25 U.S.C. 479a–1).

22 SEC. 8035. During the current fiscal year, appropria-
23 tions which are available to the Department of Defense
24 for operation and maintenance may be used to purchase

1 items having an investment item unit cost of not more
2 than \$250,000.

3 SEC. 8036. (a) During the current fiscal year, none
4 of the appropriations or funds available to the Department
5 of Defense Working Capital Funds shall be used for the
6 purchase of an investment item for the purpose of acquir-
7 ing a new inventory item for sale or anticipated sale dur-
8 ing the current fiscal year or a subsequent fiscal year to
9 customers of the Department of Defense Working Capital
10 Funds if such an item would not have been chargeable
11 to the Department of Defense Business Operations Fund
12 during fiscal year 1994 and if the purchase of such an
13 investment item would be chargeable during the current
14 fiscal year to appropriations made to the Department of
15 Defense for procurement.

16 (b) The fiscal year 2007 budget request for the De-
17 partment of Defense as well as all justification material
18 and other documentation supporting the fiscal year 2007
19 Department of Defense budget shall be prepared and sub-
20 mitted to the Congress on the basis that any equipment
21 which was classified as an end item and funded in a pro-
22 curement appropriation contained in this Act shall be
23 budgeted for in a proposed fiscal year 2007 procurement
24 appropriation and not in the supply management business

1 area or any other area or category of the Department of
2 Defense Working Capital Funds.

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

19 SEC. 8038. Notwithstanding any other provision of
20 law, funds made available in this Act for the Defense In-
21 telligence Agency may be used for the design, develop-
22 ment, and deployment of General Defense Intelligence
23 Program intelligence communications and intelligence in-
24 formation systems for the Services, the Unified and Speci-
25 fied Commands, and the component commands.

1 SEC. 8039. Of the funds appropriated to the Depart-
2 ment of Defense under the heading “Operation and Main-
3 tenance, Defense-Wide”, not less than \$10,000,000 shall
4 be made available only for the mitigation of environmental
5 impacts, including training and technical assistance to
6 tribes, related administrative support, the gathering of in-
7 formation, documenting of environmental damage, and de-
8 veloping a system for prioritization of mitigation and cost
9 to complete estimates for mitigation, on Indian lands re-
10 sulting from Department of Defense activities.

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

20 (b) If the Secretary of Defense determines that a per-
21 son has been convicted of intentionally affixing a label
22 bearing a “Made in America” inscription to any product
23 sold in or shipped to the United States that is not made
24 in America, the Secretary shall determine, in accordance
25 with section 2410f of title 10, United States Code, wheth-

1 er the person should be debarred from contracting with
2 the Department of Defense.

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

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

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

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

24 (3) the purpose of the contract is to take ad-
25 vantage of unique and significant industrial accom-

1 plishment by a specific concern, or to insure that a
2 new product or idea of a specific concern is given fi-
3 nancial support: *Provided*, That this limitation shall
4 not apply to contracts in an amount of less than
5 \$25,000, contracts related to improvements of equip-
6 ment that is in development or production, or con-
7 tracts as to which a civilian official of the Depart-
8 ment of Defense, who has been confirmed by the
9 Senate, determines that the award of such contract
10 is in the interest of the national defense.

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

14 (1) to establish a field operating agency; or

15 (2) to pay the basic pay of a member of the
16 Armed Forces or civilian employee of the depart-
17 ment who is transferred or reassigned from a head-
18 quarters activity if the member or employee's place
19 of duty remains at the location of that headquarters.

20 (b) The Secretary of Defense or Secretary of a mili-
21 tary department may waive the limitations in subsection
22 (a), on a case-by-case basis, if the Secretary determines,
23 and certifies to the Committees on Appropriations of the
24 House of Representatives and Senate that the granting

1 of the waiver will reduce the personnel requirements or
 2 the financial requirements of the department.

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

5 ~~SEC. 8043.~~ The Secretary of Defense, acting through
 6 the Office of Economic Adjustment of the Department of
 7 Defense, may use funds made available in this Act under
 8 the heading “Operation and Maintenance, Defense-Wide”
 9 to make grants and supplement other Federal funds in
 10 accordance with the guidance provided in the report of the
 11 Committee on Appropriations of the House of Representa-
 12 tives accompanying this Act, and the projects specified in
 13 such guidance shall be considered to be authorized by law.

14 ~~(RESCISSIONS)~~

15 ~~SEC. 8044.~~ Of the funds appropriated in Department
 16 of Defense Appropriations Acts, the following funds are
 17 hereby rescinded from the following accounts and pro-
 18 grams in the specified amounts:

19 ~~“Other Procurement, Army, 2005/2007”,~~
 20 ~~\$60,500,000.~~

21 ~~“Shipbuilding and Conversion, Navy, 2005/~~
 22 ~~2011”, \$325,000,000.~~

23 ~~“Aircraft Procurement, Air Force, 2005/2007”,~~
 24 ~~\$10,000,000.~~

25 ~~“Other Procurement, Air Force, 2005/2007”,~~
 26 ~~\$3,400,000.~~

1 “Research, Development, Test and Evaluation,
2 Army, 2005/2006”, \$21,600,000.

3 “Research, Development, Test and Evaluation,
4 Navy, 2005/2006”, \$5,100,000.

5 “Research, Development, Test and Evaluation,
6 Air Force, 2005/2006”, \$142,000,000.

7 “Research, Development, Test and Evaluation,
8 Defense-Wide, 2005/2006”, \$65,950,000.

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

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

22 SEC. 8047. Funds appropriated in this Act for oper-
23 ation and maintenance of the Military Departments, Com-
24 batant Commands and Defense Agencies shall be available
25 for reimbursement of pay, allowances and other expenses

1 which would otherwise be incurred against appropriations
2 for the National Guard and Reserve when members of the
3 National Guard and Reserve provide intelligence or coun-
4 terintelligence support to Combatant Commands, Defense
5 Agencies and Joint Intelligence Activities, including the
6 activities and programs included within the National Intel-
7 ligence Program, the Joint Military Intelligence Program,
8 and the Tactical Intelligence and Related Activities aggre-
9 gate: *Provided*, That nothing in this section authorizes de-
10 viation from established Reserve and National Guard per-
11 sonnel and training procedures.

12 SEC. 8048. (a) None of the funds available to the
13 Department of Defense for any fiscal year for drug inter-
14 diction or counter-drug activities may be transferred to
15 any other department or agency of the United States ex-
16 cept as specifically provided in an appropriations law.

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

22 (TRANSFER OF FUNDS)

23 SEC. 8049. Appropriations available under the head-
24 ing "Operation and Maintenance, Defense-Wide" for the
25 current fiscal year and hereafter for increasing energy and
26 water efficiency in Federal buildings may, during their pe-

1 riod of availability, be transferred to other appropriations
2 or funds of the Department of Defense for projects related
3 to increasing energy and water efficiency, to be merged
4 with and to be available for the same general purposes,
5 and for the same time period, as the appropriation or fund
6 to which transferred.

7 SEC. 8050. None of the funds appropriated by this
8 Act may be used for the procurement of ball and roller
9 bearings other than those produced by a domestic source
10 and of domestic origin: *Provided*, That the Secretary of
11 the military department responsible for such procurement
12 may waive this restriction on a case-by-case basis by certi-
13 fying in writing to the Committees on Appropriations of
14 the House of Representatives and the Senate, that ade-
15 quate domestic supplies are not available to meet Depart-
16 ment of Defense requirements on a timely basis and that
17 such an acquisition must be made in order to acquire ea-
18 pability for national security purposes: *Provided further*,
19 That this restriction shall not apply to the purchase of
20 “commercial items”, as defined by section 4(12) of the
21 Office of Federal Procurement Policy Act, except that the
22 restriction shall apply to ball or roller bearings purchased
23 as end items.

24 SEC. 8051. None of the funds in this Act may be
25 used to purchase any supercomputer which is not manu-

1 factured in the United States, unless the Secretary of De-
2 fense certifies to the congressional defense committees
3 that such an acquisition must be made in order to acquire
4 capability for national security purposes that is not avail-
5 able from United States manufacturers.

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

23 SEC. 8053. None of the funds made available in this
24 or any other Act may be used to pay the salary of any
25 officer or employee of the Department of Defense who ap-

1 proves or implements the transfer of administrative re-
2 sponsibilities or budgetary resources of any program,
3 project, or activity financed by this Act to the jurisdiction
4 of another Federal agency not financed by this Act with-
5 out the express authorization of Congress: *Provided*, That
6 this limitation shall not apply to transfers of funds ex-
7 pressly provided for in Defense Appropriations Acts, or
8 provisions of Acts providing supplemental appropriations
9 for the Department of Defense.

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

22 (b) COVERED ACTIVITIES.—This section applies to—
23 (1) any international peacekeeping or peace-en-
24 forcement operation under the authority of chapter
25 VI or chapter VII of the United Nations Charter

1 under the authority of a United Nations Security
2 Council resolution; and

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

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

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

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

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

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

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

22 ~~SEC. 8055. None of the funds available to the De-~~
23 ~~partment of Defense under this Act shall be obligated or~~
24 ~~expended to pay a contractor under a contract with the~~

1 Department of Defense for costs of any amount paid by
2 the contractor to an employee when—

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

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

8 (INCLUDING TRANSFER OF FUNDS)

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

20 SEC. 8057. During the current fiscal year, in the case
21 of an appropriation account of the Department of Defense
22 for which the period of availability for obligation has ex-
23 pired or which has closed under the provisions of section
24 1552 of title 31, United States Code, and which has a
25 negative unliquidated or unexpended balance, an obliga-
26 tion or an adjustment of an obligation may be charged

1 to any current appropriation account for the same purpose
2 as the expired or closed account if—

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

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

10 (3) in the case of an expired account, the obli-
11 gation is not chargeable to a current appropriation
12 of the Department of Defense under the provisions
13 of section 1405(b)(8) of the National Defense Au-
14 thorization Act for Fiscal Year 1991, Public Law
15 101-510, as amended (~~31 U.S.C. 1551~~ note): *Pro-*
16 *vided*, That in the case of an expired account, if sub-
17 sequent review or investigation discloses that there
18 was not in fact a negative unliquidated or unex-
19 pended balance in the account, any charge to a cur-
20 rent account under the authority of this section shall
21 be reversed and recorded against the expired ac-
22 count: *Provided further*, That the total amount
23 charged to a current appropriation under this sec-
24 tion may not exceed an amount equal to 1 percent
25 of the total appropriation for that account.

1 SEC. 8058. (a) Notwithstanding any other provision
2 of law, the Chief of the National Guard Bureau may per-
3 mit the use of equipment of the National Guard Distance
4 Learning Project by any person or entity on a space-avail-
5 able, reimbursable basis. The Chief of the National Guard
6 Bureau shall establish the amount of reimbursement for
7 such use on a case-by-case basis.

8 (b) Amounts collected under subsection (a) shall be
9 credited to funds available for the National Guard Dis-
10 tance Learning Project and be available to defray the costs
11 associated with the use of equipment of the project under
12 that subsection. Such funds shall be available for such
13 purposes without fiscal year limitation.

14 SEC. 8059. Using funds available by this Act or any
15 other Act, the Secretary of the Air Force, pursuant to a
16 determination under section 2690 of title 10, United
17 States Code, may implement cost-effective agreements for
18 required heating facility modernization in the
19 Kaiserslautern Military Community in the Federal Repub-
20 lic of Germany: *Provided*, That in the City of
21 Kaiserslautern such agreements will include the use of
22 United States anthracite as the base load energy for mu-
23 nicipal district heat to the United States Defense installa-
24 tions: *Provided further*, That at Landstuhl Army Regional
25 Medical Center and Ramstein Air Base, furnished heat

1 may be obtained from private, regional or municipal serv-
2 ices, if provisions are included for the consideration of
3 United States coal as an energy source.

4 SEC. 8060. None of the funds appropriated in title
5 IV of this Act may be used to procure end-items for deliv-
6 ery to military forces for operational training, operational
7 use or inventory requirements: *Provided*, That this restric-
8 tion does not apply to end-items used in development,
9 prototyping, and test activities preceding and leading to
10 acceptance for operational use: *Provided further*, That this
11 restriction does not apply to programs funded within the
12 National Intelligence Program: *Provided further*, That the
13 Secretary of Defense may waive this restriction on a case-
14 by-case basis by certifying in writing to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate that it is in the national security interest to do
17 so.

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

21 SEC. 8062. (a) The Secretary of Defense may, on a
22 case-by-case basis, waive with respect to a foreign country
23 each limitation on the procurement of defense items from
24 foreign sources provided in law if the Secretary determines
25 that the application of the limitation with respect to that

1 country would invalidate cooperative programs entered
2 into between the Department of Defense and the foreign
3 country; or would invalidate reciprocal trade agreements
4 for the procurement of defense items entered into under
5 section 2531 of title 10, United States Code, and the
6 country does not discriminate against the same or similar
7 defense items produced in the United States for that coun-
8 try.

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

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

12 (2) options for the procurement of items that
13 are exercised after such date under contracts that
14 are entered into before such date if the option prices
15 are adjusted for any reason other than the applica-
16 tion of a waiver granted under subsection (a).

17 (c) Subsection (a) does not apply to a limitation re-
18 garding construction of public vessels, ball and roller bear-
19 ings, food, and clothing or textile materials as defined by
20 section 11 (chapters 50–65) of the Harmonized Tariff
21 Schedule and products classified under headings 4010,
22 4202, 4203, 6401 through 6406, 6505, 7019, 7218
23 through 7229, 7304.41 through 7304.49, 7306.40, 7502
24 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

1 ~~SEC. 8062.~~ (a) ~~PROHIBITION.~~—None of the funds
2 made available by this Act may be used to support any
3 training program involving a unit of the security forces
4 of a foreign country if the Secretary of Defense has re-
5 ceived credible information from the Department of State
6 that the unit has committed a gross violation of human
7 rights, unless all necessary corrective steps have been
8 taken.

9 (b) ~~MONITORING.~~—The Secretary of Defense, in con-
10 sultation with the Secretary of State, shall ensure that
11 prior to a decision to conduct any training program re-
12 ferred to in subsection (a), full consideration is given to
13 all credible information available to the Department of
14 State relating to human rights violations by foreign secu-
15 rity forces.

16 (c) ~~WAIVER.~~—The Secretary of Defense, after con-
17 sultation with the Secretary of State, may waive the prohi-
18 bition in subsection (a) if he determines that such waiver
19 is required by extraordinary circumstances.

20 (d) ~~REPORT.~~—Not more than 15 days after the exer-
21 cise of any waiver under subsection (c), the Secretary of
22 Defense shall submit a report to the congressional defense
23 committees describing the extraordinary circumstances,
24 the purpose and duration of the training program, the
25 United States forces and the foreign security forces in-

1 volved in the training program, and the information relat-
2 ing to human rights violations that necessitates the waiv-
3 er.

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

18 SEC. 8065. None of the funds appropriated or other-
19 wise made available by this or other Department of De-
20 fense Appropriations Acts may be obligated or expended
21 for the purpose of performing repairs or maintenance to
22 military family housing units of the Department of De-
23 fense, including areas in such military family housing
24 units that may be used for the purpose of conducting offi-
25 cial Department of Defense business.

1 SEC. 8066. Notwithstanding any other provision of
2 law, funds appropriated in this Act under the heading
3 “Research, Development, Test and Evaluation, Defense-
4 Wide” for any new start advanced concept technology
5 demonstration project may only be obligated 30 days after
6 a report, including a description of the project, the
7 planned acquisition and transition strategy and its esti-
8 mated annual and total cost, has been provided in writing
9 to the congressional defense committees: *Provided*, That
10 the Secretary of Defense may waive this restriction on a
11 case-by-case basis by certifying to the congressional de-
12 fense committees that it is in the national interest to do
13 so.

14 SEC. 8067. The Secretary of Defense shall provide
15 a classified quarterly report to the House and Senate Ap-
16 propriations Committees, Subcommittees on Defense on
17 certain matters as directed in the classified annex accom-
18 panying this Act.

19 SEC. 8068. During the current fiscal year, refunds
20 attributable to the use of the Government travel card, re-
21 funds attributable to the use of the Government Purchase
22 Card and refunds attributable to official Government trav-
23 el arranged by Government Contracted Travel Manage-
24 ment Centers may be credited to operation and mainte-
25 nance, and research, development, test and evaluation ac-

1 counts of the Department of Defense which are current
2 when the refunds are received.

3 SEC. 8069. (a) REGISTERING FINANCIAL MANAGE-
4 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
5 CHIEF INFORMATION OFFICER.—None of the funds ap-
6 propriated in this Act may be used for a mission critical
7 or mission essential financial management information
8 technology system (including a system funded by the de-
9 fense working capital fund) that is not registered with the
10 Chief Information Officer of the Department of Defense.
11 A system shall be considered to be registered with that
12 officer upon the furnishing to that officer of notice of the
13 system, together with such information concerning the
14 system as the Secretary of Defense may prescribe. A fi-
15 nancial management information technology system shall
16 be considered a mission critical or mission essential infor-
17 mation technology system as defined by the Under Sec-
18 retary of Defense (Comptroller).

19 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-
20 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

21 (1) During the current fiscal year, a financial
22 management automated information system, a mixed
23 information system supporting financial and non-fi-
24 nancial systems, or a system improvement of more
25 than \$1,000,000 may not receive Milestone A ap-

1 proval, Milestone B approval, or full rate production,
2 or their equivalent, within the Department of De-
3 fense until the Under Secretary of Defense (Comp-
4 troller) certifies, with respect to that milestone, that
5 the system is being developed and managed in ac-
6 cordance with the Department's Financial Manage-
7 ment Modernization Plan. The Under Secretary of
8 Defense (Comptroller) may require additional certifi-
9 cations, as appropriate, with respect to any such sys-
10 tem.

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

14 (e) CERTIFICATIONS AS TO COMPLIANCE WITH
15 CLINGER-COHEN ACT.—

16 (1) During the current fiscal year, a major
17 automated information system may not receive Mile-
18 stone A approval, Milestone B approval, or full rate
19 production approval, or their equivalent, within the
20 Department of Defense until the Chief Information
21 Officer certifies, with respect to that milestone, that
22 the system is being developed in accordance with the
23 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).
24 The Chief Information Officer may require addi-

1 tional certifications, as appropriate, with respect to
2 any such system.

3 ~~(2)~~ The Chief Information Officer shall provide
4 the congressional defense committees timely notifica-
5 tion of certifications under paragraph ~~(1)~~. Each
6 such notification shall include, at a minimum, the
7 funding baseline and milestone schedule for each
8 system covered by such a certification and confirma-
9 tion that the following steps have been taken with
10 respect to the system:

11 ~~(A)~~ Business process reengineering.

12 ~~(B)~~ An analysis of alternatives.

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

15 ~~(D)~~ Performance measures.

16 ~~(E)~~ An information assurance strategy
17 consistent with the Department's Global Infor-
18 mation Grid.

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

20 ~~(1)~~ The term “Chief Information Officer”
21 means the senior official of the Department of De-
22 fense designated by the Secretary of Defense pursu-
23 ant to section 3506 of title 44, United States Code.

24 ~~(2)~~ The term “information technology system”
25 has the meaning given the term “information tech-

1 nology” in section 5002 of the Clinger-Cohen Act of
2 1996 (40 U.S.C. 1401).

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

19 SEC. 8071. None of the funds provided in this Act
20 may be used to transfer to any nongovernmental entity
21 ammunition held by the Department of Defense that has
22 a center-fire cartridge and a United States military no-
23 menclature designation of “armor penetrator”, “armor
24 piercing (AP)”, “armor piercing incendiary (API)”, or
25 “armor-piercing incendiary-tracer (API-T)”, except to an

1 entity performing demilitarization services for the Depart-
2 ment of Defense under a contract that requires the entity
3 to demonstrate to the satisfaction of the Department of
4 Defense that armor piercing projectiles are either: (1) ren-
5 dered incapable of reuse by the demilitarization process;
6 or (2) used to manufacture ammunition pursuant to a con-
7 tract with the Department of Defense or the manufacture
8 of ammunition for export pursuant to a License for Per-
9 manent Export of Unclassified Military Articles issued by
10 the Department of State.

11 SEC. 8072. Notwithstanding any other provision of
12 law, the Chief of the National Guard Bureau, or his des-
13 ignee, may waive payment of all or part of the consider-
14 ation that otherwise would be required under 10 U.S.C.
15 2667, in the case of a lease of personal property for a
16 period not in excess of 1 year to any organization specified
17 in 32 U.S.C. 508(d), or any other youth, social, or fra-
18 ternal non-profit organization as may be approved by the
19 Chief of the National Guard Bureau, or his designee, on
20 a case-by-case basis.

21 SEC. 8073. None of the funds appropriated by this
22 Act shall be used for the support of any nonappropriated
23 funds activity of the Department of Defense that procures
24 malt beverages and wine with nonappropriated funds for
25 resale (including such alcoholic beverages sold by the

1 drink) on a military installation located in the United
2 States unless such malt beverages and wine are procured
3 within that State, or in the case of the District of Colum-
4 bia, within the District of Columbia, in which the military
5 installation is located: *Provided*, That in a case in which
6 the military installation is located in more than one State,
7 purchases may be made in any State in which the installa-
8 tion is located: *Provided further*, That such local procure-
9 ment requirements for malt beverages and wine shall
10 apply to all alcoholic beverages only for military installa-
11 tions in States which are not contiguous with another
12 State: *Provided further*, That alcoholic beverages other
13 than wine and malt beverages, in contiguous States and
14 the District of Columbia shall be procured from the most
15 competitive source, price and other factors considered.

16 SEC. 8074. Funds available to the Department of De-
17 fense for the Global Positioning System during the current
18 fiscal year may be used to fund civil requirements associ-
19 ated with the satellite and ground control segments of
20 such system's modernization program.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8075. (a) Of the amounts appropriated in this
23 Act under the heading, "Research, Development, Test and
24 Evaluation, Defense-Wide", \$90,000,000 shall remain
25 available until expended: *Provided*, That notwithstanding
26 any other provision of law, the Secretary of Defense is

1 authorized to transfer such funds to other activities of the
2 Federal Government.

3 (b) Of the amounts appropriated in this Act under
4 the heading, “Operation and Maintenance, Army”,
5 \$147,900,000 shall remain available until expended: *Pro-*
6 *vided*, That notwithstanding any other provision of law,
7 the Secretary of Defense is authorized to transfer such
8 funds to other activities of the Federal Government: *Pro-*
9 *vided further*, That the Secretary of Defense is authorized
10 to enter into and carry out contracts for the acquisition
11 of real property, construction, personal services, and oper-
12 ations related to projects described in further detail in the
13 Classified Annex accompanying the Department of De-
14 fense Appropriations Act, 2006, consistent with the terms
15 and conditions set forth therein: *Provided further*, That
16 contracts entered into under the authority of this section
17 may provide for such indemnification as the Secretary de-
18 termines to be necessary: *Provided further*, That projects
19 authorized by this section shall comply with applicable
20 Federal, State, and local law to the maximum extent con-
21 sistent with the national security, as determined by the
22 Secretary of Defense.

23 SEC. 8076. Section 8106 of the Department of De-
24 fense Appropriations Act, 1997 (titles I through VIII of
25 the matter under subsection 101(b) of Public Law 104-

1 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
2 tinue in effect to apply to disbursements that are made
3 by the Department of Defense in fiscal year 2006.

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

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

19 (1) From “Operation and Maintenance, Army”,
20 \$12,734,000.

21 (2) From “Operation and Maintenance, Navy”,
22 \$91,725,000.

23 (3) From “Operation and Maintenance, Marine
24 Corps”, \$1,870,000.

1 (4) From “Operation and Maintenance, Air
2 Force”, \$158,301,000.

3 SEC. 8079. The total amount appropriated or other-
4 wise made available in this Act is hereby reduced by
5 \$167,000,000 to limit excessive growth in the procure-
6 ment of advisory and assistance services, to be distributed
7 as follows:

8 “Operation and Maintenance, Army”, \$24,000,000.

9 “Operation and Maintenance, Navy”, \$19,000,000.

10 “Operation and Maintenance, Air Force”,
11 \$74,000,000.

12 “Operation and Maintenance, Defense-Wide”,
13 \$50,000,000.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8080. Of the amounts appropriated in this Act
16 under the heading “Research, Development, Test and
17 Evaluation, Defense-Wide”, \$77,616,000 shall be made
18 available for the Arrow missile defense program: *Provided*,
19 That of this amount, \$15,000,000 shall be available for
20 the purpose of producing Arrow missile components in the
21 United States and Arrow missile components and missiles
22 in Israel to meet Israel’s defense requirements, consistent
23 with each nation’s laws, regulations and procedures: *Pro-*
24 *vided further*, That funds made available under this provi-
25 sion for production of missiles and missile components
26 may be transferred to appropriations available for the pro-

1 curement of weapons and equipment, to be merged with
2 and to be available for the same time period and the same
3 purposes as the appropriation to which transferred: *Pro-*
4 *vided further*, That the transfer authority provided under
5 this provision is in addition to any other transfer authority
6 contained in this Act.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8081. Of the amounts appropriated in this Act
9 under the heading “Shipbuilding and Conversion, Navy”,
10 \$394,523,000 shall be available until September 30, 2006,
11 to fund prior year shipbuilding cost increases: *Provided*,
12 That upon enactment of this Act, the Secretary of the
13 Navy shall transfer such funds to the following appropria-
14 tions in the amounts specified: *Provided further*, That the
15 amounts transferred shall be merged with and be available
16 for the same purposes as the appropriations to which
17 transferred:

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

20 NSSN, \$28,000,000.

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

23 LPD-17 Amphibious Transport Dock Ship,
24 \$25,000,000; and

25 NSSN, \$72,000,000.

1 Under the heading, “Shipbuilding and Conver-
2 sion, Navy, 2000/2009”:

3 LPD-17 Amphibious Transport Dock Ship,
4 \$41,800,000.

5 Under the heading, “Shipbuilding and Conver-
6 sion, Navy, 2001/2007”:

7 Carrier Replacement Program, \$145,023,000;
8 and
9 NSSN, \$82,700,000.

10 ~~SEC. 8082.~~ The Secretary of the Navy may settle,
11 or compromise, and pay any and all admiralty claims
12 under ~~10 U.S.C. 7622~~ arising out of the collision involving
13 the U.S.S. GREENEVILLE and the EHIME MARU, in
14 any amount and without regard to the monetary limita-
15 tions in subsections (a) and (b) of that section: *Provided,*
16 That such payments shall be made from funds available
17 to the Department of the Navy for operation and mainte-
18 nance.

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

23 Pharmacists, Audiologists, and Dental Hygienists.

24 (A) The requirements of ~~38 U.S.C.~~
25 ~~7403(g)(1)(A)~~ shall apply.

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

3 SEC. 8084. Funds appropriated by this Act, or made
4 available by the transfer of funds in this Act, for intel-
5 ligence activities are deemed to be specifically authorized
6 by the Congress for purposes of section 504 of the Na-
7 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
8 year 2006 until the enactment of the Intelligence Author-
9 ization Act for fiscal year 2006.

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

14 SEC. 8086. The amounts appropriated in title II of
15 this Act are hereby reduced by \$250,000,000 to reflect
16 cash balance and rate stabilization adjustments in Depart-
17 ment of Defense Working Capital Funds, as follows:

18 (1) From “Operation and Maintenance, Army”,
19 \$107,000,000.

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

22 SEC. 8087. (a) In addition to the amounts provided
23 elsewhere in this Act, the amount of \$6,000,000 is hereby
24 appropriated to the Department of Defense for “Oper-
25 ation and Maintenance, Army National Guard”. Such

1 amount shall be made available to the Secretary of the
2 Army only to make a grant in the amount of \$6,000,000
3 to the entity specified in subsection (b) to facilitate access
4 by veterans to opportunities for skilled employment in the
5 construction industry.

6 (b) The entity referred to in subsection (a) is the
7 Center for Military Recruitment, Assessment and Vet-
8 erans Employment, a nonprofit labor-management co-op-
9 eration committee provided for by section 302(e)(9) of the
10 Labor-Management Relations Act, 1947 (29 U.S.C.
11 186(e)(9)), for the purposes set forth in section 6(b) of
12 the Labor Management Cooperation Act of 1978 (29
13 U.S.C. 175a note).

14 ~~SEC. 8088. FINANCING AND FIELDING OF KEY ARMY~~
15 ~~CAPABILITIES.—~~The Department of Defense and the De-
16 partment of the Army shall make future budgetary and
17 programming plans to fully finance the Non-Line of Sight
18 Future Force cannon and resupply vehicle program
19 ~~(NLOS-C)~~ in order to field this system in fiscal year
20 2010, consistent with the broader plan to field the Future
21 Combat System (FCS) in fiscal year 2010: *Provided*, That
22 if the Army is precluded from fielding the FCS program
23 by fiscal year 2010, then the Army shall develop the
24 ~~NLOS-C~~ independent of the broader FCS development
25 timeline to achieve fielding by fiscal year 2010. In addition

1 the Army will deliver eight (8) combat operational pre-
2 production NLOS-C systems by the end of calendar year
3 2008. These systems shall be in addition to those systems
4 necessary for developmental and operational testing: *Pro-*
5 *vided further,* That the Army shall ensure that budgetary
6 and programmatic plans will provide for no fewer than
7 seven (7) Stryker Brigade Combat Teams.

8 SEC. 8089. In addition to the amounts appropriated
9 or otherwise made available elsewhere in this Act,
10 \$14,400,000 is hereby appropriated to the Department of
11 Defense, to remain available until September 30, 2006:
12 *Provided,* That the Secretary of Defense shall make grants
13 in the amounts specified as follows: \$4,500,000 to the In-
14 trepid Sea-Air-Space Foundation; \$1,000,000 to the Pen-
15 tagon Memorial Fund, Inc.; \$4,400,000 to the Center for
16 Applied Science and Technologies at Jordan Valley Inno-
17 vation Center; \$1,000,000 to the Vietnam Veterans Me-
18 morial Fund for the Teach Vietnam initiative; \$500,000
19 for the Westchester County World Trade Center Memo-
20 rial; \$1,000,000 for the Women in Military Service for
21 America Memorial Foundation; and \$2,000,000 to the
22 Presidio Trust.

23 SEC. 8090. None of the funds appropriated in this
24 Act under the heading “Overseas Contingency Operations
25 Transfer Account” may be transferred or obligated for

1 Department of Defense expenses not directly related to the
2 conduct of overseas contingencies: *Provided*, That the Sec-
3 retary of Defense shall submit a report no later than 30
4 days after the end of each fiscal quarter to the Committees
5 on Appropriations of the Senate and House of Representa-
6 tives that details any transfer of funds from the “Overseas
7 Contingency Operations Transfer Account”: *Provided fur-*
8 *ther*, That the report shall explain any transfer for the
9 maintenance of real property, pay of civilian personnel,
10 base operations support, and weapon, vehicle or equipment
11 maintenance.

12 SEC. 8091. For purposes of section 1553(b) of title
13 31, United States Code, any subdivision of appropriations
14 made in this Act under the heading “Shipbuilding and
15 Conversion, Navy” shall be considered to be for the same
16 purpose as any subdivision under the heading “Ship-
17 building and Conversion, Navy” appropriations in any
18 prior fiscal year, and the 1 percent limitation shall apply
19 to the total amount of the appropriation.

20 SEC. 8092. The budget of the President for fiscal
21 year 2007 submitted to the Congress pursuant to section
22 1105 of title 31, United States Code shall include separate
23 budget justification documents for costs of United States
24 Armed Forces’ participation in contingency operations for
25 the Military Personnel accounts, the Operation and Main-

1 tenance accounts, and the Procurement accounts: *Pro-*
2 *vided*, That these documents shall include a description
3 of the funding requested for each contingency operation,
4 for each military service, to include all Active and Reserve
5 components, and for each appropriations account: *Pro-*
6 *vided further*, That these documents shall include esti-
7 mated costs for each element of expense or object class,
8 a reconciliation of increases and decreases for each contin-
9 gency operation, and programmatic data including, but
10 not limited to, troop strength for each Active and Reserve
11 component, and estimates of the major weapons systems
12 deployed in support of each contingency: *Provided further*,
13 That these documents shall include budget exhibits OP-
14 5 and OP-32 (as defined in the Department of Defense
15 Financial Management Regulation) for all contingency op-
16 erations for the budget year and the two preceding fiscal
17 years.

18 ~~SEC. 8093.~~ None of the funds in this Act may be
19 used for research, development, test, evaluation, procure-
20 ment or deployment of nuclear armed interceptors of a
21 missile defense system.

22 ~~SEC. 8094.~~ Of the amounts provided in title II of this
23 Act under the heading, “Operation and Maintenance, De-
24 fense-Wide”, \$20,000,000 is available for the Regional
25 Defense Counter-terrorism Fellowship Program, to fund

1 the education and training of foreign military officers,
2 ministry of defense civilians, and other foreign security of-
3 ficials, to include United States military officers and civil-
4 ian officials whose participation directly contributes to the
5 education and training of these foreign students.

6 SEC. 8095. None of the funds appropriated or made
7 available in this Act shall be used to reduce or disestablish
8 the operation of the 53rd Weather Reconnaissance Squad-
9 ron of the Air Force Reserve, if such action would reduce
10 the WC-130 Weather Reconnaissance mission below the
11 levels funded in this Act: *Provided*, That the Air Force
12 shall allow the 53rd Weather Reconnaissance Squadron to
13 perform other missions in support of national defense re-
14 quirements during the non-hurricane season.

15 SEC. 8096. None of the funds provided in this Act
16 shall be available for integration of foreign intelligence in-
17 formation unless the information has been lawfully col-
18 lected and processed during the conduct of authorized for-
19 eign intelligence activities: *Provided*, That information
20 pertaining to United States persons shall only be handled
21 in accordance with protections provided in the Fourth
22 Amendment of the United States Constitution as imple-
23 mented through Executive Order No. 12333.

24 SEC. 8097. (a) From within amounts made available
25 in title II of this Act under the heading "Operation and

1 Maintenance, Army” \$4,500,000 is only for an additional
2 amount for the project for which funds were appropriated
3 in section 8103 of Public Law 106-79, for the same pur-
4 poses, which shall remain available until expended: *Pro-*
5 *vided,* That no funds in this or any other Act, nor non-
6 appropriated funds, may be used to operate recreational
7 facilities (such as the officers club, golf course, or bowling
8 alleys) at Ft. Irwin, California, if such facilities provide
9 services to Army officers of the grade O-7 or higher, until
10 such time as the project in the previous proviso has been
11 fully completed.

12 (b) From within amounts made available in title H
13 of this Act under the heading “Operation and Mainte-
14 nance, Marine Corps”, the Secretary of the Navy shall
15 make a grant in the amount of \$2,000,000, notwith-
16 standing any other provision of law, to the City of
17 Twentynine Palms, California, for the widening of off-base
18 Adobe Road, which is used by members of the Marine
19 Corps stationed at the Marine Corps Air Ground Task
20 Force Training Center, Twentynine Palms, California,
21 and their dependents, and for construction of pedestrian
22 and bike lanes for the road, to provide for the safety of
23 the Marines stationed at the installation.

24 SEC. 8098. (a) At the time members of reserve com-
25 ponents of the Armed Forces are called or ordered to ac-

1 tive duty under section 12302(a) of title 10, United States
2 Code, each member shall be notified in writing of the ex-
3 pected period during which the member will be mobilized.

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

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8099. The Secretary of the Navy may transfer
11 funds from any available Department of the Navy appro-
12 priation to any available Navy ship construction appro-
13 priation for the purpose of liquidating necessary changes
14 resulting from inflation, market fluctuations, or rate ad-
15 justments for any ship construction program appropriated
16 in law: *Provided*, That the Secretary may transfer not to
17 exceed \$100,000,000 under the authority provided by this
18 section: *Provided further*, That the funding transferred
19 shall be available for the same time period as the appro-
20 priation to which transferred: *Provided further*, That the
21 Secretary may not transfer any funds until 30 days after
22 the proposed transfer has been reported to the Committee
23 on Appropriations of the Senate and the House of Rep-
24 resentatives, unless sooner notified by the Committees
25 that there is no objection to the proposed transfer: *Pro-*
26 *vided further*, That the transfer authority provided by this

1 section is in addition to any other transfer authority con-
2 tained elsewhere in this Act.

3 SEC. 8100. (a) The total amount appropriated or oth-
4 erwise made available in title II of this Act is hereby re-
5 duced by \$147,000,000 to limit excessive growth in the
6 travel and transportation of persons.

7 (b) The Secretary of Defense shall allocate this re-
8 duction proportionately to each budget activity, activity
9 group, subactivity group, and each program, project, and
10 activity within each applicable appropriation account.

11 SEC. 8101. Of the funds appropriated or otherwise
12 made available in this Act, a reduction of \$176,500,000
13 is hereby taken from title III, Procurement, from the fol-
14 lowing accounts in the specified amounts:

15 “Missile Procurement, Army”, \$9,000,000.

16 “Other Procurement, Army”, \$112,500,000.

17 “Procurement, Marine Corps”, \$55,000,000.

18 *Provided*, That within 30 days of enactment of this Act,
19 the Secretary of the Army and the Secretary of the Navy
20 shall provide a report to the House Committee on Appro-
21 priations and the Senate Committee on Appropriations
22 which describes the application of these reductions to pro-
23 grams, projects or activities within these accounts.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 8102. (a) ~~THREE-YEAR EXTENSION.~~—During
26 the current fiscal year and each of fiscal years 2007 and

1 2008, the Secretary of Defense may transfer not more
2 than \$20,000,000 of unobligated balances remaining in
3 the expiring RDT&E, Army, appropriation account to a
4 current Research, Development, Test and Evaluation,
5 Army, appropriation account to be used only for the con-
6 tinuation of the Army Venture Capital Fund demonstra-
7 tion.

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

15 (c) ARMY VENTURE CAPITAL FUND DEMONSTRA-
16 TION.—For purposes of this section, the Army Venture
17 Capital Fund demonstration is the program for which
18 funds were initially provided in section 8150 of the De-
19 partment of Defense Appropriations Act, 2002 (division
20 A of Public Law 107–117, 115 Stat. 2281), as extended
21 and revised in section 8105 of Department of Defense Ap-
22 propriations Act, 2003 (Public Law 107–248, 116 Stat.
23 1562).

24 (d) ADMINISTRATIVE PROVISIONS.—The provisos in
25 section 8105 of the Department of Defense Appropriations

1 Act, 2003 (Public Law 107-248; 116 Stat. 1562), shall
2 apply with respect to amounts transferred under this sec-
3 tion in the same manner as to amounts transferred under
4 that section.

5 TITLE IX

6 ADDITIONAL APPROPRIATIONS

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For an additional amount for “Military Personnel,
10 Army”, \$5,877,400,000: *Provided*, That the amount pro-
11 vided under this heading is designated as making appro-
12 priations for contingency operations related to the global
13 war on terrorism pursuant to section 402 of H. Con. Res.
14 95 (109th Congress), the concurrent resolution on the
15 budget for fiscal year 2006.

16 MILITARY PERSONNEL, NAVY

17 For an additional amount for “Military Personnel,
18 Navy”, \$282,000,000: *Provided*, That the amount pro-
19 vided under this heading is designated as making appro-
20 priations for contingency operations related to the global
21 war on terrorism pursuant to section 402 of H. Con. Res.
22 95 (109th Congress), the concurrent resolution on the
23 budget for fiscal year 2006.

1 MILITARY PERSONNEL, MARINE CORPS

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

9 MILITARY PERSONNEL, AIR FORCE

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

17 RESERVE PERSONNEL, ARMY

18 For an additional amount for “Reserve Personnel,
19 Army”, \$138,755,000: *Provided*, That the amount pro-
20 vided under this heading is designated as making appro-
21 priations for contingency operations related to the global
22 war on terrorism pursuant to section 402 of H. Con. Res.
23 95 (109th Congress), the concurrent resolution on the
24 budget for fiscal year 2006.

1 NATIONAL GUARD PERSONNEL, ARMY

2 For an additional amount for “National Guard Per-
3 sonnel, Army”, \$67,000,000: *Provided*, That the amount
4 provided under this heading is designated as making ap-
5 propriations for contingency operations related to the
6 global war on terrorism pursuant to section 402 of H.
7 Con. Res. 95 (109th Congress); the concurrent resolution
8 on the budget for fiscal year 2006.

9 OPERATION AND MAINTENANCE

10 OPERATION AND MAINTENANCE, ARMY

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

18 OPERATION AND MAINTENANCE, NAVY

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

1 OPERATION AND MAINTENANCE, MARINE CORPS

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

9 OPERATION AND MAINTENANCE, AIR FORCE

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

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

1 For an additional amount for “Iraq Freedom Fund”,
2 \$3,500,000,000, to remain available for transfer until
3 September 30, 2007, only to support operations in Iraq
4 or Afghanistan and classified activities: *Provided*, That the
5 Secretary of Defense may transfer the funds provided
6 herein to appropriations for military personnel; operation
7 and maintenance; Overseas Humanitarian, Disaster, and
8 Civic Aid; procurement; research, development, test and
9 evaluation; and working capital funds: *Provided further*,
10 That of the amounts provided under this heading, not less
11 than \$2,500,000,000 shall be for classified programs,
12 which shall be in addition to amounts provided for else-
13 where in this Act: *Provided further*, That funds trans-
14 ferred shall be merged with and be available for the same
15 purposes and for the same time period as the appropria-
16 tion or fund to which transferred: *Provided further*, That
17 this transfer authority is in addition to any other transfer
18 authority available to the Department of Defense: *Pro-*
19 *vided further*, That upon a determination that all or part
20 of the funds transferred from this appropriation are not
21 necessary for the purposes provided herein, such amounts
22 may be transferred back to this appropriation: *Provided*
23 *further*, That the Secretary of Defense shall, not fewer
24 25

1 than 5 days prior to making transfers from this appropria-
 2 tion, notify the congressional defense committees in writ-
 3 ing of the details of any such transfer: *Provided further,*
 4 That the Secretary shall submit a report no later than
 5 30 days after the end of each fiscal quarter to the congres-
 6 sional defense committees summarizing the details of the
 7 transfer of funds from this appropriation: *Provided fur-*
 8 *ther,* That the amount provided under this heading is des-
 9 ignated as making appropriations for contingency oper-
 10 ations related to the global war on terrorism pursuant to
 11 section 402 of H. Con. Res. 95 (109th Congress), the con-
 12 current resolution on the budget for fiscal year 2006.

13 OPERATION AND MAINTENANCE, ARMY RESERVE

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

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 RESERVE

23 For an additional amount for “Operation and Main-
 24 tenance, Marine Corps Reserve”, \$23,950,000: *Provided,*
 25 That the amount provided under this heading is des-

1 ignated as making appropriations for contingency oper-
2 ations related to the global war on terrorism pursuant to
3 section 402 of H. Con. Res. 95 (109th Congress), the con-
4 current resolution on the budget for fiscal year 2006.

5 OPERATION AND MAINTENANCE, ARMY NATIONAL
6 GUARD

7 For an additional amount for “Operation and Main-
8 tenance, Army National Guard”, \$159,500,000: *Provided,*
9 That the amount provided under this heading is des-
10 ignated as making appropriations for contingency oper-
11 ations related to the global war on terrorism pursuant to
12 section 402 of H. Con. Res. 95 (109th Congress), the con-
13 current resolution on the budget for fiscal year 2006.

14 PROCUREMENT

15 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
16 VEHICLES, ARMY

17 For an additional amount for “Procurement of Weap-
18 ons and Tracked Combat Vehicles, Army”, \$455,427,000,
19 to remain available until September 30, 2008: *Provided,*
20 That the amount provided under this heading is des-
21 ignated as making appropriations for contingency oper-
22 ations related to the global war on terrorism pursuant to
23 section 402 of H. Con. Res. 95 (109th Congress), the con-
24 current resolution on the budget for fiscal year 2006.

1 PROCUREMENT OF AMMUNITION, ARMY

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

10 OTHER PROCUREMENT, ARMY

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

21 WEAPONS PROCUREMENT, NAVY

22 For an additional amount for “Weapons Procure-
23 ment, Navy”, \$81,696,000, to remain available until Sep-
24 tember 30, 2008: *Provided*, That the amount provided
25 under this heading is designated as making appropriations

1 PROCUREMENT, MARINE CORPS

2 For an additional amount for “Procurement, Marine
3 Corps”, \$389,900,000, to remain available until Sep-
4 tember 30, 2008: *Provided*, That the amount provided
5 under this heading is designated as making appropriations
6 for contingency operations related to the global war on ter-
7 rorism pursuant to section 402 of H. Con. Res. 95 (109th
8 Congress), the concurrent resolution on the budget for fis-
9 cal year 2006.

10 AIRCRAFT PROCUREMENT, AIR FORCE

11 For an additional amount for “Aircraft Procurement,
12 Air Force”, \$115,300,000, to remain available until Sep-
13 tember 30, 2008: *Provided*, That the amount provided
14 under this heading is designated as making appropriations
15 for contingency operations related to the global war on ter-
16 rorism pursuant to section 402 of H. Con. Res. 95 (109th
17 Congress), the concurrent resolution on the budget for fis-
18 cal year 2006.

19 OTHER PROCUREMENT, AIR FORCE

20 For an additional amount for “Other Procurement,
21 Air Force”, \$2,400,000, to remain available until Sep-
22 tember 30, 2008: *Provided*, That the amount provided
23 under this heading is designated as making appropriations
24 for contingency operations related to the global war on ter-
25 rorism pursuant to section 402 of H. Con. Res. 95 (109th

1 Congress); the concurrent resolution on the budget for fis-
2 cal year 2006.

3 PROCUREMENT, DEFENSE-WIDE

4 For an additional amount for “Procurement, De-
5 fense-Wide”, \$103,900,000, to remain available until Sep-
6 tember 30, 2008: *Provided*, That the amount provided
7 under this heading is designated as making appropriations
8 for contingency operations related to the global war on ter-
9 rorism pursuant to section 402 of H. Con. Res. 95 (109th
10 Congress); the concurrent resolution on the budget for fis-
11 cal year 2006.

12 RESEARCH, DEVELOPMENT, TEST AND
13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 NAVY

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

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 DEFENSE-WIDE

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

11 REVOLVING AND MANAGEMENT FUNDS

12 DEFENSE WORKING CAPITAL FUNDS

13 For an additional amount for “Defense Working
14 Capital Funds”, \$2,055,000,000: *Provided*, That the
15 amount provided under this heading is designated as mak-
16 ing appropriations for contingency operations related to
17 the global war on terrorism pursuant to section 402 of
18 H. Con. Res. 95 (109th Congress), the concurrent resolu-
19 tion on the budget for fiscal year 2006.

20 TITLE IX

21 GENERAL PROVISIONS

22 SEC. 9001. Appropriations provided in this title are
23 available for obligation until September 30, 2006, unless
24 otherwise so provided in this title.

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

4 (TRANSFER OF FUNDS)

5 SEC. 9003. Upon his determination that such action
6 is necessary in the national interest, the Secretary of De-
7 fense may transfer between appropriations up to
8 \$2,500,000,000 of the funds made available to the De-
9 partment of Defense in this title: *Provided*, That the Sec-
10 retary shall notify the Congress promptly of each transfer
11 made pursuant to the authority in this section: *Provided*
12 *further*, That the authority provided in this section is in
13 addition to any other transfer authority available to the
14 Department of Defense and is subject to the same terms
15 and conditions as the authority provided in section 8005
16 of this Act: *Provided further*, That the amounts trans-
17 ferred under the authority of this section are designated
18 as making appropriations for contingency operations re-
19 lated to the global war on terrorism pursuant to section
20 402 of H. Con. Res. 95 (109th Congress), the concurrent
21 resolution on the budget for fiscal year 2006.

22 SEC. 9004. Funds appropriated in this title, or made
23 available by the transfer of funds in or pursuant to this
24 title, for intelligence activities are deemed to be specifically
25 authorized by the Congress for purposes of section 504
26 of the National Security Act of 1947 (50 U.S.C. 414) dur-

1 ing fiscal year 2006 until the enactment of the Intelligence
2 Authorization Act for fiscal year 2006.

3 SEC. 9005. None of the funds provided in this title
4 may be used to finance programs or activities denied by
5 Congress in fiscal years 2005 or 2006 appropriations to
6 the Department of Defense or to initiate a procurement
7 or research, development, test and evaluation new start
8 program without prior written notification to the congress-
9 sional defense committees.

10 SEC. 9006. Notwithstanding any other provision of
11 law, funds made available in this title to the Department
12 of Defense for operation and maintenance may be used
13 by the Secretary of Defense, with the concurrence of the
14 Secretary of State, to train, equip and provide related as-
15 sistance only to military or security forces of Iraq and Af-
16 ghanistan to enhance their capability to combat terrorism
17 and to support United States military operations in Iraq
18 and Afghanistan: *Provided*, That such assistance may in-
19 clude the provision of equipment, supplies, services, train-
20 ing, and funding: *Provided further*, That the authority to
21 provide assistance under this section is in addition to any
22 other authority to provide assistance to foreign nations:
23 *Provided further*, That the Secretary of Defense shall no-
24 tify the congressional defense committees, the Committee
25 on International Relations of the House of Representa-

1 tives, and the Committee on Foreign Relations of the Sen-
2 ate not less than 15 days before providing assistance
3 under the authority of this section.

4 SEC. 9007. (a) FISCAL YEAR 2006 AUTHORITY.—
5 During the current fiscal year, from funds made available
6 to the Department of Defense for operation and mainte-
7 nance pursuant to title IX, not to exceed \$500,000,000
8 may be used by the Secretary of Defense to provide
9 funds—

10 (1) for the Commanders' Emergency Response
11 Program established by the Administrator of the Co-
12 alition Provisional Authority for the purpose of ena-
13 bling United States military commanders in Iraq to
14 respond to urgent humanitarian relief and recon-
15 struction requirements within their areas of respon-
16 sibility by carrying out programs that will imme-
17 diately assist the Iraqi people; and

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

20 (b) QUARTERLY REPORTS.—Not later than 15 days
21 after the end of each fiscal year quarter, the Secretary
22 of Defense shall submit to the congressional defense com-
23 mittees a report regarding the source of funds and the
24 allocation and use of funds during that quarter that were
25 made available pursuant to the authority provided in this

1 section or under any other provision of law for the pur-
2 poses stated in subsection (a).

3 (c) **LIMITATION ON USE OF FUNDS.**—Funds author-
4 ized for the Commanders' Emergency Response Program
5 by this section may not be used to provide goods, services,
6 or funds to national armies, national guard forces, border
7 security forces, civil defense forces, infrastructure protec-
8 tion forces, highway patrol units, police, special police, or
9 intelligence or other security forces.

10 (d) **SECRETARY OF DEFENSE GUIDANCE.**—Not later
11 than 90 days after the date of the enactment of this Act,
12 the Secretary of Defense shall issue to the commander of
13 the United States Central Command detailed guidance
14 concerning the types of activities for which United States
15 military commanders in Iraq may use funds under the
16 Commanders' Emergency Response Program to respond
17 to urgent relief and reconstruction requirements and the
18 terms under which such funds may be expended. The Sec-
19 retary shall simultaneously provide a copy of that guid-
20 ance to the congressional defense committees.

21 **SEC. 9008.** During the current fiscal year, funds
22 available to the Department of Defense for operation and
23 maintenance may be used, notwithstanding any other pro-
24 vision of law, to provide supplies, services, transportation,
25 including airlift and sealift, and other logistical support

1 to coalition forces supporting military and stability oper-
2 ations in Iraq and Afghanistan: *Provided*, That the Sec-
3 retary of Defense shall provide quarterly reports to the
4 congressional defense committees regarding support pro-
5 vided under this section.

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

11 SEC. 9010. The reporting requirements of section
12 9010 of Public Law 108–287 regarding the military oper-
13 ations of the Armed Forces and the reconstruction activi-
14 ties of the Department of Defense in Iraq and Afghanistan
15 shall apply to the funds appropriated in this Act.

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

22 SEC. 9012. SENSE OF CONGRESS AND REPORT CON-
23 CERNING RELIGIOUS FREEDOM AND TOLERANCE AT
24 UNITED STATES AIR FORCE ACADEMY. (a) SENSE OF
25 CONGRESS.—It is the sense of Congress that—

1 (1) the expression of personal religious faith is
2 welcome in the United States military;

3 (2) the military must be a place where there is
4 freedom for religious expression for all faiths; and

5 (3) the Secretary of the Air Force and the De-
6 partment of Defense Inspector General have under-
7 taken several reviews of the issues of religious toler-
8 ance at the Air Force Academy.

9 (b) REPORT.—

10 (1) RECOMMENDATIONS.—The Secretary of the
11 Air Force, based upon the reviews referred in sub-
12 section (a)(3), shall develop recommendations to
13 maintain a positive climate of religious freedom and
14 tolerance at the United States Air Force Academy.

15 (2) SECRETARY OF AIR FORCE REPORT.—Not
16 later than 90 days after the date of the enactment
17 of this Act, the Secretary shall submit to the con-
18 gressional defense committees a report providing the
19 recommendations developed pursuant to paragraph
20 (1).

21 SEC. 9013. None of the funds made available in this
22 Act may be used in contravention of the following laws
23 enacted or regulations promulgated to implement the
24 United Nations Convention Against Torture and Other

1 ~~Cruel, Inhuman or Degrading Treatment or Punishment~~
2 ~~(done at New York on December 10, 1984):~~

3 ~~(1) Section 2340A of title 18, United States~~
4 ~~Code.~~

5 ~~(2) Section 2242 of the Foreign Affairs Reform~~
6 ~~and Restructuring Act of 1998 (division G of Public~~
7 ~~Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231~~
8 ~~note) and any regulations prescribed thereto, includ-~~
9 ~~ing regulations under part 208 of title 8, Code of~~
10 ~~Federal Regulations, and part 95 of title 22, Code~~
11 ~~of Federal Regulations.~~

12 ~~This Act may be cited as the “Department of Defense~~
13 ~~Appropriations Act, 2006”.~~

14 *That the following sums are appropriated, out of any*
15 *money in the Treasury not otherwise appropriated, for the*
16 *fiscal year ending September 30, 2006, for military func-*
17 *tions administered by the Department of Defense and for*
18 *other purposes, namely:*

19 *TITLE I—MILITARY PERSONNEL*

20 *MILITARY PERSONNEL, ARMY*

21 *For pay, allowances, individual clothing, subsistence,*
22 *interest on deposits, gratuities, permanent change of station*
23 *travel (including all expenses thereof for organizational*
24 *movements), and expenses of temporary duty travel between*
25 *permanent duty stations, for members of the Army on active*

1 *duty, (except members of reserve components provided for*
2 *elsewhere), cadets, and aviation cadets; for members of the*
3 *Reserve Officer's Training Corps; and for payments pursu-*
4 *ant to section 156 of Public Law 97-377, as amended (42*
5 *U.S.C. 402 note), and to the Department of Defense Mili-*
6 *tary Retirement Fund, \$28,099,587,000.*

7 *MILITARY PERSONNEL, NAVY*

8 *For pay, allowances, individual clothing, subsistence,*
9 *interest on deposits, gratuities, permanent change of station*
10 *travel (including all expenses thereof for organizational*
11 *movements), and expenses of temporary duty travel between*
12 *permanent duty stations, for members of the Navy on active*
13 *duty (except members of the Reserve provided for elsewhere),*
14 *midshipmen, and aviation cadets; for members of the Re-*
15 *serve Officer's Training Corps; and for payments pursuant*
16 *to section 156 of Public Law 97-377, as amended (42*
17 *U.S.C. 402 note), and to the Department of Defense Mili-*
18 *tary Retirement Fund, \$22,671,875,000.*

19 *MILITARY PERSONNEL, MARINE CORPS*

20 *For pay, allowances, individual clothing, subsistence,*
21 *interest on deposits, gratuities, permanent change of station*
22 *travel (including all expenses thereof for organizational*
23 *movements), and expenses of temporary duty travel between*
24 *permanent duty stations, for members of the Marine Corps*
25 *on active duty (except members of the Reserve provided for*

1 elsewhere); and for payments pursuant to section 156 of
2 Public Law 97–377, as amended (42 U.S.C. 402 note), and
3 to the Department of Defense Military Retirement Fund,
4 \$8,894,984,000.

5 *MILITARY PERSONNEL, AIR FORCE*

6 *For pay, allowances, individual clothing, subsistence,*
7 *interest on deposits, gratuities, permanent change of station*
8 *travel (including all expenses thereof for organizational*
9 *movements), and expenses of temporary duty travel between*
10 *permanent duty stations, for members of the Air Force on*
11 *active duty (except members of reserve components provided*
12 *for elsewhere), cadets, and aviation cadets; for members of*
13 *the Reserve Officer’s Training Corps; and for payments*
14 *pursuant to section 156 of Public Law 97–377, as amended*
15 *(42 U.S.C. 402 note), and to the Department of Defense*
16 *Military Retirement Fund, \$22,908,750,000.*

17 *RESERVE PERSONNEL, ARMY*

18 *For pay, allowances, clothing, subsistence, gratuities,*
19 *travel, and related expenses for personnel of the Army Re-*
20 *serve on active duty under sections 10211, 10302, and 3038*
21 *of title 10, United States Code, or while serving on active*
22 *duty under section 12301(d) of title 10, United States Code,*
23 *in connection with performing duty specified in section*
24 *12310(a) of title 10, United States Code, or while under-*
25 *going reserve training, or while performing drills or equiva-*

1 *lent duty or other duty, and expenses authorized by section*
2 *16131 of title 10, United States Code; and for payments*
3 *to the Department of Defense Military Retirement Fund,*
4 *\$3,052,269,000.*

5 *RESERVE PERSONNEL, NAVY*

6 *For pay, allowances, clothing, subsistence, gratuities,*
7 *travel, and related expenses for personnel of the Navy Re-*
8 *serve on active duty under section 10211 of title 10, United*
9 *States Code, or while serving on active duty under section*
10 *12301(d) of title 10, United States Code, in connection with*
11 *performing duty specified in section 12310(a) of title 10,*
12 *United States Code, or while undergoing reserve training,*
13 *or while performing drills or equivalent duty, and expenses*
14 *authorized by section 16131 of title 10, United States Code;*
15 *and for payments to the Department of Defense Military*
16 *Retirement Fund, \$1,617,299,000.*

17 *RESERVE PERSONNEL, MARINE CORPS*

18 *For pay, allowances, clothing, subsistence, gratuities,*
19 *travel, and related expenses for personnel of the Marine*
20 *Corps Reserve on active duty under section 10211 of title*
21 *10, United States Code, or while serving on active duty*
22 *under section 12301(d) of title 10, United States Code, in*
23 *connection with performing duty specified in section*
24 *12310(a) of title 10, United States Code, or while under-*
25 *going reserve training, or while performing drills or equiva-*

1 *lent duty, and for members of the Marine Corps platoon*
2 *leaders class, and expenses authorized by section 16131 of*
3 *title 10, United States Code; and for payments to the De-*
4 *partment of Defense Military Retirement Fund,*
5 *\$491,601,000.*

6 *RESERVE PERSONNEL, AIR FORCE*

7 *For pay, allowances, clothing, subsistence, gratuities,*
8 *travel, and related expenses for personnel of the Air Force*
9 *Reserve on active duty under sections 10211, 10305, and*
10 *8038 of title 10, United States Code, or while serving on*
11 *active duty under section 12301(d) of title 10, United States*
12 *Code, in connection with performing duty specified in sec-*
13 *tion 12310(a) of title 10, United States Code, or while un-*
14 *dergoing reserve training, or while performing drills or*
15 *equivalent duty or other duty, and expenses authorized by*
16 *section 16131 of title 10, United States Code; and for pay-*
17 *ments to the Department of Defense Military Retirement*
18 *Fund, \$1,263,046,000.*

19 *NATIONAL GUARD PERSONNEL, ARMY*

20 *For pay, allowances, clothing, subsistence, gratuities,*
21 *travel, and related expenses for personnel of the Army Na-*
22 *tional Guard while on duty under section 10211, 10302,*
23 *or 12402 of title 10 or section 708 of title 32, United States*
24 *Code, or while serving on duty under section 12301(d) of*
25 *title 10 or section 502(f) of title 32, United States Code,*

1 *in connection with performing duty specified in section*
2 *12310(a) of title 10, United States Code, or while under-*
3 *going training, or while performing drills or equivalent*
4 *duty or other duty, and expenses authorized by section*
5 *16131 of title 10, United States Code; and for payments*
6 *to the Department of Defense Military Retirement Fund,*
7 *\$4,555,794,000.*

8 *NATIONAL GUARD PERSONNEL, AIR FORCE*

9 *For pay, allowances, clothing, subsistence, gratuities,*
10 *travel, and related expenses for personnel of the Air Na-*
11 *tional Guard on duty under section 10211, 10305, or 12402*
12 *of title 10 or section 708 of title 32, United States Code,*
13 *or while serving on duty under section 12301(d) of title 10*
14 *or section 502(f) of title 32, United States Code, in connec-*
15 *tion with performing duty specified in section 12310(a) of*
16 *title 10, United States Code, or while undergoing training,*
17 *or while performing drills or equivalent duty or other duty,*
18 *and expenses authorized by section 16131 of title 10, United*
19 *States Code; and for payments to the Department of Defense*
20 *Military Retirement Fund, \$2,125,632,000.*

21 *TITLE II—OPERATION AND MAINTENANCE*

22 *OPERATION AND MAINTENANCE, ARMY*

23 *For expenses, not otherwise provided for, necessary for*
24 *the operation and maintenance of the Army, as authorized*
25 *by law; and not to exceed \$11,478,000 can be used for emer-*

1 *gencies and extraordinary expenses, to be expended on the*
2 *approval or authority of the Secretary of the Army, and*
3 *payments may be made on his certificate of necessity for*
4 *confidential military purposes, \$24,573,795,000.*

5 *OPERATION AND MAINTENANCE, NAVY*

6 *For expenses, not otherwise provided for, necessary for*
7 *the operation and maintenance of the Navy and the Marine*
8 *Corps, as authorized by law; and not to exceed \$6,003,000*
9 *can be used for emergencies and extraordinary expenses, to*
10 *be expended on the approval or authority of the Secretary*
11 *of the Navy, and payments may be made on his certificate*
12 *of necessity for confidential military purposes,*
13 *\$30,317,964,000.*

14 *OPERATION AND MAINTENANCE, MARINE CORPS*

15 *For expenses, not otherwise provided for, necessary for*
16 *the operation and maintenance of the Marine Corps, as au-*
17 *thorized by law, \$3,780,926,000.*

18 *OPERATION AND MAINTENANCE, AIR FORCE*

19 *For expenses, not otherwise provided for, necessary for*
20 *the operation and maintenance of the Air Force, as author-*
21 *ized by law; and not to exceed \$7,699,000 can be used for*
22 *emergencies and extraordinary expenses, to be expended on*
23 *the approval or authority of the Secretary of the Air Force,*
24 *and payments may be made on his certificate of necessity*
25 *for confidential military purposes, \$30,891,386,000.*

1 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For expenses, not otherwise provided for, necessary for*
4 *the operation and maintenance of activities and agencies*
5 *of the Department of Defense (other than the military de-*
6 *partments), as authorized by law, \$18,517,218,000: Pro-*
7 *vided, That not more than \$25,000,000 may be used for*
8 *the Combatant Commander Initiative Fund authorized*
9 *under section 166a of title 10, United States Code, and of*
10 *which not to exceed \$32,000,000 can be used for emergencies*
11 *and extraordinary expenses, to be expended on the approval*
12 *or authority of the Secretary of Defense, and payments may*
13 *be made on his certificate of necessity for confidential mili-*
14 *tary purposes: Provided further, That of the funds provided*
15 *under this heading not less than \$27,009,000 shall be made*
16 *available for the Procurement Technical Assistance Cooper-*
17 *ative Agreement Program, of which not less than \$3,600,000*
18 *shall be available for centers defined in 10 U.S.C.*
19 *2411(1)(D): Provided further, That none of the funds ap-*
20 *propriated or otherwise made available by this Act may be*
21 *used to plan or implement the consolidation of a budget*
22 *or appropriations liaison office of the Office of the Secretary*
23 *of Defense, the office of the Secretary of a military depart-*
24 *ment, or the service headquarters of one of the Armed Forces*
25 *into a legislative affairs or legislative liaison office: Pro-*

1 *vided further, That \$4,000,000, to remain available until*
2 *expended, is available only for expenses relating to certain*
3 *classified activities, and may be transferred as necessary*
4 *by the Secretary to operation and maintenance appropria-*
5 *tions or research, development, test and evaluation appro-*
6 *priations, to be merged with and to be available for the*
7 *same time period as the appropriations to which trans-*
8 *ferred: Provided further, That any ceiling on the investment*
9 *item unit cost of items that may be purchased with oper-*
10 *ation and maintenance funds shall not apply to the funds*
11 *described in the preceding proviso: Provided further, That*
12 *the transfer authority provided under this heading is in ad-*
13 *dition to any other transfer authority provided elsewhere*
14 *in this Act.*

15 *OPERATION AND MAINTENANCE, ARMY RESERVE*

16 *For expenses, not otherwise provided for, necessary for*
17 *the operation and maintenance, including training, organi-*
18 *zation, and administration, of the Army Reserve; repair of*
19 *facilities and equipment; hire of passenger motor vehicles;*
20 *travel and transportation; care of the dead; recruiting; pro-*
21 *curement of services, supplies, and equipment; and commu-*
22 *nications, \$1,956,482,000.*

23 *OPERATION AND MAINTENANCE, NAVY RESERVE*

24 *For expenses, not otherwise provided for, necessary for*
25 *the operation and maintenance, including training, organi-*

1 *zation, and administration, of the Navy Reserve; repair of*
2 *facilities and equipment; hire of passenger motor vehicles;*
3 *travel and transportation; care of the dead; recruiting; pro-*
4 *curement of services, supplies, and equipment; and commu-*
5 *nications, \$1,239,295,000.*

6 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

7 *For expenses, not otherwise provided for, necessary for*
8 *the operation and maintenance, including training, organi-*
9 *zation, and administration, of the Marine Corps Reserve;*
10 *repair of facilities and equipment; hire of passenger motor*
11 *vehicles; travel and transportation; care of the dead; recruit-*
12 *ing; procurement of services, supplies, and equipment; and*
13 *communications, \$197,734,000.*

14 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

15 *For expenses, not otherwise provided for, necessary for*
16 *the operation and maintenance, including training, organi-*
17 *zation, and administration, of the Air Force Reserve; repair*
18 *of facilities and equipment; hire of passenger motor vehicles;*
19 *travel and transportation; care of the dead; recruiting; pro-*
20 *curement of services, supplies, and equipment; and commu-*
21 *nications, \$2,474,286,000.*

22 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

23 *For expenses of training, organizing, and admin-*
24 *istering the Army National Guard, including medical and*
25 *hospital treatment and related expenses in non-Federal hos-*

1 *pitals; maintenance, operation, and repairs to structures*
2 *and facilities; hire of passenger motor vehicles; personnel*
3 *services in the National Guard Bureau; travel expenses*
4 *(other than mileage), as authorized by law for Army per-*
5 *sonnel on active duty, for Army National Guard division,*
6 *regimental, and battalion commanders while inspecting*
7 *units in compliance with National Guard Bureau regula-*
8 *tions when specifically authorized by the Chief, National*
9 *Guard Bureau; supplying and equipping the Army Na-*
10 *tional Guard as authorized by law; and expenses of repair,*
11 *modification, maintenance, and issue of supplies and*
12 *equipment (including aircraft), \$4,428,119,000: Provided,*
13 *That \$10,000,000 shall be available for the operations and*
14 *development of training and technology for the Joint Inter-*
15 *agency Training Center-East and the affiliated Center for*
16 *National Response at the Memorial Tunnel and for pro-*
17 *viding homeland defense/security and traditional*
18 *warfighting training to the Department of Defense, other*
19 *federal agency, and state and local first responder personnel*
20 *at the Joint Interagency Training Center-East.*

21 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

22 *For expenses of training, organizing, and admin-*
23 *istering the Air National Guard, including medical and*
24 *hospital treatment and related expenses in non-Federal hos-*
25 *pitals; maintenance, operation, and repairs to structures*

1 *and facilities; transportation of things, hire of passenger*
2 *motor vehicles; supplying and equipping the Air National*
3 *Guard, as authorized by law; expenses for repair, modifica-*
4 *tion, maintenance, and issue of supplies and equipment,*
5 *including those furnished from stocks under the control of*
6 *agencies of the Department of Defense; travel expenses (other*
7 *than mileage) on the same basis as authorized by law for*
8 *Air National Guard personnel on active Federal duty, for*
9 *Air National Guard commanders while inspecting units in*
10 *compliance with National Guard Bureau regulations when*
11 *specifically authorized by the Chief, National Guard Bu-*
12 *reau, \$4,681,291,000.*

13 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
14 *FORCES*

15 *For salaries and expenses necessary for the United*
16 *States Court of Appeals for the Armed Forces, \$11,236,000,*
17 *of which not to exceed \$5,000 may be used for official rep-*
18 *resentation purposes.*

19 *ENVIRONMENTAL RESTORATION, ARMY*
20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For the Department of the Army, \$407,865,000, to re-*
22 *main available until transferred: Provided, That the Sec-*
23 *retary of the Army shall, upon determining that such funds*
24 *are required for environmental restoration, reduction and*
25 *recycling of hazardous waste, removal of unsafe buildings*

1 *and debris of the Department of the Army, or for similar*
2 *purposes, transfer the funds made available by this appro-*
3 *priation to other appropriations made available to the De-*
4 *partment of the Army, to be merged with and to be available*
5 *for the same purposes and for the same time period as the*
6 *appropriations to which transferred: Provided further, That*
7 *upon a determination that all or part of the funds trans-*
8 *ferred from this appropriation are not necessary for the*
9 *purposes provided herein, such amounts may be transferred*
10 *back to this appropriation.*

11 *ENVIRONMENTAL RESTORATION, NAVY*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the Department of the Navy, \$305,275,000, to re-*
14 *main available until transferred: Provided, That the Sec-*
15 *retary of the Navy shall, upon determining that such funds*
16 *are required for environmental restoration, reduction and*
17 *recycling of hazardous waste, removal of unsafe buildings*
18 *and debris of the Department of the Navy, or for similar*
19 *purposes, transfer the funds made available by this appro-*
20 *priation to other appropriations made available to the De-*
21 *partment of the Navy, to be merged with and to be available*
22 *for the same purposes and for the same time period as the*
23 *appropriations to which transferred: Provided further, That*
24 *upon a determination that all or part of the funds trans-*
25 *ferred from this appropriation are not necessary for the*

1 *purposes provided herein, such amounts may be transferred*
2 *back to this appropriation.*

3 *ENVIRONMENTAL RESTORATION, AIR FORCE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the Department of the Air Force, \$406,461,000,*
6 *to remain available until transferred: Provided, That the*
7 *Secretary of the Air Force shall, upon determining that*
8 *such funds are required for environmental restoration, re-*
9 *duction and recycling of hazardous waste, removal of unsafe*
10 *buildings and debris of the Department of the Air Force,*
11 *or for similar purposes, transfer the funds made available*
12 *by this appropriation to other appropriations made avail-*
13 *able to the Department of the Air Force, to be merged with*
14 *and to be available for the same purposes and for the same*
15 *time period as the appropriations to which transferred:*
16 *Provided further, That upon a determination that all or*
17 *part of the funds transferred from this appropriation are*
18 *not necessary for the purposes provided herein, such*
19 *amounts may be transferred back to this appropriation.*

20 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the Department of Defense, \$28,167,000, to remain*
23 *available until transferred: Provided, That the Secretary of*
24 *Defense shall, upon determining that such funds are re-*
25 *quired for environmental restoration, reduction and recy-*

1 *cling of hazardous waste, removal of unsafe buildings and*
2 *debris of the Department of Defense, or for similar purposes,*
3 *transfer the funds made available by this appropriation to*
4 *other appropriations made available to the Department of*
5 *Defense, to be merged with and to be available for the same*
6 *purposes and for the same time period as the appropri-*
7 *tions to which transferred: Provided further, That upon a*
8 *determination that all or part of the funds transferred from*
9 *this appropriation are not necessary for the purposes pro-*
10 *vided herein, such amounts may be transferred back to this*
11 *appropriation.*

12 *ENVIRONMENTAL RESTORATION, FORMERLY USED*
13 *DEFENSE SITES*
14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For the Department of the Army, \$271,921,000, to re-*
16 *main available until transferred: Provided, That the Sec-*
17 *retary of the Army shall, upon determining that such funds*
18 *are required for environmental restoration, reduction and*
19 *recycling of hazardous waste, removal of unsafe buildings*
20 *and debris at sites formerly used by the Department of De-*
21 *fense, transfer the funds made available by this appropri-*
22 *ation to other appropriations made available to the Depart-*
23 *ment of the Army, to be merged with and to be available*
24 *for the same purposes and for the same time period as the*
25 *appropriations to which transferred: Provided further, That*

1 *upon a determination that all or part of the funds trans-*
2 *ferred from this appropriation are not necessary for the*
3 *purposes provided herein, such amounts may be transferred*
4 *back to this appropriation.*

5 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

6 *For expenses relating to the Overseas Humanitarian,*
7 *Disaster, and Civic Aid programs of the Department of De-*
8 *fense (consisting of the programs provided under sections*
9 *401, 402, 404, 2557, and 2561 of title 10, United States*
10 *Code), \$61,546,000, to remain available until September*
11 *30, 2007.*

12 *FORMER SOVIET UNION THREAT REDUCTION ACCOUNT*

13 *For assistance to the republics of the former Soviet*
14 *Union, including assistance provided by contract or by*
15 *grants, for facilitating the elimination and the safe and se-*
16 *cure transportation and storage of nuclear, chemical and*
17 *other weapons; for establishing programs to prevent the pro-*
18 *liferation of weapons, weapons components, and weapon-*
19 *related technology and expertise; for programs relating to*
20 *the training and support of defense and military personnel*
21 *for demilitarization and protection of weapons, weapons*
22 *components and weapons technology and expertise, and for*
23 *defense and military contacts, \$415,549,000, to remain*
24 *available until September 30, 2008: Provided, That of the*
25 *amounts provided under this heading, \$15,000,000 shall be*

1 *available only to support the dismantling and disposal of*
2 *nuclear submarines, submarine reactor components, and se-*
3 *curity enhancements for transport and storage of nuclear*
4 *warheads in the Russian Far East.*

5 *TITLE III—PROCUREMENT*

6 *AIRCRAFT PROCUREMENT, ARMY*

7 *For construction, procurement, production, modifica-*
8 *tion, and modernization of aircraft, equipment, including*
9 *ordnance, ground handling equipment, spare parts, and ac-*
10 *cessories therefor; specialized equipment and training de-*
11 *vices; expansion of public and private plants, including the*
12 *land necessary therefor, for the foregoing purposes, and such*
13 *lands and interests therein, may be acquired, and construc-*
14 *tion prosecuted thereon prior to approval of title; and pro-*
15 *curement and installation of equipment, appliances, and*
16 *machine tools in public and private plants; reserve plant*
17 *and Government and contractor-owned equipment layaway;*
18 *and other expenses necessary for the foregoing purposes,*
19 *\$2,562,480,000, to remain available for obligation until*
20 *September 30, 2008.*

21 *MISSILE PROCUREMENT, ARMY*

22 *For construction, procurement, production, modifica-*
23 *tion, and modernization of missiles, equipment, including*
24 *ordnance, ground handling equipment, spare parts, and ac-*
25 *cessories therefor; specialized equipment and training de-*

1 *vices; expansion of public and private plants, including the*
2 *land necessary therefor, for the foregoing purposes, and such*
3 *lands and interests therein, may be acquired, and construc-*
4 *tion prosecuted thereon prior to approval of title; and pro-*
5 *curement and installation of equipment, appliances, and*
6 *machine tools in public and private plants; reserve plant*
7 *and Government and contractor-owned equipment layaway;*
8 *and other expenses necessary for the foregoing purposes,*
9 *\$1,214,919,000, to remain available for obligation until*
10 *September 30, 2008.*

11 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
12 *VEHICLES, ARMY*

13 *For construction, procurement, production, and modi-*
14 *fication of weapons and tracked combat vehicles, equipment,*
15 *including ordnance, spare parts, and accessories therefor;*
16 *specialized equipment and training devices; expansion of*
17 *public and private plants, including the land necessary*
18 *therefor, for the foregoing purposes, and such lands and in-*
19 *terests therein, may be acquired, and construction pros-*
20 *ecuted thereon prior to approval of title; and procurement*
21 *and installation of equipment, appliances, and machine*
22 *tools in public and private plants; reserve plant and Gov-*
23 *ernment and contractor-owned equipment layaway; and*
24 *other expenses necessary for the foregoing purposes,*

1 \$1,359,465,000, to remain available for obligation until
2 September 30, 2008.

3 *PROCUREMENT OF AMMUNITION, ARMY*

4 *For construction, procurement, production, and modi-*
5 *fication of ammunition, and accessories therefor; specialized*
6 *equipment and training devices; expansion of public and*
7 *private plants, including ammunition facilities authorized*
8 *by section 2854 of title 10, United States Code, and the*
9 *land necessary therefor, for the foregoing purposes, and such*
10 *lands and interests therein, may be acquired, and construc-*
11 *tion prosecuted thereon prior to approval of title; and pro-*
12 *curement and installation of equipment, appliances, and*
13 *machine tools in public and private plants; reserve plant*
14 *and Government and contractor-owned equipment layaway;*
15 *and other expenses necessary for the foregoing purposes,*
16 *\$1,708,680,000, to remain available for obligation until*
17 *September 30, 2008.*

18 *OTHER PROCUREMENT, ARMY*

19 *For construction, procurement, production, and modi-*
20 *fication of vehicles, including tactical, support, and non-*
21 *tracked combat vehicles; the purchase of passenger motor ve-*
22 *hicles for replacement only; and the purchase of 14 vehicles*
23 *required for physical security of personnel, notwithstanding*
24 *price limitations applicable to passenger vehicles but not*
25 *to exceed \$255,000 per vehicle; communications and elec-*

1 *tronic equipment; other support equipment; spare parts,*
2 *ordnance, and accessories therefor; specialized equipment*
3 *and training devices; expansion of public and private*
4 *plants, including the land necessary therefor, for the fore-*
5 *going purposes, and such lands and interests therein, may*
6 *be acquired, and construction prosecuted thereon prior to*
7 *approval of title; and procurement and installation of*
8 *equipment, appliances, and machine tools in public and*
9 *private plants; reserve plant and Government and con-*
10 *tractor-owned equipment layaway; and other expenses nec-*
11 *essary for the foregoing purposes, \$4,426,531,000, to remain*
12 *available for obligation until September 30, 2008.*

13 *AIRCRAFT PROCUREMENT, NAVY*

14 *For construction, procurement, production, modifica-*
15 *tion, and modernization of aircraft, equipment, including*
16 *ordnance, spare parts, and accessories therefor; specialized*
17 *equipment; expansion of public and private plants, includ-*
18 *ing the land necessary therefor, and such lands and inter-*
19 *ests therein, may be acquired, and construction prosecuted*
20 *thereon prior to approval of title; and procurement and in-*
21 *stallation of equipment, appliances, and machine tools in*
22 *public and private plants; reserve plant and Government*
23 *and contractor-owned equipment layaway, \$9,880,492,000,*
24 *to remain available for obligation until September 30,*
25 *2008.*

1 WEAPONS PROCUREMENT, NAVY

2 *For construction, procurement, production, modifica-*
3 *tion, and modernization of missiles, torpedoes, other weap-*
4 *ons, and related support equipment including spare parts,*
5 *and accessories therefor; expansion of public and private*
6 *plants, including the land necessary therefor, and such*
7 *lands and interests therein, may be acquired, and construc-*
8 *tion prosecuted thereon prior to approval of title; and pro-*
9 *curement and installation of equipment, appliances, and*
10 *machine tools in public and private plants; reserve plant*
11 *and Government and contractor-owned equipment layaway,*
12 *\$2,593,341,000, to remain available for obligation until*
13 *September 30, 2008.*

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

15 CORPS

16 *For construction, procurement, production, and modi-*
17 *fication of ammunition, and accessories therefor; specialized*
18 *equipment and training devices; expansion of public and*
19 *private plants, including ammunition facilities authorized*
20 *by section 2854 of title 10, United States Code, and the*
21 *land necessary therefor, for the foregoing purposes, and such*
22 *lands and interests therein, may be acquired, and construc-*
23 *tion prosecuted thereon prior to approval of title; and pro-*
24 *curement and installation of equipment, appliances, and*
25 *machine tools in public and private plants; reserve plant*

1 *and Government and contractor-owned equipment layaway;*
 2 *and other expenses necessary for the foregoing purposes,*
 3 *\$832,791,000, to remain available for obligation until Sep-*
 4 *tember 30, 2008.*

5 *SHIPBUILDING AND CONVERSION, NAVY*

6 *For expenses necessary for the construction, acquisi-*
 7 *tion, or conversion of vessels as authorized by law, includ-*
 8 *ing armor and armament thereof, plant equipment, appli-*
 9 *ances, and machine tools and installation thereof in public*
 10 *and private plants; reserve plant and Government and con-*
 11 *tractor-owned equipment layaway; procurement of critical,*
 12 *long leadtime components and designs for vessels to be con-*
 13 *structed or converted in the future; and expansion of public*
 14 *and private plants, including land necessary therefor, and*
 15 *such lands and interests therein, may be acquired, and con-*
 16 *struction prosecuted thereon prior to approval of title, as*
 17 *follows:*

18 *Carrier Replacement Program (AP),*

19 *\$651,613,000;*

20 *NSSN, \$1,637,698,000;*

21 *NSSN (AP), \$763,786,000;*

22 *SSGN, \$286,516,000;*

23 *CVN Refuelings, \$1,493,563,000;*

24 *CVN Refuelings (AP), \$20,000,000;*

25 *SSBN Submarine Refuelings, \$230,193,000;*

1 *SSBN Submarine Refuelings (AP), \$62,248,000;*
2 *DD(X) (AP), \$765,992,000;*
3 *DDG-51 Destroyer, \$29,773,000;*
4 *LHD-8, \$197,769,000;*
5 *LPD-17, \$1,344,741,000;*
6 *LHA-R, \$150,447,000;*
7 *LCAC Landing Craft Air Cushion,*
8 *\$110,583,000;*
9 *Prior year shipbuilding costs, \$517,523,000;*
10 *Service Craft, \$46,055,000; and*
11 *For outfitting, post delivery, conversions, and*
12 *first destination transportation, \$369,387,000;*
13 *in all: \$8,677,887,000, to remain available for obligation*
14 *until September 30, 2010: Provided, That additional obli-*
15 *gations may be incurred after September 30, 2010, for engi-*
16 *neering services, tests, evaluations, and other such budgeted*
17 *work that must be performed in the final stage of ship con-*
18 *struction: Provided further, That none of the funds provided*
19 *under this heading for the construction or conversion of any*
20 *naval vessel to be constructed in shipyards in the United*
21 *States shall be expended in foreign facilities for the con-*
22 *struction of major components of such vessel: Provided fur-*
23 *ther, That none of the funds provided under this heading*
24 *shall be used for the construction of any naval vessel in*
25 *foreign shipyards.*

1 *OTHER PROCUREMENT, NAVY*

2 *For procurement, production, and modernization of*
3 *support equipment and materials not otherwise provided*
4 *for, Navy ordnance (except ordnance for new aircraft, new*
5 *ships, and ships authorized for conversion); the purchase*
6 *of passenger motor vehicles for replacement only, and the*
7 *purchase of 9 vehicles required for physical security of per-*
8 *sonnel, notwithstanding price limitations applicable to pas-*
9 *senger vehicles but not to exceed \$255,000 per vehicle; ex-*
10 *pansion of public and private plants, including the land*
11 *necessary therefor, and such lands and interests therein,*
12 *may be acquired, and construction prosecuted thereon prior*
13 *to approval of title; and procurement and installation of*
14 *equipment, appliances, and machine tools in public and*
15 *private plants; reserve plant and Government and con-*
16 *tractor-owned equipment layaway, \$5,293,157,000, to re-*
17 *main available for obligation until September 30, 2008.*

18 *PROCUREMENT, MARINE CORPS*

19 *For expenses necessary for the procurement, manufac-*
20 *ture, and modification of missiles, armament, military*
21 *equipment, spare parts, and accessories therefor; plant*
22 *equipment, appliances, and machine tools, and installation*
23 *thereof in public and private plants; reserve plant and Gov-*
24 *ernment and contractor-owned equipment layaway; vehicles*
25 *for the Marine Corps, including the purchase of passenger*

1 *motor vehicles for replacement only; and expansion of pub-*
2 *lic and private plants, including land necessary therefor,*
3 *and such lands and interests therein, may be acquired, and*
4 *construction prosecuted thereon prior to approval of title,*
5 *\$1,361,605,000, to remain available for obligation until*
6 *September 30, 2008.*

7 *AIRCRAFT PROCUREMENT, AIR FORCE*

8 *For construction, procurement, and modification of*
9 *aircraft and equipment, including armor and armament,*
10 *specialized ground handling equipment, and training de-*
11 *vices, spare parts, and accessories therefor; specialized*
12 *equipment; expansion of public and private plants, Govern-*
13 *ment-owned equipment and installation thereof in such*
14 *plants, erection of structures, and acquisition of land, for*
15 *the foregoing purposes, and such lands and interests therein,*
16 *may be acquired, and construction prosecuted thereon prior*
17 *to approval of title; reserve plant and Government and con-*
18 *tractor-owned equipment layaway; and other expenses nec-*
19 *essary for the foregoing purposes including rents and trans-*
20 *portation of things, \$12,729,492,000, to remain available*
21 *for obligation until September 30, 2008.*

22 *MISSILE PROCUREMENT, AIR FORCE*

23 *For construction, procurement, and modification of*
24 *missiles, spacecraft, rockets, and related equipment, includ-*
25 *ing spare parts and accessories therefor, ground handling*

1 *equipment, and training devices; expansion of public and*
2 *private plants, Government-owned equipment and installa-*
3 *tion thereof in such plants, erection of structures, and ac-*
4 *quisition of land, for the foregoing purposes, and such lands*
5 *and interests therein, may be acquired, and construction*
6 *prosecuted thereon prior to approval of title; reserve plant*
7 *and Government and contractor-owned equipment layaway;*
8 *and other expenses necessary for the foregoing purposes in-*
9 *cluding rents and transportation of things, \$5,068,974,000,*
10 *to remain available for obligation until September 30,*
11 *2008.*

12 *PROCUREMENT OF AMMUNITION, AIR FORCE*

13 *For construction, procurement, production, and modi-*
14 *fication of ammunition, and accessories therefor; specialized*
15 *equipment and training devices; expansion of public and*
16 *private plants, including ammunition facilities authorized*
17 *by section 2854 of title 10, United States Code, and the*
18 *land necessary therefor, for the foregoing purposes, and such*
19 *lands and interests therein, may be acquired, and construc-*
20 *tion prosecuted thereon prior to approval of title; and pro-*
21 *curement and installation of equipment, appliances, and*
22 *machine tools in public and private plants; reserve plant*
23 *and Government and contractor-owned equipment layaway;*
24 *and other expenses necessary for the foregoing purposes,*

1 \$996,111,000, to remain available for obligation until Sep-
2 tember 30, 2008.

3 *OTHER PROCUREMENT, AIR FORCE*

4 *For procurement and modification of equipment (in-*
5 *cluding ground guidance and electronic control equipment,*
6 *and ground electronic and communication equipment), and*
7 *supplies, materials, and spare parts therefor, not otherwise*
8 *provided for; the purchase of passenger motor vehicles for*
9 *replacement only, and the purchase of 2 vehicles required*
10 *for physical security of personnel, notwithstanding price*
11 *limitations applicable to passenger vehicles but not to ex-*
12 *ceed \$255,000 per vehicle; lease of passenger motor vehicles;*
13 *and expansion of public and private plants, Government-*
14 *owned equipment and installation thereof in such plants,*
15 *erection of structures, and acquisition of land, for the fore-*
16 *going purposes, and such lands and interests therein, may*
17 *be acquired, and construction prosecuted thereon, prior to*
18 *approval of title; reserve plant and Government and con-*
19 *tractor-owned equipment layaway, \$14,048,439,000, to re-*
20 *main available for obligation until September 30, 2008.*

21 *PROCUREMENT, DEFENSE-WIDE*

22 *For expenses of activities and agencies of the Depart-*
23 *ment of Defense (other than the military departments) nec-*
24 *essary for procurement, production, and modification of*
25 *equipment, supplies, materials, and spare parts therefor,*

1 *not otherwise provided for; the purchase of passenger motor*
2 *vehicles for replacement only, and the purchase of 5 vehicles*
3 *required for physical security of personnel, notwithstanding*
4 *prior limitations applicable to passenger vehicles but not*
5 *to exceed \$255,000 per vehicle; expansion of public and pri-*
6 *vate plants, equipment, and installation thereof in such*
7 *plants, erection of structures, and acquisition of land for*
8 *the foregoing purposes, and such lands and interests therein,*
9 *may be acquired, and construction prosecuted thereon prior*
10 *to approval of title; reserve plant and Government and con-*
11 *tractor-owned equipment layaway, \$2,572,250,000, to re-*
12 *main available for obligation until September 30, 2008.*

13 *NATIONAL GUARD AND RESERVE EQUIPMENT*

14 *For procurement of aircraft, missiles, tracked combat*
15 *vehicles, ammunition, other weapons, and other procure-*
16 *ment for the reserve components of the Armed Forces,*
17 *\$422,000,000, to remain available for obligation until Sep-*
18 *tember 30, 2008: Provided, That the Chiefs of the Reserve*
19 *and National Guard components shall, not later than 30*
20 *days after the enactment of this Act, individually submit*
21 *to the congressional defense committees the modernization*
22 *priority assessment for their respective Reserve or National*
23 *Guard component.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
2 *FORCE*

3 *For expenses necessary for basic and applied scientific*
4 *research, development, test and evaluation, including main-*
5 *tenance, rehabilitation, lease, and operation of facilities*
6 *and equipment, \$21,859,010,000, to remain available for*
7 *obligation until September 30, 2007.*

8 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
9 *DEFENSE-WIDE*

10 *For expenses of activities and agencies of the Depart-*
11 *ment of Defense (other than the military departments), nec-*
12 *essary for basic and applied scientific research, develop-*
13 *ment, test and evaluation; advanced research projects as*
14 *may be designated and determined by the Secretary of De-*
15 *fense, pursuant to law; maintenance, rehabilitation, lease,*
16 *and operation of facilities and equipment, \$19,301,618,000,*
17 *to remain available for obligation until September 30,*
18 *2007.*

19 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the independent activities of the Director, Operational Test*
22 *and Evaluation, in the direction and supervision of oper-*
23 *ational test and evaluation, including initial operational*
24 *test and evaluation which is conducted prior to, and in sup-*
25 *port of, production decisions; joint operational testing and*

1 *evaluation; and administrative expenses in connection*
2 *therewith, \$168,458,000, to remain available for obligation*
3 *until September 30, 2007.*

4 *TITLE V—REVOLVING AND MANAGEMENT FUNDS*

5 *DEFENSE WORKING CAPITAL FUNDS*

6 *For the Defense Working Capital Funds,*
7 *\$1,154,940,000.*

8 *NATIONAL DEFENSE SEALIFT FUND*

9 *For National Defense Sealift Fund programs, projects,*
10 *and activities, and for expenses of the National Defense Re-*
11 *serve Fleet, as established by section 11 of the Merchant*
12 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
13 *necessary expenses to maintain and preserve a U.S.-flag*
14 *merchant fleet to serve the national security needs of the*
15 *United States, \$579,954,000, to remain available until ex-*
16 *pende: Provided, That none of the funds provided in this*
17 *paragraph shall be used to award a new contract that pro-*
18 *vides for the acquisition of any of the following major com-*
19 *ponents unless such components are manufactured in the*
20 *United States: auxiliary equipment, including pumps, for*
21 *all shipboard services; propulsion system components (that*
22 *is; engines, reduction gears, and propellers); shipboard*
23 *cranes; and spreaders for shipboard cranes: Provided fur-*
24 *ther, That the exercise of an option in a contract awarded*
25 *through the obligation of previously appropriated funds*

1 *shall not be considered to be the award of a new contract:*
2 *Provided further, That the Secretary of the military depart-*
3 *ment responsible for such procurement may waive the re-*
4 *strictions in the first proviso on a case-by-case basis by cer-*
5 *tifying in writing to the Committees on Appropriations of*
6 *the House of Representatives and the Senate that adequate*
7 *domestic supplies are not available to meet Department of*
8 *Defense requirements on a timely basis and that such an*
9 *acquisition must be made in order to acquire capability for*
10 *national security purposes.*

11 *TITLE VI—OTHER DEPARTMENT OF DEFENSE*

12 *PROGRAMS*

13 *DEFENSE HEALTH PROGRAM*

14 *For expenses, not otherwise provided for, for medical*
15 *and health care programs of the Department of Defense, as*
16 *authorized by law, \$20,237,962,000, of which*
17 *\$19,345,087,000 shall be for Operation and maintenance,*
18 *of which not to exceed 2 percent shall remain available until*
19 *September 30, 2007, and of which up to \$10,157,427,000*
20 *may be available for contracts entered into under the*
21 *TRICARE program; of which \$377,319,000, to remain*
22 *available for obligation until September 30, 2008, shall be*
23 *for Procurement; and of which \$515,556,000, to remain*
24 *available for obligation until September 30, 2007, shall be*
25 *for Research, development, test and evaluation.*

1 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY*

2 *For expenses, not otherwise provided for, necessary for*
3 *the destruction of the United States stockpile of lethal chem-*
4 *ical agents and munitions, to include construction of facili-*
5 *ties, in accordance with the provisions of section 1412 of*
6 *the Department of Defense Authorization Act, 1986 (50*
7 *U.S.C. 1521), and for the destruction of other chemical war-*
8 *fare materials that are not in the chemical weapon stock-*
9 *pile, \$1,430,727,000, of which \$1,241,514,000 shall be for*
10 *Operation and maintenance; \$116,527,000 shall be for Pro-*
11 *curement to remain available until September 30, 2008;*
12 *\$72,686,000 shall be for Research, development, test and*
13 *evaluation, of which \$57,926,000 shall only be for the As-*
14 *sembled Chemical Weapons Alternatives (ACWA) program,*
15 *to remain available until September 30, 2007; and no less*
16 *than \$119,300,000 may be for the Chemical Stockpile*
17 *Emergency Preparedness Program, of which \$36,800,000*
18 *shall be for activities on military installations and*
19 *\$82,500,000 shall be to assist State and local governments.*

20 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*21 *DEFENSE*22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For drug interdiction and counter-drug activities of*
24 *the Department of Defense, for transfer to appropriations*
25 *available to the Department of Defense for military per-*

1 *sonnel of the reserve components serving under the provi-*
2 *sions of title 10 and title 32, United States Code; for Oper-*
3 *ation and maintenance; for Procurement; and for Research,*
4 *development, test and evaluation, \$926,821,000: Provided,*
5 *That the funds appropriated under this heading shall be*
6 *available for obligation for the same time period and for*
7 *the same purpose as the appropriation to which transferred:*
8 *Provided further, That upon a determination that all or*
9 *part of the funds transferred from this appropriation are*
10 *not necessary for the purposes provided herein, such*
11 *amounts may be transferred back to this appropriation:*
12 *Provided further, That the transfer authority provided*
13 *under this heading is in addition to any other transfer au-*
14 *thority contained elsewhere in this Act.*

15 *OFFICE OF THE INSPECTOR GENERAL*

16 *For expenses and activities of the Office of the Inspec-*
17 *tor General in carrying out the provisions of the Inspector*
18 *General Act of 1978, as amended, \$209,687,000, of which*
19 *\$208,687,000 shall be for Operation and maintenance, of*
20 *which not to exceed \$700,000 is available for emergencies*
21 *and extraordinary expenses to be expended on the approval*
22 *or authority of the Inspector General, and payments may*
23 *be made on the Inspector General's certificate of necessity*
24 *for confidential military purposes; and of which \$1,000,000,*

1 *to remain available until September 30, 2008, shall be for*
2 *Procurement.*

3 *TITLE VII—RELATED AGENCIES*

4 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*
5 *DISABILITY SYSTEM FUND*

6 *For payment to the Central Intelligence Agency Retire-*
7 *ment and Disability System Fund, to maintain the proper*
8 *funding level for continuing the operation of the Central*
9 *Intelligence Agency Retirement and Disability System,*
10 *\$244,600,000.*

11 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*
12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For necessary expenses of the Intelligence Community*
14 *Management Account, \$413,344,000, of which \$27,454,000*
15 *for the Advanced Research and Development Committee*
16 *shall remain available until September 30, 2007: Provided,*
17 *That of the funds appropriated under this heading,*
18 *\$17,000,000 shall be transferred to the Department of Jus-*
19 *tice for the National Drug Intelligence Center to support*
20 *the Department of Defense's counter-drug intelligence re-*
21 *sponsibilities.*

22 *TITLE VIII—GENERAL PROVISIONS*

23 *SEC. 8001. No part of any appropriation contained*
24 *in this Act shall be used for publicity or propaganda pur-*
25 *poses not authorized by the Congress.*

1 *SEC. 8002. During the current fiscal year, provisions*
2 *of law prohibiting the payment of compensation to, or em-*
3 *ployment of, any person not a citizen of the United States*
4 *shall not apply to personnel of the Department of Defense:*
5 *Provided, That salary increases granted to direct and indi-*
6 *rect hire foreign national employees of the Department of*
7 *Defense funded by this Act shall not be at a rate in excess*
8 *of the percentage increase authorized by law for civilian*
9 *employees of the Department of Defense whose pay is com-*
10 *puted under the provisions of section 5332 of title 5, United*
11 *States Code, or at a rate in excess of the percentage increase*
12 *provided by the appropriate host nation to its own employ-*
13 *ees, whichever is higher: Provided further, That this section*
14 *shall not apply to Department of Defense foreign service*
15 *national employees serving at United States diplomatic*
16 *missions whose pay is set by the Department of State under*
17 *the Foreign Service Act of 1980: Provided further, That the*
18 *limitations of this provision shall not apply to foreign na-*
19 *tional employees of the Department of Defense in the Re-*
20 *public of Turkey.*

21 *SEC. 8003. No part of any appropriation contained*
22 *in this Act shall remain available for obligation beyond the*
23 *current fiscal year, unless expressly so provided herein.*

24 *SEC. 8004. No more than 20 percent of the appropria-*
25 *tions in this Act which are limited for obligation during*

1 *the current fiscal year shall be obligated during the last 2*
2 *months of the fiscal year: Provided, That this section shall*
3 *not apply to obligations for support of active duty training*
4 *of reserve components or summer camp training of the Re-*
5 *serve Officers' Training Corps.*

6 (TRANSFER OF FUNDS)

7 SEC. 8005. *Upon determination by the Secretary of*
8 *Defense that such action is necessary in the national inter-*
9 *est, he may, with the approval of the Office of Management*
10 *and Budget, transfer not to exceed \$3,500,000,000 of work-*
11 *ing capital funds of the Department of Defense or funds*
12 *made available in this Act to the Department of Defense*
13 *for military functions (except military construction) be-*
14 *tween such appropriations or funds or any subdivision*
15 *thereof, to be merged with and to be available for the same*
16 *purposes, and for the same time period, as the appropria-*
17 *tion or fund to which transferred: Provided, That such au-*
18 *thority to transfer may not be used unless for higher pri-*
19 *ority items, based on unforeseen military requirements,*
20 *than those for which originally appropriated and in no case*
21 *where the item for which funds are requested has been de-*
22 *nied by the Congress: Provided further, That the Secretary*
23 *of Defense shall notify the Congress promptly of all transfers*
24 *made pursuant to this authority or any other authority in*
25 *this Act: Provided further, That no part of the funds in*
26 *this Act shall be available to prepare or present a request*

1 *to the Committees on Appropriations for reprogramming*
2 *of funds, unless for higher priority items, based on unfore-*
3 *seen military requirements, than those for which originally*
4 *appropriated and in no case where the item for which re-*
5 *programming is requested has been denied by the Congress:*
6 *Provided further, That a request for multiple*
7 *reprogrammings of funds using authority provided in this*
8 *section must be made prior to June 30, 2006: Provided fur-*
9 *ther, That transfers among military personnel appropria-*
10 *tions shall not be taken into account for purposes of the*
11 *limitation on the amount of funds that may be transferred*
12 *under this section.*

13 *(TRANSFER OF FUNDS)*

14 *SEC. 8006. During the current fiscal year, cash bal-*
15 *ances in working capital funds of the Department of De-*
16 *fense established pursuant to section 2208 of title 10, United*
17 *States Code, may be maintained in only such amounts as*
18 *are necessary at any time for cash disbursements to be made*
19 *from such funds: Provided, That transfers may be made be-*
20 *tween such funds: Provided further, That transfers may be*
21 *made between working capital funds and the “Foreign Cur-*
22 *rency Fluctuations, Defense” appropriation and the “Oper-*
23 *ation and Maintenance” appropriation accounts in such*
24 *amounts as may be determined by the Secretary of Defense,*
25 *with the approval of the Office of Management and Budget,*
26 *except that such transfers may not be made unless the Sec-*

1 *retary of Defense has notified the Congress of the proposed*
2 *transfer. Except in amounts equal to the amounts appro-*
3 *priated to working capital funds in this Act, no obligations*
4 *may be made against a working capital fund to procure*
5 *or increase the value of war reserve material inventory, un-*
6 *less the Secretary of Defense has notified the Congress prior*
7 *to any such obligation.*

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

12 *SEC. 8008. None of the funds provided in this Act shall*
13 *be available to initiate: (1) a multiyear contract that em-*
14 *ployes economic order quantity procurement in excess of*
15 *\$20,000,000 in any 1 year of the contract or that includes*
16 *an unfunded contingent liability in excess of \$20,000,000;*
17 *or (2) a contract for advance procurement leading to a*
18 *multiyear contract that employs economic order quantity*
19 *procurement in excess of \$20,000,000 in any 1 year, unless*
20 *the congressional defense committees have been notified at*
21 *least 30 days in advance of the proposed contract award:*
22 *Provided, That no part of any appropriation contained in*
23 *this Act shall be available to initiate a multiyear contract*
24 *for which the economic order quantity advance procurement*
25 *is not funded at least to the limits of the Government's li-*

1 ability: *Provided further, That no part of any appropria-*
2 *tion contained in this Act shall be available to initiate*
3 *multiyear procurement contracts for any systems or compo-*
4 *nent thereof if the value of the multiyear contract would*
5 *exceed \$500,000,000 unless specifically provided in this Act:*
6 *Provided further, That no multiyear procurement contract*
7 *can be terminated without 10-day prior notification to the*
8 *congressional defense committees: Provided further, That the*
9 *execution of multiyear authority shall require the use of a*
10 *present value analysis to determine lowest cost compared*
11 *to an annual procurement: Provided further, That none of*
12 *the funds provided in this Act may be used for a multiyear*
13 *contract executed after the date of the enactment of this Act*
14 *unless in the case of any such contract—*

15 (1) *the Secretary of Defense has submitted to*
16 *Congress a budget request for full funding of units to*
17 *be procured through the contract;*

18 (2) *cancellation provisions in the contract do not*
19 *include consideration of recurring manufacturing*
20 *costs of the contractor associated with the production*
21 *of unfunded units to be delivered under the contract;*

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

1 (4) *the contract does not provide for a price ad-*
2 *justment based on a failure to award a follow-on con-*
3 *tract.*

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

6 *UH-60/MH-60 Helicopters; and*

7 *C-17 Globemaster.*

8 *SEC. 8009. Within the funds appropriated for the oper-*
9 *ation and maintenance of the Armed Forces, funds are here-*
10 *by appropriated pursuant to section 401 of title 10, United*
11 *States Code, for humanitarian and civic assistance costs*
12 *under chapter 20 of title 10, United States Code. Such funds*
13 *may also be obligated for humanitarian and civic assist-*
14 *ance costs incidental to authorized operations and pursuant*
15 *to authority granted in section 401 of chapter 20 of title*
16 *10, United States Code, and these obligations shall be re-*
17 *ported as required by section 401(d) of title 10, United*
18 *States Code: Provided, That funds available for operation*
19 *and maintenance shall be available for providing humani-*
20 *tarian and similar assistance by using Civic Action Teams*
21 *in the Trust Territories of the Pacific Islands and freely*
22 *associated states of Micronesia, pursuant to the Compact*
23 *of Free Association as authorized by Public Law 99-239:*
24 *Provided further, That upon a determination by the Sec-*
25 *retary of the Army that such action is beneficial for grad-*

1 *uate medical education programs conducted at Army med-*
2 *ical facilities located in Hawaii, the Secretary of the Army*
3 *may authorize the provision of medical services at such fa-*
4 *cilities and transportation to such facilities, on a non-*
5 *reimbursable basis, for civilian patients from American*
6 *Samoa, the Commonwealth of the Northern Mariana Is-*
7 *lands, the Marshall Islands, the Federated States of Micro-*
8 *nesia, Palau, and Guam.*

9 *SEC. 8010. (a) During fiscal year 2006, the civilian*
10 *personnel of the Department of Defense may not be man-*
11 *aged on the basis of any end-strength, and the management*
12 *of such personnel during that fiscal year shall not be subject*
13 *to any constraint or limitation (known as an end-strength)*
14 *on the number of such personnel who may be employed on*
15 *the last day of such fiscal year.*

16 *(b) The fiscal year 2007 budget request for the Depart-*
17 *ment of Defense as well as all justification material and*
18 *other documentation supporting the fiscal year 2007 De-*
19 *partment of Defense budget request shall be prepared and*
20 *submitted to the Congress as if subsections (a) and (b) of*
21 *this provision were effective with regard to fiscal year 2006.*

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

24 *SEC. 8011. None of the funds appropriated in this or*
25 *any other Act may be used to initiate a new installation*

1 *overseas without 30-day advance notification to the Com-*
2 *mittees on Appropriations.*

3 *SEC. 8012. None of the funds made available by this*
4 *Act shall be used in any way, directly or indirectly, to in-*
5 *fluence congressional action on any legislation or appro-*
6 *priation matters pending before the Congress.*

7 *SEC. 8013. None of the funds appropriated by this Act*
8 *shall be available for the basic pay and allowances of any*
9 *member of the Army participating as a full-time student*
10 *and receiving benefits paid by the Secretary of Veterans Af-*
11 *fairs from the Department of Defense Education Benefits*
12 *Fund when time spent as a full-time student is credited*
13 *toward completion of a service commitment: Provided, That*
14 *this subsection shall not apply to those members who have*
15 *reenlisted with this option prior to October 1, 1987: Pro-*
16 *vided further, That this subsection applies only to active*
17 *components of the Army.*

18 *SEC. 8014. (a) LIMITATION ON CONVERSION TO CON-*
19 *TRACTOR PERFORMANCE.—None of the funds appropriated*
20 *by this Act shall be available to convert to contractor per-*
21 *formance an activity or function of the Department of De-*
22 *fense that, on or after the date of the enactment of this Act,*
23 *is performed by more than 10 Department of Defense civil-*
24 *ian employees unless—*

1 (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;*

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5 (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—*

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12 (A) *10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or*

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15
16 (B) *\$10,000,000; and*

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

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19
20 (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*

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22
23
24 (B) *offering to such workers an employer-sponsored health benefits plan that requires the*

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1 *employer to contribute less towards the premium*
2 *or subscription share than the amount that is*
3 *paid by the Department of Defense for health*
4 *benefits for civilian employees under chapter 89*
5 *of title 5, United States Code.*

6 **(b) EXCEPTIONS.—**

7 *(1) The Department of Defense, without regard*
8 *to subsection (a) of this section or subsections (a), (b),*
9 *or (c) of section 2461 of title 10, United States Code,*
10 *and notwithstanding any administrative regulation,*
11 *requirement, or policy to the contrary shall have full*
12 *authority to enter into a contract for the performance*
13 *of any commercial or industrial type function of the*
14 *Department of Defense that—*

15 *(A) is included on the procurement list es-*
16 *tablished pursuant to section 2 of the Javits-*
17 *Wagner-O'Day Act (41 U.S.C. 47);*

18 *(B) is planned to be converted to perform-*
19 *ance by a qualified nonprofit agency for the*
20 *blind or by a qualified nonprofit agency for*
21 *other severely handicapped individuals in ac-*
22 *cordance with that Act; or*

23 *(C) is planned to be converted to perform-*
24 *ance by a qualified firm under at least 51 per-*
25 *cent ownership by an Indian tribe, as defined in*

1 *section 4(e) of the Indian Self-Determination*
2 *and Education Assistance Act (25 U.S.C.*
3 *450b(e)), or a Native Hawaiian Organization, as*
4 *defined in section 8(a)(15) of the Small Business*
5 *Act (15 U.S.C. 637(a)(15)).*

6 (2) *This section shall not apply to depot con-*
7 *tracts or contracts for depot maintenance as provided*
8 *in sections 2469 and 2474 of title 10, United States*
9 *Code.*

10 (c) *TREATMENT OF CONVERSION.—The conversion of*
11 *any activity or function of the Department of Defense under*
12 *the authority provided by this section shall be credited to-*
13 *ward any competitive or outsourcing goal, target, or meas-*
14 *urement that may be established by statute, regulation, or*
15 *policy and is deemed to be awarded under the authority*
16 *of, and in compliance with, subsection (h) of section 2304*
17 *of title 10, United States Code, for the competition or*
18 *outsourcing of commercial activities.*

19 (TRANSFER OF FUNDS)

20 SEC. 8015. *Funds appropriated in title III of this Act*
21 *for the Department of Defense Pilot Mentor-Protege Pro-*
22 *gram may be transferred to any other appropriation con-*
23 *tained in this Act solely for the purpose of implementing*
24 *a Mentor-Protege Program developmental assistance agree-*
25 *ment pursuant to section 831 of the National Defense Au-*
26 *thorization Act for Fiscal Year 1991 (Public Law 101–510;*

1 10 U.S.C. 2302 note), as amended, under the authority of
2 this provision or any other transfer authority contained in
3 this Act.

4 *SEC. 8016. None of the funds in this Act may be avail-*
5 *able for the purchase by the Department of Defense (and*
6 *its departments and agencies) of welded shipboard anchor*
7 *and mooring chain 4 inches in diameter and under unless*
8 *the anchor and mooring chain are manufactured in the*
9 *United States from components which are substantially*
10 *manufactured in the United States: Provided, That for the*
11 *purpose of this section manufactured will include cutting,*
12 *heat treating, quality control, testing of chain and welding*
13 *(including the forging and shot blasting process): Provided*
14 *further, That for the purpose of this section substantially*
15 *all of the components of anchor and mooring chain shall*
16 *be considered to be produced or manufactured in the United*
17 *States if the aggregate cost of the components produced or*
18 *manufactured in the United States exceeds the aggregate*
19 *cost of the components produced or manufactured outside*
20 *the United States: Provided further, That when adequate*
21 *domestic supplies are not available to meet Department of*
22 *Defense requirements on a timely basis, the Secretary of the*
23 *service responsible for the procurement may waive this re-*
24 *striction on a case-by-case basis by certifying in writing*
25 *to the Committees on Appropriations that such an acquisi-*

1 *tion must be made in order to acquire capability for na-*
2 *tional security purposes.*

3 *SEC. 8017. None of the funds appropriated by this Act*
4 *available for the Civilian Health and Medical Program of*
5 *the Uniformed Services (CHAMPUS) or TRICARE shall*
6 *be available for the reimbursement of any health care pro-*
7 *vider for inpatient mental health service for care received*
8 *when a patient is referred to a provider of inpatient mental*
9 *health care or residential treatment care by a medical or*
10 *health care professional having an economic interest in the*
11 *facility to which the patient is referred: Provided, That this*
12 *limitation does not apply in the case of inpatient mental*
13 *health services provided under the program for persons with*
14 *disabilities under subsection (d) of section 1079 of title 10,*
15 *United States Code, provided as partial hospital care, or*
16 *provided pursuant to a waiver authorized by the Secretary*
17 *of Defense because of medical or psychological circumstances*
18 *of the patient that are confirmed by a health professional*
19 *who is not a Federal employee after a review, pursuant to*
20 *rules prescribed by the Secretary, which takes into account*
21 *the appropriate level of care for the patient, the intensity*
22 *of services required by the patient, and the availability of*
23 *that care.*

24 *SEC. 8018. Of the funds appropriated or otherwise*
25 *made available in this Act, a reduction of \$591,100,000 is*

1 *hereby taken from title III, Procurement, from the “Other*
2 *Procurement, Army” account: Provided, That within 30*
3 *days of enactment of this Act, the Secretary of the Army*
4 *shall provide a report to the House Committee on Appro-*
5 *priations and the Senate Committee on Appropriations*
6 *which describes the application of these reductions to pro-*
7 *grams, projects or activities within this account.*

8 *SEC. 8019. None of the funds available to the Depart-*
9 *ment of Defense may be used to demilitarize or dispose of*
10 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
11 *rifles, .30 caliber rifles, or M-1911 pistols.*

12 *SEC. 8020. No more than \$500,000 of the funds appro-*
13 *priated or made available in this Act shall be used during*
14 *a single fiscal year for any single relocation of an organiza-*
15 *tion, unit, activity or function of the Department of Defense*
16 *into or within the National Capital Region: Provided, That*
17 *the Secretary of Defense may waive this restriction on a*
18 *case-by-case basis by certifying in writing to the congres-*
19 *sional defense committees that such a relocation is required*
20 *in the best interest of the Government.*

21 *SEC. 8021. In addition to the funds provided elsewhere*
22 *in this Act, \$8,000,000 is appropriated only for incentive*
23 *payments authorized by section 504 of the Indian Financ-*
24 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*
25 *contractor or a subcontractor at any tier that makes a sub-*

1 *contract award to any subcontractor or supplier as defined*
2 *in section 1544 of title 25, United States Code or a small*
3 *business owned and controlled by an individual or individ-*
4 *uals defined under section 4221(9) of title 25, United States*
5 *Code shall be considered a contractor for the purposes of*
6 *being allowed additional compensation under section 504*
7 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*
8 *whenever the prime contract or subcontract amount is over*
9 *\$500,000 and involves the expenditure of funds appro-*
10 *priated by an Act making Appropriations for the Depart-*
11 *ment of Defense with respect to any fiscal year: Provided*
12 *further, That notwithstanding section 430 of title 41,*
13 *United States Code, this section shall be applicable to any*
14 *Department of Defense acquisition of supplies or services,*
15 *including any contract and any subcontract at any tier for*
16 *acquisition of commercial items produced or manufactured,*
17 *in whole or in part by any subcontractor or supplier de-*
18 *finied in section 1544 of title 25, United States Code or a*
19 *small business owned and controlled by an individual or*
20 *individuals defined under section 4221(9) of title 25,*
21 *United States Code: Provided further, That, during the cur-*
22 *rent fiscal year and hereafter, businesses certified as 8(a)*
23 *by the Small Business Administration pursuant to section*
24 *8(a)(15) of Public Law 85-536, as amended, shall have the*
25 *same status as other program participants under section*

1 602 of Public Law 100–656, 102 Stat. 3825 (*Business Op-*
2 *portunity Development Reform Act of 1988*) for purposes
3 of contracting with agencies of the Department of Defense.

4 *SEC. 8022. None of the funds appropriated by this Act*
5 *shall be available to perform any cost study pursuant to*
6 *the provisions of OMB Circular A–76 if the study being*
7 *performed exceeds a period of 24 months after initiation*
8 *of such study with respect to a single function activity or*
9 *30 months after initiation of such study for a multi-func-*
10 *tion activity.*

11 *SEC. 8023. Funds appropriated by this Act for the*
12 *American Forces Information Service shall not be used for*
13 *any national or international political or psychological ac-*
14 *tivities.*

15 *SEC. 8024. Notwithstanding any other provision of*
16 *law or regulation, the Secretary of Defense may adjust wage*
17 *rates for civilian employees hired for certain health care*
18 *occupations as authorized for the Secretary of Veterans Af-*
19 *airs by section 7455 of title 38, United States Code.*

20 *SEC. 8025. The Secretary of Defense, acting through*
21 *the Office of Economic Adjustment of the Department of De-*
22 *fense, may use funds made available in this Act under the*
23 *heading “Operation and Maintenance, Defense-Wide” to*
24 *make grants and supplement other Federal funds in accord-*
25 *ance with the guidance provided in the report of the Com-*

1 *mittee on Appropriations of the Senate accompanying this*
2 *Act, and the projects specified in such guidance shall be con-*
3 *sidered to be authorized by law.*

4 *SEC. 8026. During the current fiscal year, the Depart-*
5 *ment of Defense is authorized to incur obligations of not*
6 *to exceed \$350,000,000 for purposes specified in section*
7 *2350j(c) of title 10, United States Code, in anticipation of*
8 *receipt of contributions, only from the Government of Ku-*
9 *wait, under that section: Provided, That upon receipt, such*
10 *contributions from the Government of Kuwait shall be cred-*
11 *ited to the appropriations or fund which incurred such obli-*
12 *gations.*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 8027. (a) Of the funds made available in this*
15 *Act, not less than \$31,109,000 shall be available for the*
16 *Civil Air Patrol Corporation, of which—*

17 *(1) \$24,288,000 shall be available from “Oper-*
18 *ation and Maintenance, Air Force” to support Civil*
19 *Air Patrol Corporation operation and maintenance,*
20 *readiness, counterdrug activities, and drug demand*
21 *reduction activities involving youth programs;*

22 *(2) \$6,000,000 shall be available from “Aircraft*
23 *Procurement, Air Force”; and*

24 *(3) \$821,000 shall be available from “Other Pro-*
25 *curement, Air Force” for vehicle procurement.*

1 **(b)** *The Secretary of the Air Force should waive reim-*
2 *bursement for any funds used by the Civil Air Patrol for*
3 *counter-drug activities in support of Federal, State, and*
4 *local government agencies.*

5 **SEC. 8028. (a)** *None of the funds appropriated in this*
6 *Act are available to establish a new Department of Defense*
7 *(department) federally funded research and development*
8 *center (FFRDC), either as a new entity, or as a separate*
9 *entity administrated by an organization managing another*
10 *FFRDC, or as a nonprofit membership corporation con-*
11 *sisting of a consortium of other FFRDCs and other non-*
12 *profit entities.*

13 **(b)** *No member of a Board of Directors, Trustees, Over-*
14 *seers, Advisory Group, Special Issues Panel, Visiting Com-*
15 *mittee, or any similar entity of a defense FFRDC, and no*
16 *paid consultant to any defense FFRDC, except when acting*
17 *in a technical advisory capacity, may be compensated for*
18 *his or her services as a member of such entity, or as a paid*
19 *consultant by more than one FFRDC in a fiscal year: Pro-*
20 *vided, That a member of any such entity referred to pre-*
21 *viously in this subsection shall be allowed travel expenses*
22 *and per diem as authorized under the Federal Joint Travel*
23 *Regulations, when engaged in the performance of member-*
24 *ship duties.*

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

10 (d) Notwithstanding any other provision of law, of the
11 funds available to the department during fiscal year 2006,
12 not more than 5,500 staff years of technical effort (staff
13 years) may be funded for defense FFRDCs: Provided, That
14 of the specific amount referred to previously in this sub-
15 section, not more than 1,050 staff years may be funded for
16 the defense studies and analysis FFRDCs: Provided further,
17 That this subsection shall not apply to staff years funded
18 in the National Intelligence Program (NIP).

19 (e) The Secretary of Defense shall, with the submission
20 of the department's fiscal year 2007 budget request, submit
21 a report presenting the specific amounts of staff years of
22 technical effort to be allocated for each defense FFRDC dur-
23 ing that fiscal year.

1 (f) Notwithstanding any other provision of this Act,
2 the total amount appropriated in this Act for FFRDCs is
3 hereby reduced by \$51,600,000.

4 SEC. 8029. None of the funds appropriated or made
5 available in this Act shall be used to procure carbon, alloy
6 or armor steel plate for use in any Government-owned facil-
7 ity or property under the control of the Department of De-
8 fense which were not melted and rolled in the United States
9 or Canada: Provided, That these procurement restrictions
10 shall apply to any and all Federal Supply Class 9515,
11 American Society of Testing and Materials (ASTM) or
12 American Iron and Steel Institute (AISI) specifications of
13 carbon, alloy or armor steel plate: Provided further, That
14 the Secretary of the military department responsible for the
15 procurement may waive this restriction on a case-by-case
16 basis by certifying in writing to the Committees on Appro-
17 priations of the House of Representatives and the Senate
18 that adequate domestic supplies are not available to meet
19 Department of Defense requirements on a timely basis and
20 that such an acquisition must be made in order to acquire
21 capability for national security purposes: Provided further,
22 That these restrictions shall not apply to contracts which
23 are in being as of the date of the enactment of this Act.

24 SEC. 8030. For the purposes of this Act, the term “con-
25 gressional defense committees” means the Armed Services

1 *Committee of the House of Representatives, the Armed Serv-*
2 *ices Committee of the Senate, the Subcommittee on Defense*
3 *of the Committee on Appropriations of the Senate, and the*
4 *Subcommittee on Defense of the Committee on Appropria-*
5 *tions of the House of Representatives.*

6 *SEC. 8031. During the current fiscal year, the Depart-*
7 *ment of Defense may acquire the modification, depot main-*
8 *tenance and repair of aircraft, vehicles and vessels as well*
9 *as the production of components and other Defense-related*
10 *articles, through competition between Department of De-*
11 *fense depot maintenance activities and private firms: Pro-*
12 *vided, That the Senior Acquisition Executive of the military*
13 *department or Defense Agency concerned, with power of del-*
14 *egation, shall certify that successful bids include comparable*
15 *estimates of all direct and indirect costs for both public and*
16 *private bids: Provided further, That Office of Management*
17 *and Budget Circular A-76 shall not apply to competitions*
18 *conducted under this section.*

19 *SEC. 8032. (a)(1) If the Secretary of Defense, after con-*
20 *sultation with the United States Trade Representative, de-*
21 *termines that a foreign country which is party to an agree-*
22 *ment described in paragraph (2) has violated the terms of*
23 *the agreement by discriminating against certain types of*
24 *products produced in the United States that are covered by*
25 *the agreement, the Secretary of Defense shall rescind the*

1 *Secretary's blanket waiver of the Buy American Act with*
2 *respect to such types of products produced in that foreign*
3 *country.*

4 (2) *An agreement referred to in paragraph (1) is any*
5 *reciprocal defense procurement memorandum of under-*
6 *standing, between the United States and a foreign country*
7 *pursuant to which the Secretary of Defense has prospec-*
8 *tively waived the Buy American Act for certain products*
9 *in that country.*

10 (b) *The Secretary of Defense shall submit to the Con-*
11 *gress a report on the amount of Department of Defense pur-*
12 *chases from foreign entities in fiscal year 2006. Such report*
13 *shall separately indicate the dollar value of items for which*
14 *the Buy American Act was waived pursuant to any agree-*
15 *ment described in subsection (a)(2), the Trade Agreement*
16 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
17 *agreement to which the United States is a party.*

18 (c) *For purposes of this section, the term "Buy Amer-*
19 *ican Act" means title III of the Act entitled "An Act mak-*
20 *ing appropriations for the Treasury and Post Office De-*
21 *partments for the fiscal year ending June 30, 1934, and*
22 *for other purposes", approved March 3, 1933 (41 U.S.C.*
23 *10a et seq.).*

24 SEC. 8033. *Appropriations contained in this Act that*
25 *remain available at the end of the current fiscal year, and*

1 *at the end of each fiscal year hereafter, as a result of energy*
2 *cost savings realized by the Department of Defense shall re-*
3 *main available for obligation for the next fiscal year to the*
4 *extent, and for the purposes, provided in section 2865 of*
5 *title 10, United States Code.*

6 *SEC. 8034. None of the funds in this Act may be used*
7 *for research, development, test, evaluation, procurement or*
8 *deployment of nuclear armed interceptors of a missile de-*
9 *fense system.*

10 *SEC. 8035. None of the funds appropriated in this Act*
11 *shall be used to study, demonstrate, or implement any plans*
12 *privatizing, divesting or transferring of any Civil Works*
13 *missions, functions, or responsibilities for the United States*
14 *Army Corps of Engineers to other government agencies*
15 *without specific direction in a subsequent Act of Congress.*

16 *SEC. 8036. The President shall include with each budg-*
17 *et for a fiscal year submitted to the Congress under section*
18 *1105 of title 31, and hereafter, United States Code, mate-*
19 *rials that shall identify clearly and separately the amounts*
20 *requested in the budget for appropriation for that fiscal*
21 *year for salaries and expenses related to administrative ac-*
22 *tivities of the Department of Defense, the military depart-*
23 *ments, and the defense agencies.*

24 *SEC. 8037. Notwithstanding any other provision of*
25 *law, funds available during the current fiscal year and*

1 hereafter for “Drug Interdiction and Counter-Drug Activi-
2 ties, Defense” may be obligated for the Young Marines pro-
3 gram.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8038. During the current fiscal year, amounts
6 contained in the Department of Defense Overseas Military
7 Facility Investment Recovery Account established by section
8 2921(c)(1) of the National Defense Authorization Act of
9 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be
10 available until expended for the payments specified by sec-
11 tion 2921(c)(2) of that Act.

12 SEC. 8039. (a) IN GENERAL.—Notwithstanding any
13 other provision of law, the Secretary of the Air Force may
14 convey at no cost to the Air Force, without consideration,
15 to Indian tribes located in the States of North Dakota,
16 South Dakota, Montana, and Minnesota relocatable mili-
17 tary housing units located at Grand Forks Air Force Base
18 and Minot Air Force Base that are excess to the needs of
19 the Air Force.

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

1 (c) *RESOLUTION OF HOUSING UNIT CONFLICTS.*—The
2 *Operation Walking Shield Program shall resolve any con-*
3 *flicts among requests of Indian tribes for housing units*
4 *under subsection (a) before submitting requests to the Sec-*
5 *retary of the Air Force under subsection (b).*

6 (d) *INDIAN TRIBE DEFINED.*—*In this section, the term*
7 *“Indian tribe” means any recognized Indian tribe included*
8 *on the current list published by the Secretary of the Interior*
9 *under section 104 of the Federally Recognized Indian Tribe*
10 *Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25*
11 *U.S.C. 479a–1).*

12 *SEC. 8040. During the current fiscal year, appropria-*
13 *tions which are available to the Department of Defense for*
14 *operation and maintenance may be used to purchase items*
15 *having an investment item unit cost of not more than*
16 *\$250,000.*

17 *SEC. 8041. (a) During the current fiscal year, none*
18 *of the appropriations or funds available to the Department*
19 *of Defense Working Capital Funds shall be used for the pur-*
20 *chase of an investment item for the purpose of acquiring*
21 *a new inventory item for sale or anticipated sale during*
22 *the current fiscal year or a subsequent fiscal year to cus-*
23 *tomers of the Department of Defense Working Capital*
24 *Funds if such an item would not have been chargeable to*
25 *the Department of Defense Business Operations Fund dur-*

1 *ing fiscal year 1994 and if the purchase of such an invest-*
2 *ment item would be chargeable during the current fiscal*
3 *year to appropriations made to the Department of Defense*
4 *for procurement.*

5 *(b) The fiscal year 2007 budget request for the Depart-*
6 *ment of Defense as well as all justification material and*
7 *other documentation supporting the fiscal year 2007 De-*
8 *partment of Defense budget shall be prepared and submitted*
9 *to the Congress on the basis that any equipment which was*
10 *classified as an end item and funded in a procurement ap-*
11 *propriation contained in this Act shall be budgeted for in*
12 *a proposed fiscal year 2007 procurement appropriation and*
13 *not in the supply management business area or any other*
14 *area or category of the Department of Defense Working*
15 *Capital Funds.*

16 *SEC. 8042. None of the funds appropriated by this Act*
17 *for programs of the Central Intelligence Agency shall re-*
18 *main available for obligation beyond the current fiscal year,*
19 *except for funds appropriated for the Reserve for Contin-*
20 *gencies, which shall remain available until September 30,*
21 *2007: Provided, That funds appropriated, transferred, or*
22 *otherwise credited to the Central Intelligence Agency Cen-*
23 *tral Services Working Capital Fund during this or any*
24 *prior or subsequent fiscal year shall remain available until*
25 *expended: Provided further, That any funds appropriated*

1 or transferred to the Central Intelligence Agency for ad-
2 vanced research and development acquisition, for agent op-
3 erations, and for covert action programs authorized by the
4 President under section 503 of the National Security Act
5 of 1947, as amended, shall remain available until Sep-
6 tember 30, 2007.

7 *SEC. 8043. Notwithstanding any other provision of*
8 *law, funds made available in this Act for the Defense Intel-*
9 *ligence Agency may be used for the design, development, and*
10 *deployment of General Defense Intelligence Program intel-*
11 *ligence communications and intelligence information sys-*
12 *tems for the Services, the Unified and Specified Commands,*
13 *and the component commands.*

14 *SEC. 8044. Of the funds appropriated to the Depart-*
15 *ment of Defense under the heading "Operation and Mainte-*
16 *nance, Defense-Wide", not less than \$10,000,000 shall be*
17 *made available only for the mitigation of environmental*
18 *impacts, including training and technical assistance to*
19 *tribes, related administrative support, the gathering of in-*
20 *formation, documenting of environmental damage, and de-*
21 *veloping a system for prioritization of mitigation and cost*
22 *to complete estimates for mitigation, on Indian lands re-*
23 *sulting from Department of Defense activities.*

24 *SEC. 8045. (a) None of the funds appropriated in this*
25 *Act may be expended by an entity of the Department of*

1 *Defense unless the entity, in expending the funds, complies*
2 *with the Buy American Act. For purposes of this subsection,*
3 *the term “Buy American Act” means title III of the Act*
4 *entitled “An Act making appropriations for the Treasury*
5 *and Post Office Departments for the fiscal year ending June*
6 *30, 1934, and for other purposes”, approved March 3, 1933*
7 *(41 U.S.C. 10a et seq.).*

8 *(b) If the Secretary of Defense determines that a person*
9 *has been convicted of intentionally affixing a label bearing*
10 *a “Made in America” inscription to any product sold in*
11 *or shipped to the United States that is not made in Amer-*
12 *ica, the Secretary shall determine, in accordance with sec-*
13 *tion 2410f of title 10, United States Code, whether the per-*
14 *son should be debarred from contracting with the Depart-*
15 *ment of Defense.*

16 *(c) In the case of any equipment or products purchased*
17 *with appropriations provided under this Act, it is the sense*
18 *of the Congress that any entity of the Department of De-*
19 *fense, in expending the appropriation, purchase only Amer-*
20 *ican-made equipment and products, provided that Amer-*
21 *ican-made equipment and products are cost-competitive,*
22 *quality-competitive, and available in a timely fashion.*

23 *SEC. 8046. None of the funds appropriated by this Act*
24 *shall be available for a contract for studies, analysis, or*
25 *consulting services entered into without competition on the*

1 *basis of an unsolicited proposal unless the head of the activ-*
2 *ity responsible for the procurement determines—*

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

6 (2) *the purpose of the contract is to explore an*
7 *unsolicited proposal which offers significant scientific*
8 *or technological promise, represents the product of*
9 *original thinking, and was submitted in confidence*
10 *by one source; or*

11 (3) *the purpose of the contract is to take advan-*
12 *tage of unique and significant industrial accomplish-*
13 *ment by a specific concern, or to insure that a new*
14 *product or idea of a specific concern is given finan-*
15 *cial support: Provided, That this limitation shall not*
16 *apply to contracts in an amount of less than*
17 *\$25,000,000, contracts related to improvements of*
18 *equipment that is in development or production, or*
19 *contracts as to which a civilian official of the Depart-*
20 *ment of Defense, who has been confirmed by the Sen-*
21 *ate, determines that the award of such contract is in*
22 *the interest of the national defense.*

23 *SEC. 8047. (a) Except as provided in subsection (b)*
24 *and (c), none of the funds made available by this Act may*
25 *be used—*

1 (1) *to establish a field operating agency; or*

2 (2) *to pay the basic pay of a member of the*
3 *Armed Forces or civilian employee of the department*
4 *who is transferred or reassigned from a headquarters*
5 *activity if the member or employee's place of duty re-*
6 *mains at the location of that headquarters.*

7 (b) *The Secretary of Defense or Secretary of a military*
8 *department may waive the limitations in subsection (a),*
9 *on a case-by-case basis, if the Secretary determines, and cer-*
10 *tifies to the Committees on Appropriations of the House of*
11 *Representatives and Senate that the granting of the waiver*
12 *will reduce the personnel requirements or the financial re-*
13 *quirements of the department.*

14 (c) *This section does not apply to—*

15 (1) *field operating agencies funded within the*
16 *National Intelligence Program; or*

17 (2) *an Army field operating agency established*
18 *to eliminate, mitigate, or counter the effects of impro-*
19 *vised explosive devices, and, as determined by the Sec-*
20 *retary of the Army, other similar threats.*

21 SEC. 8048. *Up to \$3,000,000 of the funds appropriated*
22 *in Title II of this Act under the heading, "Operation and*
23 *Maintenance, Army", may be made available to contract*
24 *with the Army Historical Foundation, a non profit organi-*
25 *zation, for services required to solicit non-Federal donations*

1 *to support construction and operation of the National Mu-*
2 *seum of the United States Army at Fort Belvoir, Virginia:*
3 *Provided, That notwithstanding any other provision of law,*
4 *the Army is authorized to receive future payments in this*
5 *or the subsequent fiscal year from any non-profit organiza-*
6 *tion chartered to support the National Museum of the*
7 *United States Army to reimburse amounts expended by the*
8 *Army pursuant to this section: Provided further, That any*
9 *reimbursements received pursuant to this section shall be*
10 *merged with “Operation and Maintenance, Army” and*
11 *shall be made available for the same purposes and for the*
12 *same time period as that appropriation account.*

13 *(RESCISSIONS)*

14 *SEC. 8049. Of the funds appropriated in Department*
15 *of Defense Appropriations Acts, the following funds are*
16 *hereby rescinded from the following accounts and programs*
17 *in the specified amounts:*

18 *“Other Procurement, Army, 2005/2007”,*

19 *\$68,500,000;*

20 *“Aircraft Procurement, Navy, 2005/2007”,*

21 *\$104,800,000;*

22 *“Shipbuilding and Conversion, Navy, 2005/*
23 *2009”, \$67,300,000;*

24 *“Other Procurement, Navy, 2005/2007”,*

25 *\$43,000,000;*

1 *“Aircraft Procurement, Air Force, 2004/2006”,*
2 *\$4,000,000;*

3 *“Aircraft Procurement, Air Force, 2005/2007”,*
4 *\$20,000,000;*

5 *“Missile Procurement, Air Force, 2005/2007”,*
6 *\$29,000,000;*

7 *“Research, Development, Test and Evaluation,*
8 *Army, 2005/2006”, \$25,900,000;*

9 *“Research, Development, Test and Evaluation,*
10 *Navy, 2005/2006”, \$70,900,000; and*

11 *“Research, Development, Test and Evaluation,*
12 *Air Force, 2005/2006”, \$63,400,000.*

13 *SEC. 8050. None of the funds available in this Act may*
14 *be used to reduce the authorized positions for military (ci-*
15 *vilian) technicians of the Army National Guard, the Air*
16 *National Guard, Army Reserve and Air Force Reserve for*
17 *the purpose of applying any administratively imposed ci-*
18 *vilian personnel ceiling, freeze, or reduction on military (ci-*
19 *vilian) technicians, unless such reductions are a direct re-*
20 *sult of a reduction in military force structure.*

21 *SEC. 8051. None of the funds appropriated or other-*
22 *wise made available in this Act may be obligated or ex-*
23 *pende d for assistance to the Democratic People’s Republic*
24 *of North Korea unless specifically appropriated for that*
25 *purpose.*

1 *SEC. 8052. During the current fiscal year and here-*
2 *after, funds appropriated in this Act are available to com-*
3 *pensate members of the National Guard for duty performed*
4 *pursuant to a plan submitted by a Governor of a State and*
5 *approved by the Secretary of Defense under section 112 of*
6 *title 32, United States Code: Provided, That during the per-*
7 *formance of such duty, the members of the National Guard*
8 *shall be under State command and control: Provided fur-*
9 *ther, That such duty shall be treated as full-time National*
10 *Guard duty for purposes of sections 12602(a)(2) and (b)(2)*
11 *of title 10, United States Code.*

12 *SEC. 8053. Funds appropriated in this Act for oper-*
13 *ation and maintenance of the Military Departments, Com-*
14 *batant Commands and Defense Agencies shall be available*
15 *for reimbursement of pay, allowances and other expenses*
16 *which would otherwise be incurred against appropriations*
17 *for the National Guard and Reserve when members of the*
18 *National Guard and Reserve provide intelligence or coun-*
19 *terintelligence support to Combatant Commands, Defense*
20 *Agencies and Joint Intelligence Activities, including the ac-*
21 *tivities and programs included within the National Intel-*
22 *ligence Program (NIP), the Joint Military Intelligence Pro-*
23 *gram (JMIP), and the Tactical Intelligence and Related Ac-*
24 *tivities (TIARA) aggregate: Provided, That nothing in this*

1 *section authorizes deviation from established Reserve and*
2 *National Guard personnel and training procedures.*

3 *SEC. 8054. During the current fiscal year, none of the*
4 *funds appropriated in this Act may be used to reduce the*
5 *civilian medical and medical support personnel assigned to*
6 *military treatment facilities below the September 30, 2003*
7 *level: Provided, That the Service Surgeons General may*
8 *waive this section by certifying to the congressional defense*
9 *committees that the beneficiary population is declining in*
10 *some catchment areas and civilian strength reductions may*
11 *be consistent with responsible resource stewardship and*
12 *capitation-based budgeting.*

13 *SEC. 8055. Up to \$2,000,000 of the funds appropriated*
14 *under the heading, "Operation and Maintenance, Navy"*
15 *may be made available to contract for the installation, re-*
16 *pair, and maintenance of an on-base and adjacent off-base*
17 *wastewater/treatment facility and infrastructure critical to*
18 *base operations and the public health and safety of commu-*
19 *nity residents in the vicinity of the NCTAMS.*

20 *SEC. 8056. Notwithstanding any other provision of*
21 *law, that not more than 35 percent of funds provided in*
22 *this Act for environmental remediation may be obligated*
23 *under indefinite delivery/indefinite quantity contracts with*
24 *a total contract value of \$130,000,000 or higher.*

1 *this restriction on a case-by-case basis by certifying in writ-*
2 *ing to the Committees on Appropriations of the House of*
3 *Representatives and the Senate, that adequate domestic*
4 *supplies are not available to meet Department of Defense*
5 *requirements on a timely basis and that such an acquisition*
6 *must be made in order to acquire capability for national*
7 *security purposes: Provided further, That this restriction*
8 *shall not apply to the purchase of “commercial items”, as*
9 *defined by section 4(12) of the Office of Federal Procure-*
10 *ment Policy Act, except that the restriction shall apply to*
11 *ball or roller bearings purchased as end items.*

12 *SEC. 8060. Notwithstanding any other provision of*
13 *law, funds available to the Department of Defense shall be*
14 *made available to provide transportation of medical sup-*
15 *plies and equipment, on a nonreimbursable basis, to Amer-*
16 *ican Samoa, and funds available to the Department of De-*
17 *fense shall be made available to provide transportation of*
18 *medical supplies and equipment, on a nonreimbursable*
19 *basis, to the Indian Health Service when it is in conjunc-*
20 *tion with a civil-military project.*

21 *SEC. 8061. None of the funds in this Act may be used*
22 *to purchase any supercomputer which is not manufactured*
23 *in the United States, unless the Secretary of Defense cer-*
24 *tifies to the congressional defense committees that such an*
25 *acquisition must be made in order to acquire capability for*

1 *national security purposes that is not available from*
2 *United States manufacturers.*

3 *SEC. 8062. Notwithstanding any other provision of*
4 *law, each contract awarded by the Department of Defense*
5 *during the current fiscal year for construction or service*
6 *performed in whole or in part in a State (as defined in*
7 *section 381(d) of title 10, United States Code) which is not*
8 *contiguous with another State and has an unemployment*
9 *rate in excess of the national average rate of unemployment*
10 *as determined by the Secretary of Labor, shall include a*
11 *provision requiring the contractor to employ, for the pur-*
12 *pose of performing that portion of the contract in such State*
13 *that is not contiguous with another State, individuals who*
14 *are residents of such State and who, in the case of any craft*
15 *or trade, possess or would be able to acquire promptly the*
16 *necessary skills: Provided, That the Secretary of Defense*
17 *may waive the requirements of this section, on a case-by-*
18 *case basis, in the interest of national security.*

19 *SEC. 8063. None of the funds made available in this*
20 *or any other Act may be used to pay the salary of any*
21 *officer or employee of the Department of Defense who ap-*
22 *proves or implements the transfer of administrative respon-*
23 *sibilities or budgetary resources of any program, project,*
24 *or activity financed by this Act to the jurisdiction of an-*
25 *other Federal agency not financed by this Act without the*

1 *express authorization of Congress: Provided, That this limi-*
2 *tation shall not apply to transfers of funds expressly pro-*
3 *vided for in Defense Appropriations Acts, or provisions of*
4 *Acts providing supplemental appropriations for the De-*
5 *partment of Defense.*

6 *SEC. 8064. (a) LIMITATION ON TRANSFER OF DE-*
7 *FENSE ARTICLES AND SERVICES.—Notwithstanding any*
8 *other provision of law, none of the funds available to the*
9 *Department of Defense for the current fiscal year may be*
10 *obligated or expended to transfer to another nation or an*
11 *international organization any defense articles or services*
12 *(other than intelligence services) for use in the activities de-*
13 *scribed in subsection (b) unless the congressional defense*
14 *committees, the Committee on International Relations of*
15 *the House of Representatives, and the Committee on For-*
16 *ign Relations of the Senate are notified 15 days in advance*
17 *of such transfer.*

18 *(b) COVERED ACTIVITIES.—This section applies to—*

19 *(1) any international peacekeeping or peace-en-*
20 *forcement operation under the authority of chapter VI*
21 *or chapter VII of the United Nations Charter under*
22 *the authority of a United Nations Security Council*
23 *resolution; and*

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

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

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

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

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

9 (A) a statement of whether the inventory re-
10 quirements of all elements of the Armed Forces
11 (including the reserve components) for the type
12 of equipment or supplies to be transferred have
13 been met; and

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

18 SEC. 8065. (a) The total amount appropriated or oth-
19 erwise made available in title II of this Act is hereby re-
20 duced by \$92,000,000 to limit excessive growth in the travel
21 and transportation of persons.

22 (b) The Secretary of Defense shall allocate this reduc-
23 tion proportionately to each budget activity, activity group,
24 subactivity group, and each program, project, and activity
25 within each applicable appropriation account.

1 *SEC. 8066. None of the funds available to the Depart-*
2 *ment of Defense under this Act shall be obligated or ex-*
3 *pended to pay a contractor under a contract with the De-*
4 *partment of Defense for costs of any amount paid by the*
5 *contractor to an employee when—*

6 (1) *such costs are for a bonus or otherwise in ex-*
7 *cess of the normal salary paid by the contractor to the*
8 *employee; and*

9 (2) *such bonus is part of restructuring costs asso-*
10 *ciated with a business combination.*

11 *SEC. 8067. None of the funds provided in this Act may*
12 *be obligated to realign or relocate forces or operational as-*
13 *sets from bases to be converted to enclave status until the*
14 *Secretary of Defense certifies that he has sought new mis-*
15 *sions for these bases as mandated by the 2005 Defense Base*
16 *Closure and Realignment Commission: Provided, That the*
17 *Secretary of Defense shall report his findings to the congres-*
18 *sional defense committees not later than October 1, 2006.*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 8068. During the current fiscal year, no more*
21 *than \$30,000,000 of appropriations made in this Act under*
22 *the heading “Operation and Maintenance, Defense-Wide”*
23 *may be transferred to appropriations available for the pay*
24 *of military personnel, to be merged with, and to be available*
25 *for the same time period as the appropriations to which*
26 *transferred, to be used in support of such personnel in con-*

1 *nection with support and services for eligible organizations*
2 *and activities outside the Department of Defense pursuant*
3 *to section 2012 of title 10, United States Code.*

4 *SEC. 8069. During the current fiscal year, in the case*
5 *of an appropriation account of the Department of Defense*
6 *for which the period of availability for obligation has ex-*
7 *pired or which has closed under the provisions of section*
8 *1552 of title 31, United States Code, and which has a nega-*
9 *tive unliquidated or unexpended balance, an obligation or*
10 *an adjustment of an obligation may be charged to any cur-*
11 *rent appropriation account for the same purpose as the ex-*
12 *pired or closed account if—*

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

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

20 *(3) in the case of an expired account, the obliga-*
21 *tion is not chargeable to a current appropriation of*
22 *the Department of Defense under the provisions of sec-*
23 *tion 1405(b)(8) of the National Defense Authorization*
24 *Act for Fiscal Year 1991, Public Law 101–510, as*
25 *amended (31 U.S.C. 1551 note): Provided, That in*

1 *the case of an expired account, if subsequent review*
2 *or investigation discloses that there was not in fact a*
3 *negative unliquidated or unexpended balance in the*
4 *account, any charge to a current account under the*
5 *authority of this section shall be reversed and re-*
6 *corded against the expired account: Provided further,*
7 *That the total amount charged to a current appro-*
8 *priation under this section may not exceed an*
9 *amount equal to 1 percent of the total appropriation*
10 *for that account.*

11 *SEC. 8070. Notwithstanding section 12310(b) of title*
12 *10, United States Code, a Reserve who is a member of the*
13 *National Guard serving on full-time National Guard duty*
14 *under section 502(f) of Title 32 may perform duties in sup-*
15 *port of the ground-based elements of the National Ballistic*
16 *Missile Defense System.*

17 *SEC. 8071. (a) Notwithstanding any other provision*
18 *of law, the Chief of the National Guard Bureau may permit*
19 *the use of equipment of the National Guard Distance Learn-*
20 *ing Project by any person or entity on a space-available,*
21 *reimbursable basis. The Chief of the National Guard Bu-*
22 *reau shall establish the amount of reimbursement for such*
23 *use on a case-by-case basis.*

24 *(b) Amounts collected under subsection (a) shall be*
25 *credited to funds available for the National Guard Distance*

1 *Learning Project and be available to defray the costs associ-*
2 *ated with the use of equipment of the project under that*
3 *subsection. Such funds shall be available for such purposes*
4 *without fiscal year limitation.*

5 *SEC. 8072. Using funds available by this Act or any*
6 *other Act, the Secretary of the Air Force, pursuant to a*
7 *determination under section 2690 of title 10, United States*
8 *Code, may implement cost-effective agreements for required*
9 *heating facility modernization in the Kaiserslautern Mili-*
10 *tary Community in the Federal Republic of Germany: Pro-*
11 *vided, That in the City of Kaiserslautern such agreements*
12 *will include the use of United States anthracite as the base*
13 *load energy for municipal district heat to the United States*
14 *Defense installations: Provided further, That at Landstuhl*
15 *Army Regional Medical Center and Ramstein Air Base,*
16 *furnished heat may be obtained from private, regional or*
17 *municipal services, if provisions are included for the con-*
18 *sideration of United States coal as an energy source.*

19 *SEC. 8073. None of the funds appropriated in title IV*
20 *of this Act may be used to procure end-items for delivery*
21 *to military forces for operational training, operational use*
22 *or inventory requirements: Provided, That this restriction*
23 *does not apply to end-items used in development, proto-*
24 *typing, and test activities preceding and leading to accept-*
25 *ance for operational use: Provided further, That this restric-*

1 *tion does not apply to programs funded within the National*
2 *Intelligence Program: Provided further, That the Secretary*
3 *of Defense may waive this restriction on a case-by-case basis*
4 *by certifying in writing to the Committees on Appropria-*
5 *tions of the House of Representatives and the Senate that*
6 *it is in the national security interest to do so.*

7 *SEC. 8074. None of the funds made available in this*
8 *Act may be used to approve or license the sale of the F-*
9 *22 advanced tactical fighter to any foreign government.*

10 *SEC. 8075. (a) The Secretary of Defense may, on a*
11 *case-by-case basis, waive with respect to a foreign country*
12 *each limitation on the procurement of defense items from*
13 *foreign sources provided in law if the Secretary determines*
14 *that the application of the limitation with respect to that*
15 *country would invalidate cooperative programs entered into*
16 *between the Department of Defense and the foreign country,*
17 *or would invalidate reciprocal trade agreements for the pro-*
18 *curement of defense items entered into under section 2531*
19 *of title 10, United States Code, and the country does not*
20 *discriminate against the same or similar defense items pro-*
21 *duced in the United States for that country.*

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

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

1 (2) *options for the procurement of items that are*
2 *exercised after such date under contracts that are en-*
3 *tered into before such date if the option prices are ad-*
4 *justed for any reason other than the application of a*
5 *waiver granted under subsection (a).*

6 (c) *Subsection (a) does not apply to a limitation re-*
7 *garding construction of public vessels, ball and roller bear-*
8 *ings, food, and clothing or textile materials as defined by*
9 *section 11 (chapters 50–65) of the Harmonized Tariff*
10 *Schedule and products classified under headings 4010,*
11 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*
12 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*
13 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

14 SEC. 8076. (a) *PROHIBITION.*—*None of the funds made*
15 *available by this Act may be used to support any training*
16 *program involving a unit of the security forces of a foreign*
17 *country if the Secretary of Defense has received credible in-*
18 *formation from the Department of State that the unit has*
19 *committed a gross violation of human rights, unless all nec-*
20 *essary corrective steps have been taken.*

21 (b) *MONITORING.*—*The Secretary of Defense, in con-*
22 *sultation with the Secretary of State, shall ensure that prior*
23 *to a decision to conduct any training program referred to*
24 *in subsection (a), full consideration is given to all credible*

1 *information available to the Department of State relating*
2 *to human rights violations by foreign security forces.*

3 (c) *WAIVER.—The Secretary of Defense, after consulta-*
4 *tion with the Secretary of State, may waive the prohibition*
5 *in subsection (a) if he determines that such waiver is re-*
6 *quired by extraordinary circumstances.*

7 (d) *REPORT.—Not more than 15 days after the exercise*
8 *of any waiver under subsection (c), the Secretary of Defense*
9 *shall submit a report to the congressional defense commit-*
10 *tees describing the extraordinary circumstances, the purpose*
11 *and duration of the training program, the United States*
12 *forces and the foreign security forces involved in the train-*
13 *ing program, and the information relating to human rights*
14 *violations that necessitates the waiver.*

15 *SEC. 8077. (a) The Secretary of Defense, in coordina-*
16 *tion with the Secretary of Health and Human Services,*
17 *may carry out a program to distribute surplus dental and*
18 *medical equipment of the Department of Defense, at no cost*
19 *to the Department of Defense, to Indian Health Service fa-*
20 *cilities and to federally-qualified health centers (within the*
21 *meaning of section 1905(l)(2)(B) of the Social Security Act*
22 *(42 U.S.C. 1396d(l)(2)(B))).*

23 (b) *In carrying out this provision, the Secretary of De-*
24 *fense shall give the Indian Health Service a property dis-*
25 *posal priority equal to the priority given to the Department*

1 *of Defense and its twelve special screening programs in dis-*
2 *tribution of surplus dental and medical supplies and equip-*
3 *ment.*

4 *SEC. 8078. None of the funds appropriated or made*
5 *available in this Act to the Department of the Navy shall*
6 *be used to develop, lease or procure the T-AKE class of ships*
7 *unless the main propulsion diesel engines and propulsors*
8 *are manufactured in the United States by a domestically*
9 *operated entity: Provided, That the Secretary of Defense*
10 *may waive this restriction on a case-by-case basis by certi-*
11 *fying in writing to the Committees on Appropriations of*
12 *the House of Representatives and the Senate that adequate*
13 *domestic supplies are not available to meet Department of*
14 *Defense requirements on a timely basis and that such an*
15 *acquisition must be made in order to acquire capability for*
16 *national security purposes or there exists a significant cost*
17 *or quality difference.*

18 *SEC. 8079. None of the funds appropriated or other-*
19 *wise made available by this or other Department of Defense*
20 *Appropriations Acts may be obligated or expended for the*
21 *purpose of performing repairs or maintenance to military*
22 *family housing units of the Department of Defense, includ-*
23 *ing areas in such military family housing units that may*
24 *be used for the purpose of conducting official Department*
25 *of Defense business.*

1 *SEC. 8080. Notwithstanding any other provision of*
2 *law, funds appropriated in this Act under the heading “Re-*
3 *search, Development, Test and Evaluation, Defense-Wide”*
4 *for any new start advanced concept technology demonstra-*
5 *tion project may only be obligated 30 days after a report,*
6 *including a description of the project, the planned acquisi-*
7 *tion and transition strategy and its estimated annual and*
8 *total cost, has been provided in writing to the congressional*
9 *defense committees: Provided, That the Secretary of Defense*
10 *may waive this restriction on a case-by-case basis by certi-*
11 *fying to the congressional defense committees that it is in*
12 *the national interest to do so.*

13 *SEC. 8081. The Secretary of Defense shall provide a*
14 *classified quarterly report, beginning 30 days after enact-*
15 *ment of this Act, to the House and Senate Appropriations*
16 *Committees, Subcommittees on Defense on certain matters*
17 *as directed in the classified annex accompanying this Act.*

18 *SEC. 8082. During the current fiscal year, refunds at-*
19 *tributable to the use of the Government travel card, refunds*
20 *attributable to the use of the Government Purchase Card*
21 *and refunds attributable to official Government travel ar-*
22 *ranged by Government Contracted Travel Management*
23 *Centers may be credited to operation and maintenance, and*
24 *research, development, test and evaluation accounts of the*

1 *Department of Defense which are current when the refunds*
2 *are received.*

3 *SEC. 8083. (a) REGISTERING FINANCIAL MANAGE-*
4 *MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD*
5 *CHIEF INFORMATION OFFICER.—None of the funds appro-*
6 *priated in this Act may be used for a mission critical or*
7 *mission essential financial management information tech-*
8 *nology system (including a system funded by the defense*
9 *working capital fund) that is not registered with the Chief*
10 *Information Officer of the Department of Defense. A system*
11 *shall be considered to be registered with that officer upon*
12 *the furnishing to that officer of notice of the system, together*
13 *with such information concerning the system as the Sec-*
14 *retary of Defense may prescribe. A financial management*
15 *information technology system shall be considered a mission*
16 *critical or mission essential information technology system*
17 *as defined by the Under Secretary of Defense (Comptroller).*

18 *(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINAN-*
19 *CIAL MANAGEMENT MODERNIZATION PLAN.—*

20 *(1) During the current fiscal year, a financial*
21 *management automated information system, a mixed*
22 *information system supporting financial and non-fi-*
23 *nancial systems, or a system improvement of more*
24 *than \$1,000,000 may not receive Milestone A ap-*
25 *proval, Milestone B approval, or full rate production,*

1 *or their equivalent, within the Department of Defense*
2 *until the Under Secretary of Defense (Comptroller)*
3 *certifies, with respect to that milestone, that the sys-*
4 *tem is being developed and managed in accordance*
5 *with the Department's Financial Management Mod-*
6 *ernization Plan. The Under Secretary of Defense*
7 *(Comptroller) may require additional certifications,*
8 *as appropriate, with respect to any such system.*

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

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

14 *(1) During the current fiscal year, a major auto-*
15 *mated information system may not receive Milestone*
16 *A approval, Milestone B approval, or full rate pro-*
17 *duction approval, or their equivalent, within the De-*
18 *partment of Defense until the Chief Information Offi-*
19 *cer certifies, with respect to that milestone, that the*
20 *system is being developed in accordance with the*
21 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).*
22 *The Chief Information Officer may require additional*
23 *certifications, as appropriate, with respect to any*
24 *such system.*

1 (2) *The Chief Information Officer shall provide*
2 *the congressional defense committees timely notifica-*
3 *tion of certifications under paragraph (1). Each such*
4 *notification shall include, at a minimum, the funding*
5 *baseline and milestone schedule for each system cov-*
6 *ered by such a certification and confirmation that the*
7 *following steps have been taken with respect to the*
8 *system:*

9 (A) *Business process reengineering.*

10 (B) *An analysis of alternatives.*

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

13 (D) *Performance measures.*

14 (E) *An information assurance strategy con-*
15 *sistent with the Department's Global Informa-*
16 *tion Grid.*

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

18 (1) *The term “Chief Information Officer” means*
19 *the senior official of the Department of Defense des-*
20 *ignated by the Secretary of Defense pursuant to sec-*
21 *tion 3506 of title 44, United States Code.*

22 (2) *The term “information technology system”*
23 *has the meaning given the term “information tech-*
24 *nology” in section 5002 of the Clinger-Cohen Act of*
25 *1996 (40 U.S.C. 1401).*

1 *SEC. 8084. During the current fiscal year, none of the*
2 *funds available to the Department of Defense may be used*
3 *to provide support to another department or agency of the*
4 *United States if such department or agency is more than*
5 *90 days in arrears in making payment to the Department*
6 *of Defense for goods or services previously provided to such*
7 *department or agency on a reimbursable basis: Provided,*
8 *That this restriction shall not apply if the department is*
9 *authorized by law to provide support to such department*
10 *or agency on a nonreimbursable basis, and is providing the*
11 *requested support pursuant to such authority: Provided fur-*
12 *ther, That the Secretary of Defense may waive this restric-*
13 *tion on a case-by-case basis by certifying in writing to the*
14 *Committees on Appropriations of the House of Representa-*
15 *tives and the Senate that it is in the national security inter-*
16 *est to do so.*

17 *SEC. 8085. None of the funds provided in this Act may*
18 *be used to transfer to any nongovernmental entity ammuni-*
19 *tion held by the Department of Defense that has a center-*
20 *fire cartridge and a United States military nomenclature*
21 *designation of “armor penetrator”, “armor piercing (AP)”,*
22 *“armor piercing incendiary (API)”, or “armor-piercing in-*
23 *cendiary-tracer (API-T)”, except to an entity performing*
24 *demilitarization services for the Department of Defense*
25 *under a contract that requires the entity to demonstrate to*

1 *the satisfaction of the Department of Defense that armor*
2 *piercing projectiles are either: (1) rendered incapable of*
3 *reuse by the demilitarization process; or (2) used to manu-*
4 *facture ammunition pursuant to a contract with the De-*
5 *partment of Defense or the manufacture of ammunition for*
6 *export pursuant to a License for Permanent Export of Un-*
7 *classified Military Articles issued by the Department of*
8 *State.*

9 *SEC. 8086. Notwithstanding any other provision of*
10 *law, the Chief of the National Guard Bureau, or his des-*
11 *ignee, may waive payment of all or part of the consider-*
12 *ation that otherwise would be required under section 2667*
13 *of title 10, United States Code, in the case of a lease of*
14 *personal property for a period not in excess of 1 year to*
15 *any organization specified in 32 U.S.C. 508(d), or any*
16 *other youth, social, or fraternal non-profit organization as*
17 *may be approved by the Chief of the National Guard Bu-*
18 *reau, or his designee, on a case-by-case basis.*

19 *SEC. 8087. None of the funds appropriated by this Act*
20 *shall be used for the support of any nonappropriated funds*
21 *activity of the Department of Defense that procures malt*
22 *beverages and wine with nonappropriated funds for resale*
23 *(including such alcoholic beverages sold by the drink) on*
24 *a military installation located in the United States unless*
25 *such malt beverages and wine are procured within that*

1 *State, or in the case of the District of Columbia, within*
2 *the District of Columbia, in which the military installation*
3 *is located: Provided, That in a case in which the military*
4 *installation is located in more than one State, purchases*
5 *may be made in any State in which the installation is lo-*
6 *cated: Provided further, That such local procurement re-*
7 *quirements for malt beverages and wine shall apply to all*
8 *alcoholic beverages only for military installations in States*
9 *which are not contiguous with another State: Provided fur-*
10 *ther, That alcoholic beverages other than wine and malt bev-*
11 *erages, in contiguous States and the District of Columbia*
12 *shall be procured from the most competitive source, price*
13 *and other factors considered.*

14 *SEC. 8088. Up to \$2,500,000 of the funds appropriated*
15 *under the heading “Operation and Maintenance, Navy” in*
16 *this Act for the Pacific Missile Range Facility may be made*
17 *available to contract for the repair, maintenance, and oper-*
18 *ation of adjacent off-base water, drainage, and flood control*
19 *systems, electrical upgrade to support additional missions*
20 *critical to base operations, and support for a range foot-*
21 *print expansion to further guard against encroachment.*

22 *SEC. 8089. Funds available to the Department of De-*
23 *fense for the Global Positioning System during the current*
24 *fiscal year may be used to fund civil requirements associ-*

1 *ated with the satellite and ground control segments of such*
2 *system's modernization program.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8090. Of the amounts appropriated in this Act*
5 *under the heading, "Operation and Maintenance, Army",*
6 *\$147,900,000 shall remain available until expended: Pro-*
7 *vided, That notwithstanding any other provision of law, the*
8 *Secretary of Defense is authorized to transfer such funds*
9 *to other activities of the Federal Government: Provided fur-*
10 *ther, That the Secretary of Defense is authorized to enter*
11 *into and carry out contracts for the acquisition of real*
12 *property, construction, personal services, and operations re-*
13 *lated to projects described in further detail in the Classified*
14 *Annex accompanying the Department of Defense Appro-*
15 *priations Act, 2006, consistent with the terms and condi-*
16 *tions set forth therein: Provided further, That contracts en-*
17 *tered into under the authority of this section may provide*
18 *for such indemnification as the Secretary determines to be*
19 *necessary: Provided further, That projects authorized by*
20 *this section shall comply with applicable Federal, State,*
21 *and local law to the maximum extent consistent with the*
22 *national security, as determined by the Secretary of De-*
23 *fense.*

24 *SEC. 8091. Section 8106 of the Department of Defense*
25 *Appropriations Act, 1997 (titles I through VIII of the mat-*
26 *ter under subsection 101(b) of Public Law 104-208; 110*

1 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*
2 *to apply to disbursements that are made by the Department*
3 *of Defense in fiscal year 2006.*

4 *SEC. 8092. Amounts appropriated in title II of this*
5 *Act are hereby reduced by \$265,890,000 to reflect savings*
6 *attributable to efficiencies and management improvements*
7 *in the funding of miscellaneous or other contracts in the*
8 *military departments, as follows:*

9 *(1) From “Operation and Maintenance, Army”,*
10 *\$36,890,000.*

11 *(2) From “Operation and Maintenance, Navy”,*
12 *\$79,000,000.*

13 *(3) From “Operation and Maintenance, Air*
14 *Force”, \$150,000,000.*

15 *SEC. 8093. The total amount appropriated or other-*
16 *wise made available in this Act is hereby reduced by*
17 *\$100,000,000 to limit excessive growth in the procurement*
18 *of advisory and assistance services, to be distributed as fol-*
19 *lows:*

20 *“Operation and Maintenance, Army”,*
21 *\$37,000,000;*

22 *“Operation and Maintenance, Air Force”,*
23 *\$6,000,000;*

24 *“Operation and Maintenance, Defense-Wide”,*
25 *\$45,000,000; and*

1 *“Operation and Maintenance, Army Reserve”,*
2 *\$12,000,000.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8094. Of the amounts appropriated in this Act*
5 *under the heading “Research, Development, Test and Eval-*
6 *uation, Defense-Wide”, \$143,600,000 shall be made avail-*
7 *able for the Arrow missile defense program: Provided, That*
8 *of this amount, \$70,000,000 shall be available for the pur-*
9 *pose of producing Arrow missile components in the United*
10 *States and Arrow missile components and missiles in Israel*
11 *to meet Israel’s defense requirements, consistent with each*
12 *nation’s laws, regulations and procedures, and \$10,000,000*
13 *shall be available for the purpose of the initiation of a joint*
14 *feasibility study and risk reduction activities designated the*
15 *Short Range Ballistic Missile Defense (SRBMD) initiative:*
16 *Provided further, That funds made available under this*
17 *provision for production of missiles and missile components*
18 *may be transferred to appropriations available for the pro-*
19 *curement of weapons and equipment, to be merged with and*
20 *to be available for the same time period and the same pur-*
21 *poses as the appropriation to which transferred: Provided*
22 *further, That the transfer authority provided under this*
23 *provision is in addition to any other transfer authority con-*
24 *tained in this Act.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8095. *Of the amounts appropriated in this Act*
3 *under the heading “Shipbuilding and Conversion, Navy”,*
4 *\$517,523,000 shall be available until September 30, 2006,*
5 *to fund prior year shipbuilding cost increases: Provided,*
6 *That upon enactment of this Act, the Secretary of the Navy*
7 *shall transfer such funds to the following appropriations in*
8 *the amounts specified: Provided further, That the amounts*
9 *transferred shall be merged with and be available for the*
10 *same purposes as the appropriations to which transferred:*

11 To:

12 Under the heading, “Shipbuilding and Con-
13 version, Navy, 1998/2006”:

14 New SSN, \$28,000,000.

15 Under the heading, “Shipbuilding and Con-
16 version, Navy, 1999/2006”:

17 LPD-17 Amphibious Transport Dock
18 Ship Program, \$95,000,000;

19 New SSN, \$72,000,000.

20 Under the heading, “Shipbuilding and Con-
21 version, Navy, 2000/2006”:

22 LPD-17 Amphibious Transport Dock
23 Ship Program, \$94,800,000.

24 Under the heading, “Shipbuilding and Con-
25 version, Navy, 2001/2006”:

1 *Carrier Replacement Program,*
2 *\$145,023,000;*
3 *New SSN, \$82,700,000.*

4 *SEC. 8096. The Secretary of the Navy may settle, or*
5 *compromise, and pay any and all admiralty claims under*
6 *section 7622 of title 10, United States Code arising out of*
7 *the collision involving the U.S.S. GREENEVILLE and the*
8 *EHIME MARU, in any amount and without regard to the*
9 *monetary limitations in subsections (a) and (b) of that sec-*
10 *tion: Provided, That such payments shall be made from*
11 *funds available to the Department of the Navy for operation*
12 *and maintenance.*

13 *SEC. 8097. None of the funds available to the Depart-*
14 *ment of Defense may be obligated to modify command and*
15 *control relationships to give Fleet Forces Command admin-*
16 *istrative and operational control of U.S. Navy forces as-*
17 *signed to the Pacific fleet: Provided, That the command and*
18 *control relationships which existed on October 1, 2004, shall*
19 *remain in force unless changes are specifically authorized*
20 *in a subsequent Act.*

21 *SEC. 8098. Notwithstanding any other provision of*
22 *law or regulation, the Secretary of Defense may exercise the*
23 *provisions of section 7403(g) of title 38, United States Code*
24 *for occupations listed in section 7403(a)(2) of title 38,*
25 *United States Code as well as the following:*

1 *Pharmacists, Audiologists, and Dental Hygien-*
2 *ists.*

3 (A) *The requirements of section*
4 *7403(g)(1)(A) of title 38, United States Code*
5 *shall apply.*

6 (B) *The limitations of section 7403(g)(1)(B)*
7 *of title 38, United States Code shall not apply.*

8 *SEC. 8099. Funds appropriated by this Act, or made*
9 *available by the transfer of funds in this Act, for intelligence*
10 *activities are deemed to be specifically authorized by the*
11 *Congress for purposes of section 504 of the National Secu-*
12 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2006*
13 *until the enactment of the Intelligence Authorization Act*
14 *for fiscal year 2006.*

15 *SEC. 8100. In addition to funds made available else-*
16 *where in this Act, \$5,500,000 is hereby appropriated and*
17 *shall remain available until expended to provide assistance,*
18 *by grant or otherwise (such as, but not limited to, the provi-*
19 *sion of funds for repairs, maintenance, construction, and/*
20 *or for the purchase of information technology, text books,*
21 *teaching resources), to public schools that have unusually*
22 *high concentrations of special needs military dependents en-*
23 *rolled: Provided, That in selecting school systems to receive*
24 *such assistance, special consideration shall be given to*
25 *school systems in States that are considered overseas assign-*

1 ments, and all schools within these school systems shall be
2 eligible for assistance: Provided further, That up to 2 per-
3 cent of the total appropriated funds under this section shall
4 be available to support the administration and execution
5 of the funds or program and/or events that promote the pur-
6 pose of this appropriation (e.g. payment of travel and per
7 diem of school teachers attending conferences or a meeting
8 that promotes the purpose of this appropriation and/or con-
9 sultant fees for on-site training of teachers, staff, or Joint
10 Venture Education Forum (JVEF) Committee members):
11 Provided further, That up to \$2,000,000 shall be available
12 for the Department of Defense to establish a non-profit trust
13 fund to assist in the public-private funding of public school
14 repair and maintenance projects, or provide directly to
15 non-profit organizations who in return will use these mon-
16 ies to provide assistance in the form of repair, maintenance,
17 or renovation to public school systems that have high con-
18 centrations of special needs military dependents and are lo-
19 cated in States that are considered overseas assignments:
20 Provided further, That to the extent a Federal agency pro-
21 vides this assistance, by contract, grant, or otherwise, it
22 may accept and expend non-Federal funds in combination
23 with these Federal funds to provide assistance for the au-
24 thorized purpose, if the non-Federal entity requests such as-

1 *sistance and the non-Federal funds are provided on a reim-*
2 *bursable basis.*

3 *SEC. 8101. None of the funds in this Act may be used*
4 *to initiate a new start program without prior written noti-*
5 *fication to the Office of Secretary of Defense and the con-*
6 *gressional defense committees.*

7 *SEC. 8102. The amounts appropriated in title II of*
8 *this Act are hereby reduced by \$350,000,000 to reflect cash*
9 *balance and rate stabilization adjustments in Department*
10 *of Defense Working Capital Funds, as follows:*

11 *(1) From "Operation and Maintenance, Army",*
12 *\$100,000,000.*

13 *(2) From "Operation and Maintenance, Navy",*
14 *\$150,000,000.*

15 *(3) From "Operation and Maintenance, Air*
16 *Force", \$100,000,000.*

17 *SEC. 8103. FINANCING AND FIELDING OF KEY ARMY*
18 *CAPABILITIES.—The Department of Defense and the De-*
19 *partment of the Army shall make future budgetary and pro-*
20 *gramming plans to fully finance the Non-Line of Sight Fu-*
21 *ture Force cannon and resupply vehicle program (NLOS-*
22 *C) in order to field this system in fiscal year 2010, con-*
23 *sistent with the broader plan to field the Future Combat*
24 *System (FCS) in fiscal year 2010: Provided, That if the*
25 *Army is precluded from fielding the FCS program by fiscal*

1 year 2010, then the Army shall develop the NLOS-C inde-
2 pendent of the broader FCS development timeline to achieve
3 fielding by fiscal year 2010. In addition the Army will de-
4 liver eight (8) combat operational pre-production NLOS-
5 C systems by the end of calendar year 2008. These systems
6 shall be in addition to those systems necessary for develop-
7 mental and operational testing: Provided further, That the
8 Army shall ensure that budgetary and programmatic plans
9 will provide for no fewer than seven (7) Stryker Brigade
10 Combat Teams.

11 SEC. 8104. Of the funds made available in this Act,
12 not less than \$76,100,000 shall be available to maintain
13 an attrition reserve force of 18 B-52 aircraft, of which
14 \$3,900,000 shall be available from "Military Personnel, Air
15 Force", \$44,300,000 shall be available from "Operation and
16 Maintenance, Air Force", and \$27,900,000 shall be avail-
17 able from "Aircraft Procurement, Air Force": Provided,
18 That the Secretary of the Air Force shall maintain a total
19 force of 94 B-52 aircraft, including 18 attrition reserve air-
20 craft, during fiscal year 2006: Provided further, That the
21 Secretary of Defense shall include in the Air Force budget
22 request for fiscal year 2007 amounts sufficient to maintain
23 a B-52 force totaling 94 aircraft.

24 SEC. 8105. The Secretary of the Air Force is author-
25 ized, using funds available under the heading "Operation

1 *and Maintenance, Air Force*”, to complete a phased repair
2 *project, which repairs may include upgrades and additions,*
3 *to the infrastructure of the operational ranges managed by*
4 *the Air Force in Alaska: Provided, That the total cost of*
5 *such phased projects shall not exceed \$32,000,000.*

6 *SEC. 8106. In addition to the amounts appropriated*
7 *or otherwise made available elsewhere in this Act,*
8 *\$12,850,000 is hereby appropriated to the Department of*
9 *Defense, to remain available until September 30, 2006: Pro-*
10 *vided, That the Secretary of Defense shall make grants in*
11 *the amounts specified as follows: \$850,000 to the Fort Des*
12 *Moines Memorial Park and Education Center; \$2,000,000*
13 *to the American Civil War Center at Historic Tredegar;*
14 *\$3,000,000 to the Museum of Flight, American Heroes Col-*
15 *lection; \$1,000,000 to the National Guard Youth Founda-*
16 *tion; \$3,000,000 to the United Services Organization;*
17 *\$2,000,000 to the Dwight D. Eisenhower Memorial Com-*
18 *mission; and \$1,000,000 to the Iraq Cultural Heritage As-*
19 *sistance Project.*

20 *(TRANSFER OF FUNDS)*

21 *SEC. 8107. The Secretary of Defense may transfer*
22 *funds from any currently available Department of the Navy*
23 *appropriation to any available Navy shipbuilding and con-*
24 *version appropriation for the purpose of funding ship-*
25 *building cost increases for any ship construction program,*
26 *to be merged with and to be available for the same purposes*

1 *and for the same time period as the appropriation to which*
2 *transferred: Provided, That all transfers under this section*
3 *shall be subject to the notification requirements applicable*
4 *to transfers under section 8005 of this Act.*

5 *SEC. 8108. The budget of the President for fiscal year*
6 *2007 submitted to the Congress pursuant to section 1105*
7 *of title 31, United States Code shall include separate budget*
8 *justification documents for costs of United States Armed*
9 *Forces' participation in contingency operations for the*
10 *Military Personnel accounts, the Operation and Mainte-*
11 *nance accounts, and the Procurement accounts: Provided,*
12 *That these documents shall include a description of the*
13 *funding requested for each contingency operation, for each*
14 *military service, to include all Active and Reserve compo-*
15 *nents, and for each appropriations account: Provided fur-*
16 *ther, That these documents shall include estimated costs for*
17 *each element of expense or object class, a reconciliation of*
18 *increases and decreases for each contingency operation, and*
19 *programmatic data including, but not limited to, troop*
20 *strength for each Active and Reserve component, and esti-*
21 *mates of the major weapons systems deployed in support*
22 *of each contingency: Provided further, That these documents*
23 *shall include budget exhibits OP-5 and OP-32 (as defined*
24 *in the Department of Defense Financial Management Regu-*

1 lation) for all contingency operations for the budget year
2 and the two preceding fiscal years.

3 SEC. 8109. Of the amounts provided in title II of this
4 Act under the heading, “Operation and Maintenance, De-
5 fense-Wide”, \$20,000,000 is available for the Regional De-
6 fense Counter-terrorism Fellowship Program, to fund the
7 education and training of foreign military officers, min-
8 istry of defense civilians, and other foreign security offi-
9 cials, to include United States military officers and civilian
10 officials whose participation directly contributes to the edu-
11 cation and training of these foreign students.

12 SEC. 8110. None of the funds appropriated or made
13 available in this Act shall be used to reduce or disestablish
14 the operation of the 53rd Weather Reconnaissance Squad-
15 ron of the Air Force Reserve, if such action would reduce
16 the WC-130 Weather Reconnaissance mission below the lev-
17 els funded in this Act: Provided, That the Air Force shall
18 allow the 53rd Weather Reconnaissance Squadron to per-
19 form other missions in support of national defense require-
20 ments during the non-hurricane season.

21 SEC. 8111. None of the funds provided in this Act shall
22 be available for integration of foreign intelligence informa-
23 tion unless the information has been lawfully collected and
24 processed during the conduct of authorized foreign intel-
25 ligence activities: Provided, That information pertaining to

1 *For outfitting, post delivery, conver-*
2 *sions, and first destination transportation,*
3 *\$3,300,000;*

4 *Under the heading, “Shipbuilding and Con-*
5 *version, Navy, 2004/2008”:*

6 *For outfitting, post delivery, conver-*
7 *sions, and first destination transportation,*
8 *\$6,100,000;*

9 *To:*

10 *Under the heading, “Shipbuilding and Con-*
11 *version, Navy, 2003/2007”:*

12 *SSGN, \$3,300,000.*

13 *Under the heading, “Shipbuilding and Con-*
14 *version, Navy, 2004/2008”:*

15 *SSGN, \$6,100,000.*

16 *SEC. 8114. None of the funds in this Act may be obli-*
17 *gated for a classified program as described on page 18 of*
18 *the compartmented annex to Volume IV of the Fiscal Year*
19 *2006 National Intelligence Program justification book un-*
20 *less specifically authorized in the Intelligence Authorization*
21 *Act for Fiscal Year 2006.*

22 *SEC. 8115. (a) The Director of the Office of Manage-*
23 *ment and Budget shall, in coordination with the Secretary*
24 *of Defense and the Secretary of Homeland Security, conduct*

1 *a study on improving the response of the Federal Govern-*
2 *ment to disasters.*

3 *(b) The study under subsection (a) shall—*

4 *(1) consider mechanisms for coordinating and*
5 *expediting disaster response efforts;*

6 *(2) examine the role of the Department of De-*
7 *fense in participating in disaster response efforts, in-*
8 *cluding by providing planning, logistics, and relief*
9 *and reconstruction assistance;*

10 *(3) consider the establishment of criteria for*
11 *automatically triggering the participation of the De-*
12 *partment of Defense in disaster response efforts; and*

13 *(4) assess the role of the United States Geological*
14 *Survey in enhancing disaster preparation measures.*

15 *(c) Not later than May 1, 2006, the Director of the*
16 *Office of Management and Budget shall submit to Congress*
17 *a report on the study conducted under subsection (a), in-*
18 *cluding—*

19 *(1) recommendations for improving the response*
20 *of the Federal Government to disasters, including by*
21 *providing for greater participation by the Depart-*
22 *ment of Defense in response efforts; and*

23 *(2) proposals for any legislation or regulations*
24 *that the Director determines necessary to implement*
25 *such recommendations.*

1 *TITLE IX—ADDITIONAL WAR-RELATED*
2 *APPROPRIATIONS*

3 *DEPARTMENT OF DEFENSE—MILITARY*
4 *MILITARY PERSONNEL*

5 *MILITARY PERSONNEL, ARMY*

6 *For an additional amount for “Military Personnel,*
7 *Army”, \$5,009,420,000.*

8 *MILITARY PERSONNEL, NAVY*

9 *For an additional amount for “Military Personnel,*
10 *Navy”, \$180,000.*

11 *MILITARY PERSONNEL, MARINE CORPS*

12 *For an additional amount for “Military Personnel,*
13 *Marine Corps”, \$455,420,000.*

14 *MILITARY PERSONNEL, AIR FORCE*

15 *For an additional amount for “Military Personnel,*
16 *Air Force”, \$372,480,000.*

17 *RESERVE PERSONNEL, ARMY*

18 *For an additional amount for “Reserve Personnel,*
19 *Army”, \$121,500,000.*

20 *RESERVE PERSONNEL, NAVY*

21 *For an additional amount for “Reserve Personnel,*
22 *Navy”, \$10,000,000.*

23 *NATIONAL GUARD PERSONNEL, ARMY*

24 *For an additional amount for “National Guard Per-*
25 *sonnel, Army”, \$232,300,000.*

1 *NATIONAL GUARD PERSONNEL, AIR FORCE*

2 *For an additional amount for “National Guard Per-*
3 *sonnel, Air Force”, \$5,300,000.*

4 *OPERATION AND MAINTENANCE*

5 *OPERATION AND MAINTENANCE, ARMY*

6 *For an additional amount for “Operation and Mainte-*
7 *nance, Army”, \$21,915,547,000.*

8 *OPERATION AND MAINTENANCE, NAVY*

9 *For an additional amount for “Operation and Mainte-*
10 *nance, Navy”, \$1,806,400,000.*

11 *OPERATION AND MAINTENANCE, MARINE CORPS*

12 *For an additional amount for “Operation and Mainte-*
13 *nance, Marine Corps”, \$1,275,800,000.*

14 *OPERATION AND MAINTENANCE, AIR FORCE*

15 *For an additional amount for “Operation and Mainte-*
16 *nance, Air Force”, \$2,014,900,000.*

17 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

18 *For an additional amount for “Operation and Mainte-*
19 *nance, Defense-Wide”, \$980,000,000, of which up to*
20 *\$195,000,000, to remain available until expended, may be*
21 *used for payments to reimburse Pakistan, Jordan, and*
22 *other key cooperating nations, for logistical, military, and*
23 *other support provided, or to be provided, to United States*
24 *military operations, notwithstanding any other provision*
25 *of law: Provided, That such payments may be made in such*

1 *amounts as the Secretary of Defense, with the concurrence*
2 *of the Secretary of State, and in consultation with the Di-*
3 *rector of the Office of Management and Budget, may deter-*
4 *mine, in his discretion, based on documentation determined*
5 *by the Secretary of Defense to adequately account for the*
6 *support provided, and such determination is final and con-*
7 *clusive upon the accounting officers of the United States,*
8 *and 15 days following notification to the appropriate con-*
9 *gressional committees: Provided further, That the Secretary*
10 *of Defense shall provide quarterly reports to the congres-*
11 *sional defense committees on the use of funds provided in*
12 *this paragraph.*

13 *OPERATION AND MAINTENANCE, ARMY RESERVE*

14 *For an additional amount for “Operation and Mainte-*
15 *nance, Army Reserve”, \$53,700,000.*

16 *OPERATION AND MAINTENANCE, NAVY RESERVE*

17 *For an additional amount for “Operation and Mainte-*
18 *nance, Navy Reserve”, \$9,400,000.*

19 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

20 *For an additional amount for “Operation and Mainte-*
21 *nance, Marine Corps Reserve”, \$27,950,000.*

22 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

23 *For an additional amount for “Operation and Mainte-*
24 *nance, Air Force Reserve”, \$7,000,000.*

1 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Army National Guard”, \$201,300,000.*

4 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Air National Guard”, \$13,400,000.*

7 *IRAQ FREEDOM FUND*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For an additional amount for “Iraq Freedom Fund”,*
10 *\$4,100,000,000, to remain available for transfer until Sep-*
11 *tember 30, 2006, only to support operations in Iraq or Af-*
12 *ghanistan and classified activities: Provided, That the Sec-*
13 *retary of Defense may transfer the funds provided herein*
14 *to appropriations for military personnel; operation and*
15 *maintenance; Overseas Humanitarian, Disaster, and Civic*
16 *Aid; procurement; research, development, test and evalua-*
17 *tion; the Defense Health Program; and working capital*
18 *funds: Provided further, That of the amounts provided*
19 *under this heading, \$2,850,000,000 shall only be for classi-*
20 *fied programs, described in further detail in the classified*
21 *annex accompanying this Act: Provided further, That*
22 *\$750,000,000 shall be available for the Joint IED Defeat*
23 *Task Force: Provided further, That funds transferred shall*
24 *be merged with and be available for the same purposes and*
25 *for the same time period as the appropriation or fund to*

1 *which transferred: Provided further, That this transfer au-*
2 *thority is in addition to any other transfer authority avail-*
3 *able to the Department of Defense: Provided further, That*
4 *upon a determination that all or part of the funds trans-*
5 *ferred from this appropriation are not necessary for the*
6 *purposes provided herein, such amounts may be transferred*
7 *back to this appropriation: Provided further, That the Sec-*
8 *retary of Defense shall, not fewer than 5 days prior to mak-*
9 *ing transfers from this appropriation, notify the congress-*
10 *sional defense committees in writing of the details of any*
11 *such transfer: Provided further, That the Secretary shall*
12 *submit a report no later than 30 days after the end of each*
13 *fiscal quarter to the congressional defense committees sum-*
14 *marizing the details of the transfer of funds from this ap-*
15 *propriation.*

16 *PROCUREMENT*

17 *AIRCRAFT PROCUREMENT, ARMY*

18 *For an additional amount for “Aircraft Procurement,*
19 *Army”, \$348,100,000, to remain available until September*
20 *30, 2008.*

21 *MISSILE PROCUREMENT, ARMY*

22 *For an additional amount for “Missile Procurement,*
23 *Army”, \$80,000,000, to remain available until September*
24 *30, 2008.*

1 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
2 *VEHICLES, ARMY*

3 *For an additional amount for “Procurement of Weap-*
4 *ons and Tracked Combat Vehicles, Army”, \$910,700,000, to*
5 *remain available until September 30, 2008.*

6 *PROCUREMENT OF AMMUNITION, ARMY*

7 *For an additional amount for “Procurement of Am-*
8 *munition, Army”, \$335,780,000, to remain available until*
9 *September 30, 2008.*

10 *OTHER PROCUREMENT, ARMY*

11 *For an additional amount for “Other Procurement,*
12 *Army”, \$3,916,000,000, to remain available until Sep-*
13 *tember 30, 2008.*

14 *AIRCRAFT PROCUREMENT, NAVY*

15 *For an additional amount for “Aircraft Procurement,*
16 *Navy”, \$151,537,000, to remain available until September*
17 *30, 2008.*

18 *WEAPONS PROCUREMENT, NAVY*

19 *For an additional amount for “Weapons Procurement,*
20 *Navy”, \$56,700,000, to remain available until September*
21 *30, 2008.*

1 *PROCUREMENT, DEFENSE-WIDE*

2 *For an additional amount for “Procurement, Defense-*
3 *Wide”, \$132,075,000, to remain available until September*
4 *30, 2008.*

5 *RESEARCH, DEVELOPMENT, TEST AND*
6 *EVALUATION*

7 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*
8 *For an additional amount for “Research, Develop-*
9 *ment, Test and Evaluation, Army”, \$72,000,000, to remain*
10 *available until September 30, 2007.*

11 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
12 *FORCE*

13 *For an additional amount for “Research, Develop-*
14 *ment, Test and Evaluation, Air Force”, \$17,800,000, to re-*
15 *main available until September 30, 2007.*

16 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
17 *DEFENSE-WIDE*

18 *For an additional amount for “Research, Develop-*
19 *ment, Test and Evaluation, Defense-Wide”, \$2,500,000, to*
20 *remain available until September 30, 2007.*

21 *REVOLVING AND MANAGEMENT FUNDS*

22 *DEFENSE WORKING CAPITAL FUNDS*

23 *For an additional amount for “Defense Working Cap-*
24 *ital Funds”, \$2,716,400,000.*

1 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*
2 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*
3 *DEFENSE*

4 *For an additional amount for “Drug Interdiction and*
5 *Counter-drug Activities, Defense”, \$27,620,000.*

6 *GENERAL PROVISIONS, TITLE IX*

7 *SEC. 9001. Appropriations provided in this title are*
8 *available for obligation until September 30, 2006, unless*
9 *otherwise so provided in this title.*

10 *SEC. 9002. Notwithstanding any other provision of*
11 *law or of this Act, funds made available in this title are*
12 *in addition to amounts provided elsewhere in this Act.*

13 *(TRANSFER OF FUNDS)*

14 *SEC. 9003. Upon his determination that such action*
15 *is necessary in the national interest, the Secretary of De-*
16 *fense may transfer between appropriations up to*
17 *\$2,500,000,000 of the funds made available to the Depart-*
18 *ment of Defense in this title: Provided, That the Secretary*
19 *shall notify the Congress promptly of each transfer made*
20 *pursuant to the authority in this section: Provided further,*
21 *That the authority provided in this section is in addition*
22 *to any other transfer authority available to the Department*
23 *of Defense and is subject to the same terms and conditions*
24 *as the authority provided in section 8005 of this Act.*

25 *SEC. 9004. Funds appropriated in this title, or made*
26 *available by the transfer of funds in or pursuant to this*

1 *title, for intelligence activities are deemed to be specifically*
2 *authorized by the Congress for purposes of section 504 of*
3 *the National Security Act of 1947 (50 U.S.C. 414).*

4 *SEC. 9005. None of the funds provided in this title may*
5 *be used to finance programs or activities denied by Congress*
6 *in fiscal years 2005 and 2006 appropriations to the De-*
7 *partment of Defense or to initiate a procurement or re-*
8 *search, development, test and evaluation new start program*
9 *without prior written notification to the congressional de-*
10 *fense committees.*

11 *SEC. 9006. Notwithstanding any other provision of*
12 *law, from funds made available in this title to the Depart-*
13 *ment of Defense for operation and maintenance, not to ex-*
14 *ceed \$500,000,000 may be used by the Secretary of Defense,*
15 *with the concurrence of the Secretary of State, to train,*
16 *equip and provide related assistance only to the New Iraqi*
17 *Army and the Afghan National Army to enhance their ca-*
18 *pability to combat terrorism and to support U.S. military*
19 *operations in Iraq and Afghanistan: Provided, That such*
20 *assistance may include the provision of equipment, sup-*
21 *plies, services, training and funding: Provided further, That*
22 *the authority to provide assistance under this section is in*
23 *addition to any other authority to provide assistance to for-*
24 *eign nations: Provided further, That the Secretary of De-*
25 *fense shall notify the congressional defense committees, the*

1 *Committee on International Relations of the House of Rep-*
2 *resentatives, and the Committee on Foreign Relations of the*
3 *Senate not less than 15 days before providing assistance*
4 *under the authority of this section.*

5 *SEC. 9007. (a) From funds made available in this title*
6 *to the Department of Defense, not to exceed \$500,000,000*
7 *may be used, notwithstanding any other provision of law,*
8 *to fund the Commander's Emergency Response Program,*
9 *for the purpose of enabling military commanders in Iraq*
10 *to respond to urgent humanitarian relief and reconstruction*
11 *requirements within their areas of responsibility by car-*
12 *rying out programs that will immediately assist the Iraqi*
13 *people, and to fund a similar program to assist the people*
14 *of Afghanistan.*

15 *(b) QUARTERLY REPORTS.—Not later than 15 days*
16 *after the end of each fiscal year quarter (beginning with*
17 *the first quarter of fiscal year 2006), the Secretary of De-*
18 *fense shall submit to the congressional defense committees*
19 *a report regarding the source of funds and the allocation*
20 *and use of funds during that quarter that were made avail-*
21 *able pursuant to the authority provided in this section or*
22 *under any other provision of law for the purposes of the*
23 *programs under subsection (a).*

24 *SEC. 9008. Amounts provided in this title for oper-*
25 *ations in Iraq and Afghanistan may be used by the Depart-*

1 *ment of Defense for the purchase of heavy and light armored*
2 *vehicles for force protection purposes, notwithstanding price*
3 *or other limitations specified elsewhere in this Act, or any*
4 *other provision of law: Provided, That the Secretary of De-*
5 *fense shall submit a report in writing no later than 30 days*
6 *after the end of each fiscal quarter notifying the congres-*
7 *sional defense committees of any purchase described in this*
8 *section, including the cost, purposes, and quantities of vehi-*
9 *cles purchased.*

10 *SEC. 9009. During the current fiscal year, funds avail-*
11 *able to the Department of Defense for operation and mainte-*
12 *nance may be used, notwithstanding any other provision*
13 *of law, to provide supplies, services, transportation, includ-*
14 *ing airlift and sealift, and other logistical support to coal-*
15 *ition forces supporting military and stability operations in*
16 *Iraq and Afghanistan: Provided, That the Secretary of De-*
17 *fense shall provide quarterly reports to the congressional de-*
18 *fense committees regarding support provided under this sec-*
19 *tion.*

20 *SEC. 9010. (a) Not later than 60 days after the date*
21 *of the enactment of this Act and every 90 days thereafter*
22 *through the end of fiscal year 2006, the Secretary of Defense*
23 *shall set forth in a report to Congress a comprehensive set*
24 *of performance indicators and measures for progress toward*
25 *military and political stability in Iraq.*

1 (b) *The report shall include performance standards*
2 *and goals for security, economic, and security force training*
3 *objectives in Iraq together with a notional timetable for*
4 *achieving these goals.*

5 (c) *In specific, the report requires, at a minimum, the*
6 *following:*

7 (1) *With respect to stability and security in*
8 *Iraq, the following:*

9 (A) *Key measures of political stability, in-*
10 *cluding the important political milestones that*
11 *must be achieved over the next several years.*

12 (B) *The primary indicators of a stable secu-*
13 *rity environment in Iraq, such as number of en-*
14 *gagements per day, numbers of trained Iraqi*
15 *forces, and trends relating to numbers and types*
16 *of ethnic and religious-based hostile encounters.*

17 (C) *An assessment of the estimated strength*
18 *of the insurgency in Iraq and the extent to which*
19 *it is composed of non-Iraqi fighters.*

20 (D) *A description of all militias operating*
21 *in Iraq, including the number, size, equipment*
22 *strength, military effectiveness, sources of sup-*
23 *port, legal status, and efforts to disarm or re-*
24 *integrate each militia.*

1 (E) Key indicators of economic activity that
2 should be considered the most important for de-
3 termining the prospects of stability in Iraq, in-
4 cluding—

5 (i) unemployment levels;

6 (ii) electricity, water, and oil produc-
7 tion rates; and

8 (iii) hunger and poverty levels.

9 (F) The criteria the Administration will use
10 to determine when it is safe to begin with-
11 drawing United States forces from Iraq.

12 (2) With respect to the training and performance
13 of security forces in Iraq, the following:

14 (A) The training provided Iraqi military
15 and other Ministry of Defense forces and the
16 equipment used by such forces.

17 (B) Key criteria for assessing the capabili-
18 ties and readiness of the Iraqi military and
19 other Ministry of Defense forces, goals for achiev-
20 ing certain capability and readiness levels (as
21 well as for recruiting, training, and equipping
22 these forces), and the milestones and notional
23 timetable for achieving these goals.

24 (C) The operational readiness status of the
25 Iraqi military forces, including the type, num-

1 *ber, size, and organizational structure of Iraqi*
2 *battalions that are—*

3 *(i) capable of conducting*
4 *counterinsurgency operations independ-*
5 *ently;*

6 *(ii) capable of conducting*
7 *counterinsurgency operations with the sup-*
8 *port of United States or coalition forces; or*

9 *(iii) not ready to conduct*
10 *counterinsurgency operations.*

11 *(D) The rates of absenteeism in the Iraqi*
12 *military forces and the extent to which insur-*
13 *gents have infiltrated such forces.*

14 *(E) The training provided Iraqi police and*
15 *other Ministry of Interior forces and the equip-*
16 *ment used by such forces.*

17 *(F) Key criteria for assessing the capabili-*
18 *ties and readiness of the Iraqi police and other*
19 *Ministry of Interior forces, goals for achieving*
20 *certain capability and readiness levels (as well*
21 *as for recruiting, training, and equipping), and*
22 *the milestones and notional timetable for achiev-*
23 *ing these goals, including—*

1 (i) the number of police recruits that
2 have received classroom training and the
3 duration of such instruction;

4 (ii) the number of veteran police offi-
5 cers who have received classroom instruction
6 and the duration of such instruction;

7 (iii) the number of police candidates
8 screened by the Iraqi Police Screening Serv-
9 ice, the number of candidates derived from
10 other entry procedures, and the success rates
11 of those groups of candidates;

12 (iv) the number of Iraqi police forces
13 who have received field training by inter-
14 national police trainers and the duration of
15 such instruction; and

16 (v) attrition rates and measures of ab-
17 senteeism and infiltration by insurgents.

18 (G) The estimated total number of Iraqi
19 battalions needed for the Iraqi security forces to
20 perform duties now being undertaken by coal-
21 ition forces, including defending the borders of
22 Iraq and providing adequate levels of law and
23 order throughout Iraq.

1 (H) *The effectiveness of the Iraqi military*
2 *and police officer cadres and the chain of com-*
3 *mand.*

4 (I) *The number of United States and coal-*
5 *ition advisors needed to support the Iraqi secu-*
6 *rity forces and associated ministries.*

7 (J) *An assessment, in a classified annex if*
8 *necessary, of United States military require-*
9 *ments, including planned force rotations,*
10 *through the end of calendar year 2006.*

11 *SEC. 9011. Congress, consistent with international and*
12 *United States law, reaffirms that torture of prisoners of war*
13 *and detainees is illegal and does not reflect the policies of*
14 *the United States Government or the values of the people*
15 *of the United States.*

16 *SEC. 9012. Supervision and administration costs asso-*
17 *ciated with a construction project funded with appropria-*
18 *tions available for operation and maintenance, and exe-*
19 *cuted in direct support of the Global War on Terrorism only*
20 *in Iraq and Afghanistan, may be obligated at the time a*
21 *construction contract is awarded: Provided, That for the*
22 *purpose of this section, supervision and administration*
23 *costs include all in-house Government cost.*

24 *SEC. 9013. Amounts appropriated or otherwise made*
25 *available in this title are designated as making appropria-*

1 *tions for contingency operations related to the global war*
2 *on terrorism pursuant to section 402 of H. Con. Res. 95*
3 *(109th Congress), the concurrent resolution on the budget*
4 *for fiscal year 2006.*

5 *This Act may be cited as the “Department of Defense*
6 *Appropriations Act, 2006”.*

Calendar No. 230

109TH CONGRESS
1ST Session

H.R. 2863

AN ACT

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

JUNE 21, 2005

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 28, 2005

Reported with an amendment